

HOUSE JOURNAL
OF THE
SIXTY-FIFTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2018 Regular Session
Convened January 8, 2018
Adjourned Sine Die March 8, 2018

VOLUME 1



Frank Chopp, Speaker
John Lovick, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Maureen Mueller, Journal Clerk

VOLUME 1

2018 Regular Session January 8, 2018: Day 1 - 461

VOLUME 2

2018 Regular Session January 8, 2018: Day 47 - 54858

VOLUME 3

2018 Regular Session January 8, 2018: Day 55 – 602182

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SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIRST DAY

House Chamber, Olympia, Monday, January 8, 2018

The House was called to order at 12:00 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard, commanded by Corporal Ian Morhous. The Speaker led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Crystal Wolf, Lakewood. The prayer was offered by Rabbi Yohanna Kinberg, Congregation Kol Ami, Woodinville, Washington.

Rabbi Yohanna Kinberg: "This Prayer was written in collaboration with my congregation in Woodinville. I solicited blessings from them to you and wove them into this blessing for you. A prayer for those who carry the will of the people in their hands and in their hearts. As you enter this season of lawmaking, of intensive service, of unknown opportunities for yourselves and our state, may you, and all those who support you in this work, be blessed with fulfillment in your service. Blessed with good health and enduring energy. May you be blessed with abundant kindness and compassion and may this kindness be written into all that you do. Furthermore, may you be blessed with

courage and integrity, truthfulness and generosity. May you be blessed, each of you, with an ability to listen for understanding and a desire to seek out opinions not shared. And also be blessed, loyal servants and leaders of the people, with an unyielding desire to reach across any canyons that separate us as a society, and an openness to seize all opportunities for unity and shared goals. May the works of your hands and the service of your hearts, bring joy and pride, peace and tranquility, justice and prosperity to our beloved state of Washington and all who dwell within, Amen."

SPEAKER'S PRIVILEGE

The Speaker asked the members to join him in a moment of silence for the recent tragedies in Pierce County.

Format changed to accommodate text.

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Representative at the state General Election held in the state of Washington on the 7th day of November 2017, as shown by the official returns of said election now on file in the Office of the Secretary of State:

Representatives Elected November 7, 2017

District	Name	Party	Counties Represented
7	Jacquelin Maycumber	Prefers Republican Party	Ferry, Okanogan, Pend oreille, Spokane, Stevens
31	Morgan Irwin	Prefers Republican Party	King, Pierce
48	Vandana Slatter	Prefers Democratic Party	King

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the state of Washington at Olympia, this 6th day of December 2017.

Kim Wyman,
Secretary of State

**MESSAGE FROM KING COUNTY, SKAGIT
COUNTY AND SNOHOMISH COUNTY**

A JOINT MOTION AND RESOLUTION of the Metropolitan King County Council, the Board of Skagit County Commissioners and the Snohomish County Council making an appointment to fill the vacancy in the position of state representative for the 39th legislative district.

WHEREAS, a vacancy exists in the position of state representative for the 39th legislative district due to the resignation of Representative John Koster, and WHEREAS, the 39th legislative district is a multicounty legislative district, including parts of King County, Skagit County and Snohomish County, and

WHEREAS, Article II, Section 15 of the Washington state Constitution provides that in the event of a vacancy occurring in a multicounty legislative district the vacancy shall be filled by joint action of the legislative authorities of the respective counties from a list of three candidates nominated by the state central committee of the same political party as the legislator whose office is vacated, and WHEREAS, the candidates must reside in the 39th legislative district and be of the same political party as the legislator whose office is vacated, and WHEREAS, the Washington State Republican Central Committee has submitted the names of three constitutionally qualified candidates to fill the vacancy created by Representative Koster's resignation, and

WHEREAS, to obtain information from the candidates about their qualifications and views each county legislative authority has either interviewed them or provided them with a written questionnaire; NOW, THEREFORE, BE IT MOVED AND RESOLVED by the King County council, the Board of Skagit County Commissioners and the Snohomish County Council:

Carolyn L. Eslick, one of the three nominees, is hereby appointed to the position of state representative for the 39st legislative district in the Washington state House of Representatives and continuing until a successor is elected at the next general election, and has qualified.

The clerks of the councils and board shall provide a copy of this joint motion and resolution to the clerk of the Washington state House of Representatives, the governor of the state of Washington and the chair of the Washington State Republican Central Committee.

Joint Motion and Resolution; King County Proposed No.:2017-0393, Skagit County Proposed No.:R20170189, Snohomish County Proposed No.:17-322, was passed by King County Council, Board of Skagit County Commissioners and Snohomish County Council on September 20, 2017, as amended, by the following vote: Weighted Vote, approved eight to one with Skagit County Commissioner Wesen dissenting.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, chair

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ron Wesen, Chair
Kenneth A Dahlstedt, Commissioner
Lisa Janicki, Commissioner

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

Brian Sullivan, Council Chair

SPEAKER'S PRIVILEGE

The Speaker asked the body to welcome its new members.

With the consent of the House, John Lovick was elected Speaker Pro Tempore.

OATH OF OFFICE

Chief Justice Mary Fairhurst administered the Oath of Office to Speaker Pro Tempore Lovick.

With the consent of the House, Tina Orwall was elected Deputy Speaker Pro Tempore.

OATH OF OFFICE

Chief Justice Mary Fairhurst administered the Oath of Office to Deputy Speaker Pro Tempore Orwall.

SPEAKER'S PRIVILEGE

The Speaker thanked Chief Justice Fairhurst for administering the Oaths of Office.

The Speaker thanked Crystal Wolf for singing the National Anthem.

Mr. Speaker: "Well, welcome to Olympia! We are able to serve in this House because of the support we have received from back home, our communities, our jobs, and our families.

I'd like to start by recognizing and thanking my wife, Nancy Long. Now, let's recognize all the spouses and family members that are here today.

For many years, we have focused on the idea of One Washington, where we bring folks together for common purpose. Where we look out for communities all across the state. Where we give everyone a fair shake, and where we act by putting people first. With these values in mind, this House has provided the leadership and the vision, and the policies to better the lives of the people we serve.

It's worth taking inventory of what we've accomplished the last few years. By carrying out our paramount duty, we provided the greatest increase in basic education funding in state history! By expanding and improving early learning, we made the wisest investment in a generation! By building on our Apple Health program, we created the greatest extension of health care in decades! By introducing paid

family leave, we enacted the largest expansion of social security in generations! My parents would be proud. By enacting the Dream Act and Marriage Equality, we again confirmed our belief in basic human rights! By passing innovative legislation like Joel's Law, Ricky's Law, and Sheena's Law, and by making strong investments, we are improving mental health care for our friends and family members across the state, and by investing in transportation and infrastructure, we are creating the greatest number of public works projects and jobs in state history! For each of these achievements, this House led the way. For example, we created the framework for greater funding of basic education, years before the courts issued the McCleary decision.

I want to congratulate all of you for demonstrating that the State Legislature is dedicated to improving the lives of the people of our state. We do this work, not for the glory, certainly not for the money, and not for the courts. We do this work for the people. Using common sense, we work together for the common good.

Many advances have been made, but there is much more to do. This year, we have 60 days, and am I right to assume that you want to finish on time? Well then, we need to move fast to address some key priorities. Equal pay for women. Voting rights for all our citizens. Jobs for folks in rural areas. A capital budget for school construction and infrastructure. Homes and hope for those with mental illness. Care and treatment for people fighting drug addictions. Breakfast After the Bell to help our students do well in school. A new vision for education beyond high school, with better opportunities for apprenticeships, certificates and degrees. Accountability in government functions and transparency in campaign contributions. And in the State Capitol community, we can confirm our commitment to freedom from harassment and misconduct by anyone, no matter their position or power.

Now, regardless of what happens or doesn't happen in the other Washington, we must continue health care for our children. Our Apple Health for All Kids program is one of the best in the nation, with 97 percent of our young people covered. Now, we all know that in order to do well in school, students should be healthy and ready to learn. And in view of recent news back in DC, we must be ever vigilant in protecting our shores from oil spills - after all, we are the Evergreen State! We must ensure a legacy of clean air and water, and healthy forests for the next generation. This is the promise of One Washington.

Working together in good faith, our accomplishments will continue as long as there are people like you willing to make that happen. So, we have a lot to do - Let's get to work! Thank you very much."

POINT OF PERSONAL PRIVILEGE

Representative Kristiansen: "Good afternoon. Thank you very much. Mr. Speaker I want to thank you for your words. It was interesting, I was going over my proposed speech here and I think there was a leak, breach, or something because half of your speech was written down right here. So I've re-written it in my head. We'll see how this goes. First of all as was acknowledged a little bit earlier, we've got a change that's taken place down here in the

Legislature. The 39th district, my district which I've now become the senior member just in the last few months has got a new member - Carolyn Eslick, to replace John Koster. I want to thank you for putting your name in the hat. But many of you may not know that Senator Pearson has also left the Legislature and was actually just replaced just the other day. And until somebody decides they want to hire me for another job you're stuck with me. At this stage of the game, I want to talk about just a couple of things briefly. And Mr. Speaker, I want to thank you for acknowledging the words of Bill Grant, One Washington. Bill was a friend of all of ours down here that had the honor and privilege to serve with him, from Walla Walla. He was your Caucus Chair in the Democrat Caucus for many many years. He will always be missed by those of us who served with him. But he coined that phrase that has been used so many times over the years that I think that it would be important for us to remember what that really means. As we look at the makeup of the Legislature today, it's virtually a 50-50 split. We're a one vote majority essentially. One vote away from either being a tie or in the minority in both chambers. Which means that half the public has voted for each side. It's a split, and it's been that way actually, give or take maybe one vote in the 45th District, for a little while, but it is something that I think is important for us to remember as we move forward this up and coming session. While the number of seats may have changed by one in the other body, the desires and needs of the citizens of the state of Washington have not changed. And this body here, truly the House, has led over the course of the last several years in being able to provide some of the best budgets in my time down here that I've ever seen. Some of the best policies that I think have served the broad spectrum of the state of Washington. Mr. Speaker, I know when you were giving your speech that there's some emotional ties that both you and I have to certain members of the population, the citizens of this state, especially when it comes to those that suffer from mental illness and issues like that - homelessness. And you and I've had conversations about those issues. We have homelessness issues in rural Washington too. It's not just in the big cities. We have opioid issues, heroin issues, other drug addiction issues in the rural parts of the state as well. And while we have made tremendous new, I would say positive impacts in trying to deal with that issue over the last few years, we still haven't gone far enough. And I want you to know that myself and my colleagues, we share that challenge. We share many of the homelessness issues, providing low income housing, while the difference of low income housing between urban and rural may be very different, we have the same issues in rural Washington. And we want to make sure that when it comes to many of the policies that we are approving down here in Olympia, when it comes to the budgets that we're approving down here in Olympia, we're not just looking at one segment of our population, but we're looking at all of Washington. One Washington. The challenges may be different in their scope and in their spectrum but they are very similar challenges. And if we can look, I kind of liken it to this - I've got two sons. I'll talk about my daughter later - by the way she just got engaged - she even graduated from college. That last tuition payment was awesome by the way. But I have two sons, and I want to mention them for a minute because I think it is important to

understand this and I liken it to the One Washington thing. While they have the same mom and dad, they were raised in the same home, they were fed the same food, one is a total country kid, and the other one is a downtown Seattle city slicker, Ok? One wears Carharts every day and the other wears a suit. That's kind of like One Washington, isn't it? This state, I mean just look at Representative Kretz, right? I know I'm not supposed to mention names but you can gavel me if you want. But my point being is that we are a very diverse state. Not unlike my sons. They are very diverse. One of them is a builder, and one of them is a high tech guy. And despite their differences, despite their differences, they've learned to work with each other, love each other, support each other, be there for each other and that's what we need to do. We need to make sure that we're not just focused on one part of the state of Washington, but we're looking at all four corners of this state and the various challenges we deal with. And so, Mr. Speaker, while I want to thank you for going through that exhaustive list of accomplishments, and a few things we still have to get done, let's keep those things in mind as we move forward, Despite our differences, some of them are pretty big, where can we find our common ground? Well I'll tell you what it is – we're all citizens of this wonderful state. All 98 of us were elected by a portion of the seven-plus million people of the state of Washington on almost a 50-50 split, to come down here and serve the entire state of Washington. All of the needs of Washington, not just the few. And again I want to thank you, Mr. Speaker. I look forward to working with you and your colleagues to come up with good solutions. We do want to pass a capital budget. We also need to make sure that we're covering affordable housing in rural Washington by dealing with a good sustainable Hurst decision as well. Those are a couple of biggies, I want to work with you on those issues. I thank you so much for being here. I thank you to your families for supporting you in doing this job. My door is always open to any of you. Thank you again.”

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

INTRODUCTION & FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4411 and HOUSE CONCURRENT RESOLUTION NO. 4412 were read the first time, and under suspension of the rules were placed on the second reading calendar.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4651, by Representatives Sullivan and Kretz

BE IT RESOLVED, That a committee consisting of two members of the House of Representatives be appointed by the Speaker of the House to notify the Governor that the House is organized and ready to conduct business.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4651.

Representative Sullivan spoke in favor of the adoption of the resolution.

There being no objection, HOUSE RESOLUTION NO. 4651 was adopted.

The Speaker appointed Representative Doglio and Representative Irwin to notify the Governor that the House is organized and ready to do business.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

The resolution was read the second time.

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

Representative Sullivan spoke in favor of the passage of the resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4411.

HOUSE CONCURRENT RESOLUTION NO. 4411 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Sullivan and Kretz

Convening the House of Representatives and Senate in Joint Session to receive the State of the State message of Governor Jay Inslee.

The resolution was read the second time.

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

Representative Sullivan spoke in favor of the passage of the resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4412.

HOUSE CONCURRENT RESOLUTION NO. 4412 was adopted.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4411 and HOUSE CONCURRENT RESOLUTION NO. 4412 were immediately transmitted to the Senate.

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

INTRODUCTION & FIRST READING

HB 2251 by Representatives Haler, Johnson, Young and Ormsby

AN ACT Relating to public facilities districts; amending RCW 35.57.010 and 35.57.020; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

HB 2252 by Representatives Dolan, Harris, Santos, Johnson, Bergquist, Steele, Lovick, Senn, Stokesbary, Kilduff, Ortiz-Self, Valdez, Slatter, Stonier, Hudgins, Goodman, Fey, McBride, Tharinger, Hargrove, Orwall, Haler, Reeves, Stanford, Macri, Stambaugh, Ormsby, Doglio and Gregerson

AN ACT Relating to policies for granting academic credit at institutions of higher education for international baccalaureate (IB) examinations; and amending RCW 28B.10.054.

Referred to Committee on Higher Education.

HB 2253 by Representatives Graves, Dye, Kilduff, Jinkins and Young

AN ACT Relating to the right to control disposition of the remains of a deceased minor child; and amending RCW 68.50.160.

Referred to Committee on Judiciary.

HB 2254 by Representatives Graves, Johnson, Muri, Macri and Stokesbary

AN ACT Relating to crimes of harassment; amending RCW 9.61.260, 9A.46.110, 7.92.020, 9A.46.060, 26.50.060, and 26.50.070; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2255 by Representatives Graves, Pellicciotti, Kilduff and Young

AN ACT Relating to the definition of public records in regards to the legislature; amending RCW 40.14.140, 42.56.010, and 42.56.580; and creating new sections.

Referred to Committee on State Government, Elections & Information Technology.

HB 2256 by Representatives Graves, Frame, Dent, Kagi, Tarleton, Fey, Eslick, Slatter, Muri, Hargrove,

Dolan, Senn, McDonald, Reeves, Young, Kloba, Ormsby, Lovick, Doglio, Stonier and Gregerson

AN ACT Relating to the online availability of foster parent preservice training; and reenacting and amending RCW 74.13.250.

Referred to Committee on Early Learning & Human Services.

HB 2257 by Representatives McBride, Stokesbary, Graves, Rodne, Macri, Jinkins and Doglio

AN ACT Relating to prohibiting maintenance of certification from being required for certain health professions; amending RCW 18.71.010 and 18.57.001; adding a new section to chapter 18.71 RCW; and adding a new section to chapter 18.57 RCW.

Referred to Committee on Health Care & Wellness.

HB 2258 by Representatives Macri, Rodne, Tharinger, Stokesbary, Jinkins, Riccelli, Cody, Fey, McBride, Slatter, Valdez, Appleton, Pollet, Doglio, Stonier and Gregerson

AN ACT Relating to health care provider and health care facility whistleblower protections; amending RCW 43.70.075; and adding a new section to chapter 7.71 RCW.

Referred to Committee on Judiciary.

HB 2259 by Representatives Dolan, Doglio, Hudgins and Jinkins

AN ACT Relating to the state auditor's duties and procedures; amending RCW 43.09.185, 43.09.186, 43.09.230, 43.09.420, and 43.09.440; repealing RCW 43.09.265; repealing 2012 c 164 s 709, and 2012 c 1 s 201 (uncodified).

Referred to Committee on State Government, Elections & Information Technology.

HB 2260 by Representatives MacEwen, Walsh, Eslick, Macri, Young, Kloba, Pollet and Stokesbary

AN ACT Relating to prohibiting the spawning, incubation, and cultivation of Atlantic salmon in the marine waters regulated by the state; amending RCW 77.125.010, 15.85.020, 77.125.020, 77.125.030, and 77.115.010; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2261 by Representatives MacEwen, Santos, Young and Griffey

AN ACT Relating to housing authorities; and adding a new section to chapter 35.83 RCW.

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

HB 2262 by Representatives Santos, Goodman, Johnson, McBride, Sawyer, Fitzgibbon, Dolan, Orwall, Macri, Frame, Jinkins, Ormsby and Pellicciotti

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, and 4.24.010; and creating a new section.

Referred to Committee on Judiciary.

HB 2263 by Representatives Goodman, MacEwen, Muri, Kilduff, Hayes, Reeves, Chapman, Haler, Johnson, Tarleton, Tharinger, Hudgins, Dent, Van Werven, Fey, Eslick, McBride, Slatter, Dolan, Valdez, Stanford, Macri, Appleton, Ormsby, Ryu, Lovick, Doglio and Gregerson

AN ACT Relating to governmental continuity during emergency periods; amending RCW 38.52.010, 38.52.030, 42.14.010, 42.14.020, 42.14.030, 42.14.035, 42.14.040, 42.14.050, and 42.14.075; creating a new section; and providing a contingent effective date.

Referred to Committee on Public Safety.

HB 2264 by Representatives Cody, Harris, Slatter, Macri, Stonier, Robinson, DeBolt, Johnson, McBride, Tharinger, Dolan, Kloba, Appleton, Jinkins and Ormsby

AN ACT Relating to hospital privileges for advanced registered nurse practitioners and physician assistants; and amending RCW 70.41.230.

Referred to Committee on Health Care & Wellness.

HB 2265 by Representatives Kirby, Vick, Volz, Graves, Blake, Barkis, Harmsworth, Bergquist, Springer, Haler, Steele, Goodman, Young and Harris

AN ACT Relating to protecting lienholders' interests while retaining consumer protections; amending RCW 84.64.080 and 63.29.350; reenacting and amending RCW 63.29.010; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2266 by Representatives Hayes, Kilduff, Muri, Young, Appleton and Harris

AN ACT Relating to clarifying the nature of the driver training education curriculum developed and maintained by the department of licensing and the office of the superintendent of public instruction; amending RCW 28A.220.030, 28A.220.035,

28A.220.037, 46.82.280, 46.82.360, and 46.82.420; amending 2017 c 197 s 1 (uncodified); reenacting and amending RCW 28A.220.020; and providing an effective date.

Referred to Committee on Education.

HB 2267 by Representatives Sawyer, Stambaugh, Stonier, Valdez, Slatter, Ormsby, Senn, Robinson, Goodman, Tarleton, Fey, Bergquist, Santos, McBride, Fitzgibbon, Tharinger, Dolan, Chapman, Frame, Sells, Reeves, Stanford, Macri, Kloba, Appleton, Jinkins, Ryu, Pollet, Doglio and Gregerson

AN ACT Relating to recognition of indigenous peoples' day; amending RCW 1.16.050; and creating a new section.

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

HB 2268 by Representatives DeBolt, Young and Harris

AN ACT Relating to ignition interlock device lockout conditions; amending RCW 43.43.395 and 46.20.750; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2269 by Representatives Kilduff, Muri, Kraft, Stanford, Eslick, McBride, Sawyer, Orcutt, Haler, Senn, Reeves, Young, Ryu and Doglio

AN ACT Relating to tax relief for adaptive automotive equipment for veterans and service members with disabilities; amending RCW 82.08.875; creating new sections; and providing an expiration date.

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

HB 2270 by Representatives MacEwen, Kilduff, Pellicciotti and Young

AN ACT Relating to changing the dates of the state fiscal year; amending RCW 1.16.020, 43.88.020, and 43.88.055; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 2271 by Representatives Muri, Kilduff, Fey, Sawyer, Klippert, Jinkins, Griffey and Kraft

AN ACT Relating to the processes for reviewing sexually violent predators committed under chapter 71.09 RCW; amending RCW 71.09.090; creating new sections; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2272 by Representatives Cody, Harris, Kilduff, Peterson, Macri, Ryu, Tarleton, McBride, Slatter, Sawyer, Tharinger, Kagi, Valdez, Senn, Chapman, Frame, Reeves, Clibborn, Appleton, Jinkins, Ormsby, Pollet, Doglio, Stonier and Gregerson

AN ACT Relating to restrictions on prescriptions for opiates; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Health Care & Wellness.

HB 2273 by Representatives Goodman, Klippert, Kilduff, Peterson, Ryu, Haler, Young, Jinkins and Ormsby

AN ACT Relating to the medicaid fraud control unit; and adding a new chapter to Title 74 RCW.

Referred to Committee on Judiciary.

HB 2274 by Representatives Blake, Eslick and Jenkin

AN ACT Relating to special permits for alcohol samples and sales by alcohol manufacturers; and amending RCW 66.20.010.

Referred to Committee on Commerce & Gaming.

HB 2275 by Representatives Eslick, Van Werven, Young and Lovick

AN ACT Relating to creating the youth internship opportunity act; amending RCW 49.46.010 and 49.46.010; adding a new section to chapter 49.12 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 50.04 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 2276 by Representatives Eslick, Haler and Young

AN ACT Relating to notification of wildlife transfer, relocation, or introduction into a new location; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2277 by Representatives Eslick, Macri and Young

AN ACT Relating to consumer reporting agency security freeze fees; and amending RCW 19.182.170 and 19.182.230.

Referred to Committee on Business & Financial Services.

HB 2278 by Representatives Morris, Hudgins, Smith, Slatter, Tharinger, Macri, Young, Kloba and Appleton

AN ACT Relating to enhancing personal information privacy protections in government entities; amending RCW 42.56.420; adding a new section to chapter 19.215 RCW; and adding a new chapter to Title 40 RCW.

Referred to Committee on State Government, Elections & Information Technology.

HB 2279 by Representatives Morris, Cody, Hudgins, Santos, Smith, Lytton, Stanford, Young, Ormsby, Pollet, Doglio and Gregerson

AN ACT Relating to fair servicing and repair of digital electronic products; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2280 by Representatives Morris, Hudgins, Goodman, Santos, Slatter, Lytton, Tharinger, Senn, Frame, Kloba, Ryu and Doglio

AN ACT Relating to community solar gardens; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology & Economic Development.

HB 2281 by Representatives Morris, Hudgins, Tarleton, Slatter, Lytton and Kloba

AN ACT Relating to recertifying renewable energy systems eligible for a renewable energy system production incentive; and amending RCW 82.16.120 and 82.16.165.

Referred to Committee on Technology & Economic Development.

HB 2282 by Representatives Hansen, Cody, Goodman, Pettigrew, Tarleton, Fey, DeBolt, Bergquist, Springer, Santos, McBride, Smith, Chapman, Slatter, Peterson, Wylie, Fitzgibbon, Morris, Stonier, Lytton, Sawyer, Robinson, Tharinger, Kagi, Pellicciotti, Dolan, Orwall, Valdez, Haler, Kilduff, Senn, Frame, Sells, Kirby, Stanford, Blake, Reeves, Clibborn, Macri, Kloba, Appleton, Stambaugh, Jinkins, Ormsby, Ryu, Hayes, Pollet, Doglio, Ortiz-Self, Riccelli, McDonald and Gregerson

AN ACT Relating to protecting an open internet in Washington state; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology & Economic Development.

HB 2283 by Representatives DeBolt, Smith, Orcutt and Condotta

AN ACT Relating to encouraging investment in and reducing the costs of transitioning to the clean energy future; amending RCW 19.285.030, 19.285.040, and 82.16.055; adding new sections to chapter 19.285 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.63 RCW; adding a new section to chapter 84.36 RCW; creating new sections; repealing RCW 19.285.010, 19.285.020, 19.285.030, 19.285.040, 19.285.045, 19.285.050, 19.285.060, 19.285.070, 19.285.080, 19.285.900, and 19.285.902; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Technology & Economic Development.

HB 2284 by Representatives Smith, Cody, Tarleton, DeBolt, Springer, Santos, McBride, Chapman, Wylie, Fitzgibbon, Peterson, Morris, Stonier, Kagi, Senn, Kirby, Stanford, Blake, Reeves, Kilduff, Clibborn, Macri, Pettigrew, Orcutt, Stambaugh, Ormsby, Ryu, Hayes, Pollet, Doglio, Ortiz-Self, Riccelli, McDonald, Jinkins and Gregerson

AN ACT Relating to protecting consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service in Washington state; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology & Economic Development.

HB 2285 by Representatives Chapman, Tarleton, Lytton, Tharinger, Blake and Appleton

AN ACT Relating to establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information; adding new sections to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2286 by Representatives Kirby, Vick and Reeves

AN ACT Relating to the disposition of certain fees collected by the department of financial institutions for the securities division; and amending RCW 21.20.340 and 43.320.110.

Referred to Committee on Appropriations.

HB 2287 by Representatives Hayes, Ortiz-Self, Eslick, Ryu, Harmsworth, Sells, Peterson, Van Werven, Pellicciotti, Klippert, Goodman, Kloba, Tarleton, Fey, Santos, Smith, Tharinger, Dolan, Valdez, Stanford, Appleton, Lovick, Doglio, Griffey, Stonier and Gregerson

AN ACT Relating to establishing a criminal justice system diversion center pilot project; adding a new section to chapter 36.28A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2288 by Representatives Kagi, Harris, Dolan, Stonier, Goodman, Tarleton, Bergquist, Johnson, McBride, Fitzgibbon, Slatter, Vick, Lytton, Hargrove, Macri, Kloba, Appleton, Ortiz-Self, Ormsby, Lovick and McCaslin

AN ACT Relating to the Washington history day program; amending RCW 43.79A.040; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2289 by Representatives Kilduff, Muri, Jinkins, Fey, Sawyer and Gregerson

AN ACT Relating to the release and commitment of persons involuntarily committed after the dismissal of a felony; amending RCW 71.05.325, 71.05.325, 71.05.335, and 10.77.270; adding a new section to chapter 71.05 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2290 by Representatives Wylie, Harris, Dolan and Stonier

AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

HB 2291 by Representatives Kraft, Wylie, Jinkins and Harris

AN ACT Relating to the licensure and certification of massage therapists and reflexologists; and reenacting and amending RCW 18.108.070.

Referred to Committee on Health Care & Wellness.

HB 2292 by Representatives Stonier, Harris, Kraft and Frame

AN ACT Relating to providing greater certainty in association with selling city-owned property used for off-street parking; and amending RCW 35.86.030.

Referred to Committee on Local Government.

HB 2293 by Representatives Kagi, Tarleton, McBride, Robinson, Dolan, Valdez, Kilduff, Senn, Stanford, Reeves, Macri, Kloba, Appleton, Jinkins, Ryu, Pollet and Doglio

AN ACT Relating to regulations related to restricting firearms and dangerous weapons in early learning facilities; adding a new section to chapter 9.41 RCW; adding new sections to chapter 43.216 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2294 by Representatives Slatter, Goodman, Tarleton, Fey, McBride, Kagi, Dolan, Valdez, Stanford, Macri, Kloba, Appleton, Jinkins, Ormsby, Ryu, Pollet and Doglio

AN ACT Relating to aligning Washington's greenhouse gas emissions limits with those established by the United States' commitment under the 2015 Paris climate agreement; amending RCW 70.235.020 and 70.235.010; and creating a new section.

Referred to Committee on Environment.

HB 2295 by Representatives Slatter, Fey, McBride, Dolan, Macri and Doglio

AN ACT Relating to encouraging the use of electric or hybrid-electric aircraft for regional air travel; amending RCW 47.68.070; adding new sections to chapter 47.68 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 2296 by Representatives Slatter, Schmick, Cody, Robinson, Dolan, Orwall, Tharinger, Macri, Young, Kloba, Appleton, Jinkins, Ormsby, Pollet and Doglio

AN ACT Relating to protecting consumers from excess charges for prescription medications; adding a new section to chapter 19.340 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2297 by Representatives Dolan, Hudgins, Lytton, Cody, Goodman, Pettigrew, Tarleton, Bergquist, Fitzgibbon, Slatter, Wylie, Robinson, Tharinger, Kagi, Morris, Orwall, Valdez, Kilduff, Frame, Stanford, Clibborn, Macri, Jinkins, Ormsby, Ryu, Pollet, Doglio, Ortiz-Self, Stonier, Appleton and Gregerson

AN ACT Relating to extending the period for voter registration; amending RCW 29A.08.140, 29A.08.110, 29A.08.410, and 29A.40.160; and providing an effective date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2298 by Representatives Haler, Fitzgibbon, Dolan, Fey, Hudgins, McBride, Stanford and Ormsby

AN ACT Relating to wastewater operator certifications; and amending RCW 70.95B.090 and 70.95B.095.

Referred to Committee on Environment.

HB 2299 by Representative Ormsby

AN ACT Relating to fiscal matters; amending RCW 43.41.433, 43.79.445, 80.36.690, 28B.20.476, 41.26.802, 70.105D.070, 79.105.150, and 86.26.007; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 722, 723, 801, 805, 936, 937, 942, and 944 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); creating a new section; repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2300 by Representatives Blake, Walsh, Tarleton, Orcutt, Klippert, Doglio and Young

AN ACT Relating to creating a legislative task force to provide economic relief for communities impacted by environmental protections of the marbled murrelet; creating new sections; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2301 by Representatives Walsh, Shea, Muri, McDonald, Blake, Pike, Kraft and Young

AN ACT Relating to the appropriation to counties of moneys from the dedicated marijuana account for the purpose of funding legal services for indigent defendants in criminal cases; and amending RCW 69.50.540.

Referred to Committee on Commerce & Gaming.

HB 2302 by Representatives Kirby and Ormsby

AN ACT Relating to compensation and administrative expenses of the Washington state investment board; and amending RCW 43.33A.100 and 43.33A.160.

Referred to Committee on Appropriations.

HB 2303 by Representatives Condotta, Taylor, Wilcox, Van Werven, Vick, Shea, Orcutt, Haler, Chapman and Stokesbary

AN ACT Relating to reducing the state property tax in calendar year 2018; amending RCW 84.52.065; and declaring an emergency.

Referred to Committee on Finance.

HB 2304 by Representatives Lovick, Tarleton, McBride, Valdez, Senn, Frame, Stanford, Macri, Jinkins, Ryu, Appleton, Doglio and Gregerson

AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

HB 2305 by Representatives Van Werven, Eslick, Haler, Chapman, Kraft and Stokesbary

AN ACT Relating to extending the business and occupation tax return filing due date for self-employed filers; amending RCW 82.32.045; and creating a new section.

Referred to Committee on Finance.

HB 2306 by Representatives Van Werven, Blake and Haler

AN ACT Relating to allowing veterans to carry concealed pistols on community college campuses; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Judiciary.

HB 2307 by Representatives Van Werven and Young

AN ACT Relating to requiring confidentiality in the release of sensitive fish and wildlife data; amending RCW 42.56.430; reenacting and amending RCW 42.56.430; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2308 by Representatives Jinkins, Graves, Stokesbary, Kilduff, Valdez, Ortiz-Self, Santos, Goodman, Fey, Bergquist, Sawyer, Tharinger, Pellicciotti,

Dolan, Haler, Frame, Stanford, Macri, Kloba, Ryu, Appleton, Doglio, Young and Stonier

AN ACT Relating to civil legal aid; and amending RCW 2.53.010, 2.53.020, 2.53.030, and 2.53.045.

Referred to Committee on Judiciary.

HB 2309 by Representatives Kirby and Vick

AN ACT Relating to service contract providers; amending RCW 48.110.017, 48.110.030, 48.110.055, 48.110.130, and 48.110.902; and adding a new section to chapter 48.110 RCW.

Referred to Committee on Business & Financial Services.

HB 2310 by Representatives Jinkins, Slatter, Harris, DeBolt, Sullivan, Riccelli, Macri, Tharinger, Robinson, Dolan, Valdez, Chapman, Appleton, Doglio and Young

AN ACT Relating to prescription drug insurance continuity of care; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2311 by Representatives Bergquist, Harris, Hudgins, Tarleton, Slatter, Haler, Reeves, Doglio, Muri, Graves and Young

AN ACT Relating to reducing barriers to student participation in extracurricular activities; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2312 by Representatives DeBolt, Kretz, Smith, Tharinger and Buys

AN ACT Relating to providing urban levels of internet speed and access in rural areas to secure a brighter more equitable economic future for all Washingtonians without increasing taxes or fees; adding new sections to chapter 43.105 RCW; creating new sections; and making an appropriation.

Referred to Committee on Technology & Economic Development.

HB 2313 by Representatives Cody, Schmick, Caldier, Appleton, Pollet and Dolan

AN ACT Relating to providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing; and amending RCW 18.25.210.

Referred to Committee on Health Care & Wellness.

HB 2314 by Representatives Muri, Kilduff, Graves, Dolan, Hudgins, Reeves and Jinkins

AN ACT Relating to marriage licensing and solemnization by county auditors; amending RCW 26.04.050, 26.04.070, and 26.04.180; and adding a new section to chapter 26.04 RCW.

Referred to Committee on Judiciary.

HB 2315 by Representatives Fey, Muri, Kilduff and Jinkins

AN ACT Relating to registration of land titles; creating new sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and providing an effective date.

Referred to Committee on Judiciary.

HB 2316 by Representatives McDonald, Dolan, Stokesbary, Gregerson and Haler

AN ACT Relating to the recording standards commission; amending RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24 RCW; creating a new section; and repealing RCW 65.24.900.

Referred to Committee on State Government, Elections & Information Technology.

HB 2317 by Representatives Appleton, Muri, Fey, Fitzgibbon, Tarleton, Griffey and Young

AN ACT Relating to contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts; amending RCW 39.08.100; and reenacting and amending RCW 39.08.030.

Referred to Committee on Transportation.

HB 2318 by Representatives Appleton, Griffey, Doglio, Haler and Johnson

AN ACT Relating to insurance coverage for water-sewer district commissioners; and amending RCW 57.08.100.

Referred to Committee on Local Government.

HB 2319 by Representatives Doglio, Hudgins, Tarleton, Fey, Wylie, Fitzgibbon, Dolan, Ryu and Appleton

AN ACT Relating to energy conservation programs under the energy independence act; and amending RCW 19.285.040.

Referred to Committee on Technology & Economic Development.

HB 2320 by Representatives Reeves, Stanford, Bergquist, Tarleton, Slatter, Shea, Barkis, Senn and Ryu

AN ACT Relating to the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities; and adding new sections to chapter 48.02 RCW.

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

HB 2321 by Representatives Bergquist, Kirby, Vick and Stanford

AN ACT Relating to the insurer corporate governance annual disclosure model act; reenacting and amending RCW 42.56.400; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Business & Financial Services.

HB 2322 by Representatives Stanford, Kirby, Vick, Barkis, McDonald and Ryu

AN ACT Relating to risk mitigation in property insurance; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating new sections.

Referred to Committee on Business & Financial Services.

HB 2323 by Representatives Dolan, Appleton, Muri, Stonier, Stambaugh, Cody, Goodman, Fey, Bergquist, Santos, Johnson, Slatter, Tharinger, Fitzgibbon, Pellicciotti, Valdez, Haler, Kilduff, McDonald, Chapman, Sells, Blake, Reeves, Macri, Kloba, Jinkins, Ortiz-Self, Condotta, Pollet, Doglio, Young, Stanford and Gregerson

AN ACT Relating to cost-of-living adjustments for teachers' retirement system plan 1 and public employees' retirement system plan 1 retirees; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2324 by Representatives Van Werven, Shea, Haler and Young

AN ACT Relating to requiring institutions of higher education to report incidents involving freedom of expression on campus; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2325 by Representatives Riccelli, Haler, Ryu, Pellicciotti, Harris, Macri, Tharinger, Valdez, Frame, Jinkins, Doglio, Pollet, Stonier, Appleton and Gregerson

AN ACT Relating to the prescription drug monitoring program; amending RCW 70.225.010; reenacting and amending RCW 69.50.308; and adding a new section to chapter 70.225 RCW.

Referred to Committee on Health Care & Wellness.

HB 2326 by Representatives Ryu, Haler, Sawyer, Jinkins and Young

AN ACT Relating to medicaid fraud false claims civil penalties; amending RCW 74.66.020; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2327 by Representatives Morris, Hudgins, Tarleton, Fey, Slatter, Fitzgibbon, Macri, Ormsby and Doglio

AN ACT Relating to appliance efficiency standards; amending RCW 19.260.010, 19.260.030, 19.260.040, 19.260.050, 19.260.060, and 19.260.070; reenacting and amending RCW 19.260.020; and repealing RCW 19.27.170.

Referred to Committee on Technology & Economic Development.

HB 2328 by Representatives Morris, Tarleton, Slatter, Stanford, Macri and Doglio

AN ACT Relating to reducing emissions by making changes to the clean car standards and clean car program; and amending RCW 70.120A.010.

Referred to Committee on Environment.

HB 2329 by Representatives Walsh, Shea and Young

AN ACT Relating to public records act exemptions regarding concealed pistol licenses; and reenacting and amending RCW 42.56.240.

Referred to Committee on Judiciary.

HB 2330 by Representatives Fey, Goodman, Tarleton, McBride, Wylie, Slatter, Stonier, Kagi, Senn, Frame, Stanford, Reeves, Kilduff, Clibborn, Macri, Stambaugh, Jinkins, Ryu, Graves, Doglio, Valdez, Ortiz-Self, Riccelli and Orwall

AN ACT Relating to expansion of extended foster care eligibility; and reenacting and amending RCW 74.13.031.

Referred to Committee on Early Learning & Human Services.

HB 2331 by Representatives Orwall, Griffey, Goodman, Jinkins, Muri, Kilduff, Klippert, Fey, Kagi, Lovick, Appleton and Doglio

AN ACT Relating to DNA biological samples; and amending RCW 43.43.754.

Referred to Committee on Public Safety.

HB 2332 by Representatives Sawyer, Condotta, Ormsby and Appleton

AN ACT Relating to gambling addiction; amending RCW 9.46.071 and 42.56.230; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2333 by Representatives Sawyer, Condotta, Kloba and Appleton

AN ACT Relating to the sale of products containing cannabinoids by retail businesses not licensed under chapter 69.50 RCW; adding a new section to chapter 69.50 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2334 by Representatives Sawyer and Kloba

AN ACT Relating to the regulation of the use of cannabinoid additives in marijuana products; reenacting and amending RCW 69.50.101; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2335 by Representatives Sawyer and Condotta

AN ACT Relating to business practices by marijuana retailers that may mislead the public as to the ownership of a retailer; and amending RCW 69.50.369 and 69.50.342.

Referred to Committee on Commerce & Gaming.

HB 2336 by Representatives Sawyer, Condotta, Kloba and Appleton

AN ACT Relating to permitting cities, towns, and counties to prohibit the production, processing, or sale of marijuana only by an ordinance enacted through a public vote; amending RCW 69.50.334; reenacting and amending RCW 69.50.325; adding new sections to chapter 69.50 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2337 by Representatives Fitzgibbon, Tarleton, Santos and McBride

AN ACT Relating to civil enforcement of construction projects in state waters; amending RCW 77.55.291; adding new sections to chapter 77.55 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2338 by Representatives Fitzgibbon, Cody, Hudgins, Goodman, Tarleton, Santos, McBride, Stanford, Tharinger, Macri, Jinkins, Ormsby and Doglio

AN ACT Relating to reducing the greenhouse gas emissions associated with transportation fuels; amending RCW 46.17.365, 46.25.100, 46.20.202, 46.25.052, 46.25.060, and 70.94.015; adding new sections to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Environment.

HB 2339 by Representatives Condotta, Tarleton, Muri and Doglio

AN ACT Relating to encouraging the purchase of all electric truck tractor vehicles; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2340 by Representatives Condotta and Haler

AN ACT Relating to extending the sales and use tax exemption for certain alternative fuel vehicles; and amending RCW 82.08.809.

Referred to Committee on Transportation.

HB 2341 by Representatives Reeves, Tarleton, Kilduff, Ormsby, Appleton and Stonier

AN ACT Relating to the protection of military installations operated by the United States armed services from incompatible development; amending RCW 36.70A.530 and 47.80.030; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Environment.

HB 2342 by Representatives Lovick, Eslick, Ryu, Hayes, Peterson, Ortiz-Self, Kloba, Sells, Muri, Tarleton, Johnson, Sawyer, Robinson, Dolan, Chapman, Stanford and Reeves

AN ACT Relating to establishing a donation program for resident disabled veterans to receive hunting and fishing licenses; and adding a new section to chapter 77.32 RCW.

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

HB 2343 by Representatives Valdez, Harris, Jinkins, Tharinger, Muri, Goodman, Pellicciotti, Reeves, Macri, Appleton and Doglio

AN ACT Relating to defining willful in chapter 74.34 RCW regarding abuse of vulnerable adults; and reenacting and amending RCW 74.34.020.

Referred to Committee on Judiciary.

HB 2344 by Representatives Tharinger, Harris, Hayes, Hudgins, Reeves, Macri, Jinkins and Appleton

AN ACT Relating to evacuation of adult family homes; and amending RCW 70.128.130.

Referred to Committee on Health Care & Wellness.

HB 2345 by Representative Kilduff

AN ACT Relating to group training homes; and amending RCW 71A.22.020 and 71A.22.050.

Referred to Committee on Early Learning & Human Services.

HB 2346 by Representatives Tharinger, Harris, Hayes, Senn, Reeves, Macri and Jinkins

AN ACT Relating to priority processing for adult family home license applications; and amending RCW 70.128.064.

Referred to Committee on Health Care & Wellness.

HB 2347 by Representatives Smith, Haler and Young

AN ACT Relating to requiring electric utilities to provide reports on the lowest cost, lowest risk options for a transition to a zero-carbon electric grid; amending RCW 19.280.030; reenacting and amending RCW 19.280.020; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2348 by Representatives Kraft, Van Werven, Orwall, Klippert, Griffey and Young

AN ACT Relating to prohibiting the waiver, reduction, or suspension of certain fees charged to persons who commit offenses involving the sexual exploitation of children; amending RCW 9.68A.105 and 9.68A.106; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2349 by Representatives Kraft, Shea, Haler and Young

AN ACT Relating to exempting land removed from open space or farm and agricultural land classification from additional tax, interest, and other penalties if the land is owned in whole or in part by a retired farmer; amending RCW 84.34.108; and creating a new section.

Referred to Committee on Finance.

HB 2350 by Representatives Kraft, Vick, Shea, McDonald, Walsh and Young

AN ACT Relating to relieving burdens on small businesses by updating the tax return filing thresholds to reflect inflation; and amending RCW 82.32.045.

Referred to Committee on Finance.

HB 2351 by Representatives Kraft, Kretz, Eslick, Vick, Shea, Muri, Haler, Chapman, Tharinger, Walsh and Young

AN ACT Relating to reducing taxpayer burdens by reducing the frequency of filing requirements for the business and occupation tax; and amending RCW 82.32.045.

Referred to Committee on Finance.

HB 2352 by Representatives Kraft and Pike

AN ACT Relating to the creation of an additional bridge between southwest Washington and Oregon; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

HB 2353 by Representatives Orwall, McCabe, Van Werven, Goodman, Hansen, Peterson, Johnson, Morris, Wylie, Kilduff, Chapman, Sells, Kagi,

Senn, McDonald, Kirby, Stanford, Blake, Reeves, Macri, Stambaugh, Jinkins, Steele, Appleton, Doglio, Griffey, Kraft, Pollet, Valdez, Riccelli, Young, Dolan and Gregerson

AN ACT Relating to supporting sexual assault survivors; amending RCW 43.101.272, 70.125.090, and 82.32.145; amending 2017 c 290 s 2 (uncodified); reenacting and amending RCW 43.84.092; adding new sections to chapter 70.125 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2354 by Representatives Pellicciotti, Pettigrew, Santos, Valdez, Reeves, Macri, Ormsby and Pollet

AN ACT Relating to fees for security freezes by consumer reporting agencies; and amending RCW 19.182.170.

Referred to Committee on Business & Financial Services.

HB 2355 by Representatives Cody, McBride, Tharinger, Robinson, Ormsby, Appleton and Jinkins

AN ACT Relating to establishment of an individual health insurance market claims-based reinsurance program; amending RCW 48.41.030; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.43 RCW; adding new sections to chapter 48.41 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2356 by Representatives Cody, Johnson, McBride, Jinkins, Ryu and Ormsby

AN ACT Relating to stem cell therapies not approved by the United States food and drug administration; amending RCW 18.130.180; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

HB 2357 by Representatives Reeves, Goodman, Fey, Tarleton, Frame, Valdez, Macri and Pollet

AN ACT Relating to allowing semiannual or quarterly payment plans for regional transit authority motor vehicle excise taxes; amending RCW 46.16A.110, 46.17.040, and 82.44.060; and creating a new section.

Referred to Committee on Transportation.

HB 2358 by Representatives Sawyer, Lytton and Appleton

AN ACT Relating to clarifying marijuana-related definitions; and amending RCW 82.04.213 and 82.08.010.

Referred to Committee on Finance.

HB 2359 by Representative Walsh

AN ACT Relating to ballot box locations in large population counties; and amending RCW 29A.40.160.

Referred to Committee on State Government, Elections & Information Technology.

HB 2360 by Representatives Pellicciotti, Kraft, Dolan, McDonald, Orwall, Hayes, Van Werven, Klippert, Lovick, Kloba, Fey, Tarleton, Johnson, Sawyer, Kirby, Stanford, Reeves, Jinkins, Ryu, Ortiz-Self, Riccelli and Gregerson

AN ACT Relating to increasing penalties for the crime of patronizing a prostitute; amending RCW 9A.88.110; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2361 by Representatives Pellicciotti, Goodman, Stanford, Macri, Jinkins, Ormsby and Kraft

AN ACT Relating to increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances; and adding a new section to chapter 9A.88 RCW.

Referred to Committee on Public Safety.

HB 2362 by Representatives Pellicciotti, Sawyer, Robinson, Dolan, Chapman, Kilduff, Stanford, Macri, Ryu, Ormsby and Doglio

AN ACT Relating to crime committed by business entities; amending RCW 9A.08.030 and 10.01.100; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2363 by Representatives Pellicciotti and McDonald

AN ACT Relating to addressing the use of unmanned aircraft to deliver contraband to certain facilities; amending RCW 9A.76.010, 9A.76.140, 9A.76.150, and 9A.76.160; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2364 by Representatives Ryu, Macri, Ormsby and Doglio

AN ACT Relating to facilities financing by the housing finance commission; and amending RCW 43.180.160 and 43.180.300.

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

HB 2365 by Representatives Dolan, Ormsby, Hudgins, Santos, Appleton and Doglio

AN ACT Relating to the state fungus; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2366 by Representatives Reeves, Kagi, Pellicciotti and Haler

AN ACT Relating to the Federal Way school district regionalization factor used for compensation; and amending 2017 3rd sp.s. c 1 s 503 (uncodified).

Referred to Committee on Appropriations.

HB 2367 by Representatives Reeves, Slatter, Tharinger, Robinson, Kagi, Dolan, Kilduff, Chapman, Doglio, Riccelli and Stonier

AN ACT Relating to establishing a child care collaborative task force; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2368 by Representatives Goodman, Rodne, Sawyer, Haler and Appleton

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 1.20.051, 6.23.120, 6.27.060, 9A.56.130, 11.02.005, 13.40.193, 15.24.100, 26.50.070, 43.43.823, 46.55.080, and 90.56.335; reenacting RCW 43.21B.005 and 51.32.095; creating a new section; repealing RCW 82.04.4483; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2369 by Representatives Ryu and Appleton

AN ACT Relating to regulation of permanent cosmetics under the Washington body art, body piercing, and tattooing act; and amending RCW 18.300.005, 18.300.010, 18.300.020, 18.300.030, 18.300.040, 18.300.050, 18.300.060, 18.300.070, 18.300.080, 18.300.090, and 18.300.900.

Referred to Committee on Business & Financial Services.

HB 2370 by Representatives Ryu and Tarleton

AN ACT Relating to the membership of the public works board; amending RCW 43.155.030; and creating a new section.

Referred to Committee on Capital Budget.

HB 2371 by Representatives Sawyer, Kilduff, Kagi, Ortiz-Self, Tarleton, Ormsby, Stonier and Gregerson

AN ACT Relating to implementing child support pass-through payments; and amending RCW 26.23.035.

Referred to Committee on Judiciary.

HB 2372 by Representatives Kagi, Senn, Goodman, McBride, Sawyer, Frame, Ormsby, Appleton, Doglio and Stonier

AN ACT Relating to the issuance of identicards to individuals released from juvenile rehabilitation facilities operated by the department of social and health services or any successor state agency; amending RCW 46.20.117; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2373 by Representatives Kagi, Senn, Reeves, Appleton and Stonier

AN ACT Relating to residential custody services for tribal youth; and adding a new section to chapter 72.05 RCW.

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

HB 2374 by Representatives Hayes, Goodman, Eslick and Haler

AN ACT Relating to donation of unclaimed property by law enforcement agencies; and amending RCW 63.32.050, 63.35.065, and 63.40.060.

Referred to Committee on Public Safety.

HB 2375 by Representatives McDonald, Fey, Johnson and Muri

AN ACT Relating to state reimbursement of election costs in even-numbered years; and amending RCW 29A.04.216 and 29A.04.420.

Referred to Committee on State Government, Elections & Information Technology.

HB 2376 by Representatives McDonald, Eslick, Stanford and Kraft

AN ACT Relating to the sufficient age for contracting a marriage; and amending RCW 26.04.010 and 26.04.130.

Referred to Committee on Judiciary.

HB 2377 by Representatives Hansen, Macri and Ormsby

AN ACT Relating to eliminating certain postsecondary institutions' eligibility for state financial aid programs; and amending RCW 28B.92.030.

Referred to Committee on Higher Education.

HB 2378 by Representatives Hansen, Hudgins, Goodman, Tarleton, Slatter, Frame, Valdez, Stanford, Macri, Pollet and Stonier

AN ACT Relating to prepaid postage for all election ballots; amending RCW 29A.04.420 and 29A.40.091; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2379 by Representatives Doglio, Orcutt, Dolan, Appleton, Muri, Stambaugh, Chandler, Fey, Bergquist, Johnson, Valdez, Haler, Kilduff, Ortiz-Self, Pollet and Lovick

AN ACT Relating to the need for substitutes in schools; amending RCW 41.32.068; adding a new section to chapter 41.35 RCW; creating a new section; and repealing 2016 c 233 s 19 (uncodified).

Referred to Committee on Appropriations.

HB 2380 by Representatives Smith and Doglio

AN ACT Relating to Washington's economic development potential as a world leader in the stewardship of postconsumer materials; amending RCW 70.95.100, 70.95.280, 70.95.285, and 70.95.290; and creating new sections.

Referred to Committee on Environment.

HB 2381 by Representatives Macri, Cody, Tarleton, Santos, Johnson, McBride, Muri, Tharinger, Robinson, Valdez, Stanford, Reeves, Appleton, Harris and Stonier

AN ACT Relating to allowing certain adult family homes to increase capacity to eight beds; amending RCW 70.128.010; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health Care & Wellness.

HB 2382 by Representatives Ryu, Kagi and Valdez

AN ACT Relating to promoting the use of surplus public property for public benefit; amending RCW 43.63A.510, 43.17.400, 35.94.040, 43.09.210, 43.43.115, 43.82.010, and 47.12.063; and adding a new section to chapter 39.33 RCW.

Referred to Committee on Capital Budget.

HB 2383 by Representative Hudgins

AN ACT Relating to maintaining the current initiative and referendum process while allowing a modern electronic signature gathering process alternative; amending RCW 29A.72.100, 29A.72.110, 29A.72.120, 29A.72.130, 29A.72.210, and 29A.72.140; reenacting and amending RCW 29A.84.230; adding new sections to chapter 29A.72 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government, Elections & Information Technology.

HB 2384 by Representatives Hudgins, Valdez, Macri, Ormsby, Pollet and Appleton

AN ACT Relating to consumer reporting agency security freeze fees; and amending RCW 19.182.170 and 19.182.230.

Referred to Committee on Business & Financial Services.

HB 2385 by Representatives Hudgins and Appleton

AN ACT Relating to solemnizing marriage; and amending RCW 26.04.050 and 26.04.070.

Referred to Committee on Judiciary.

HB 2386 by Representatives Hudgins, Tarleton, Bergquist, Santos, Dolan, Valdez, Doglio, Pollet and Stonier

AN ACT Relating to room and board for college bound scholarship students; and amending RCW 28B.118.010.

Referred to Committee on Higher Education.

HB 2387 by Representatives Hudgins, Tarleton and Young

AN ACT Relating to mandatory election audits of ballot counting equipment; and amending RCW 29A.60.170.

Referred to Committee on State Government, Elections & Information Technology.

HB 2388 by Representatives Hudgins, Tarleton, Valdez, Stanford and Ormsby

AN ACT Relating to creating a process to increase the security of voting systems in elections; and adding new sections to chapter 29A.12 RCW.

Referred to Committee on State Government, Elections & Information Technology.

HB 2389 by Representatives Sawyer, Lytton, Tarleton, Doglio and Stonier

AN ACT Relating to a tax levied and collected on the retail sale of wireless devices used to access the internet; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2390 by Representatives Pollet, Haler, Tarleton, McBride, Peterson, Dolan, Frame, Valdez, Kilduff, Senn, Stanford, Kloba, Clibborn, Macri, Ryu, Doglio, Riccelli and Gregerson

AN ACT Relating to opioid overdose medication at kindergarten through twelfth grade schools and higher education institutions; amending RCW 28A.210.260 and 28A.210.270; adding new sections to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Education.

HB 2391 by Representatives Orcutt and Fey

AN ACT Relating to the Washington plane coordinate system; amending RCW 58.20.110, 58.20.120, 58.20.130, 58.20.140, 58.20.150, 58.20.160, 58.20.170, 58.20.180, 58.20.190, 58.20.200, 58.20.210, and 58.20.220; and adding a new section to chapter 58.20 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2392 by Representatives Taylor, Shea, MacEwen, Kraft, Manweller, Haler, Condotta, Buys, Young and Stokesbary

AN ACT Relating to the relationship between the four-year balanced budget and vetoes of fiscal legislation; and amending RCW 43.88.055 and 43.88.110.

Referred to Committee on Appropriations.

HB 2393 by Representatives Vick, Eslick, Steele, Maycumber, Jenkin, Kraft, Muri, Manweller, MacEwen, Nealey, Barkis, Walsh, Orcutt, Harmsworth, Pike, Hayes, Schmick, Van Werven, Hargrove, Buys, Smith, Harris, Young and Stokesbary

AN ACT Relating to lowering the ceiling of the business and occupation manufacturing tax rate to 0.2904 percent; amending RCW 82.04.240, 82.04.240, 82.04.280, and 82.32.790; creating new sections; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 2394 by Representative Tharinger

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99G.150 and 43.99G.170; adding a new section to chapter 43.99H RCW; adding a new section to chapter 28B.14H RCW; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2395 by Representative Tharinger

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.10.027, 28B.20.725, and 28B.30.750; reenacting and amending RCW 43.19.501; amending 2017 3rd sp.s. c 4 ss 1017, 1040, 1059, 2001, 2003, 2006, 2009, 2014, 2017, 2019, 2026, 2035, 2036, 3046, 3072, 3120, 3148, 5021, 5026, 5027, 5028, 5031, 5032, 5040, 5071, 5072, 5073, 5074, 5075, 5011, 5016, and 5048 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2396 by Representatives Reeves, Robinson, Kagi, Valdez, Doglio, Riccelli and Stonier

AN ACT Relating to establishing the working families' child care access and affordability through regional employers act; amending RCW 43.330.060; adding new sections to chapter 43.216 RCW; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2397 by Representatives Kilduff, Haler, Reeves, Senn, Kagi, Appleton, Riccelli and Young

AN ACT Relating to requiring health plans to reimburse the United States department of veterans affairs for health services provided to veterans for nonservice-connected disability treatments; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2398 by Representatives Kilduff, Graves, Jinkins, Sawyer, Pollet, Valdez and Appleton

AN ACT Relating to jury selection; and amending RCW 2.36.080.

Referred to Committee on Judiciary.

HB 2399 by Representatives Haler, Pollet and Appleton

AN ACT Relating to including certain residents who do not have a high school diploma or equivalent or postsecondary credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010; and creating a new section.

Referred to Committee on Appropriations.

HB 2400 by Representatives Tarleton, Hudgins, Chapman and Buys

AN ACT Relating to the conversion of a diesel powered ferry to the use of liquefied natural gas; adding a new section to chapter 47.60 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2401 by Representatives Jinkins, Rodne, Macri and Appleton

AN ACT Relating to suspending the evaluation, detention, and commitment of persons with a substance use disorder when secure detoxification facility beds are not available; amending RCW 71.05.750, 71.05.750, and 71.05.755; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2402 by Representatives Tarleton, Slatter, Macri, Pollet and Doglio

AN ACT Relating to the energy independence act; amending RCW 19.285.030, 19.285.040, 19.285.060, 19.285.070, and 19.285.080; adding a new section to chapter 19.285 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2403 by Representatives Fitzgibbon and Tarleton

AN ACT Relating to transit-only lane enforcement cameras; and amending RCW 46.63.170.

Referred to Committee on Transportation.

HB 2404 by Representatives Kraft and Hudgins

AN ACT Relating to accountability of services provided by the consolidated technology services agency (WaTech); amending RCW 43.105.385, 43.105.375, 43.105.007, 43.105.052, 43.105.020, and 43.105.220; creating a new section; and repealing RCW 43.105.006.

Referred to Committee on State Government, Elections & Information Technology.

HB 2405 by Representatives Goodman, Kilduff, Jinkins and Appleton

AN ACT Relating to implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage; and amending RCW 26.09.105, 26.18.020, 26.18.170, 26.23.050, 26.26.165, 26.26.375, 74.20A.055, 74.20A.056, 74.20A.059, and 74.20A.300.

Referred to Committee on Judiciary.

HB 2406 by Representatives Hudgins, Stanford and Ormsby

AN ACT Relating to ensuring the integrity of elections through strengthening election security practices around auditing and equipment; amending RCW 29A.60.185, 29A.60.170, 29A.60.110, and 29A.12.005; adding new sections to chapter 29A.12 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2407 by Representatives Maycumber, Fey, Orcutt, Kraft, Walsh, Kilduff, Peterson, Reeves, Chapman, Kloba, Dye, Taylor, Kretz, DeBolt, Eslick, Fitzgibbon, Haler, Holy, Stambaugh, Schmick and Ormsby

AN ACT Relating to reporting regarding the use of out-of-state materials for public works projects; and amending RCW 39.04.050.

Referred to Committee on Capital Budget.

HB 2408 by Representatives Cody, Jinkins, Goodman, Johnson, Slatter, Tharinger, Stanford, Macri, Ormsby, Doglio and Appleton

AN ACT Relating to preserving access to individual market health care coverage throughout Washington state; amending RCW 48.41.200 and 48.41.090; adding

a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2409 by Representatives Cody, Jinkins, Hudgins, Goodman, Tarleton, Santos, Tharinger, Robinson, Kagi, Valdez, Kilduff, Frame, Stanford, Macri, Ormsby, Doglio, Pollet, Appleton and Stonier

AN ACT Relating to improving access to reproductive health; adding new sections to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2410 by Representatives Doglio, Fey, Tarleton, Macri and Pollet

AN ACT Relating to allowing the energy savings associated with on-bill repayment programs to count toward a qualifying utility's energy conservation targets under the energy independence act; and amending RCW 19.285.030 and 19.285.040.

Referred to Committee on Technology & Economic Development.

HB 2411 by Representatives Doglio, Slatter, Macri, Appleton and Gregerson

AN ACT Relating to reducing wasted food in order to fight hunger and reduce environmental impacts; amending RCW 70.95.090; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Environment.

HB 2412 by Representatives Doglio, DeBolt, Macri and Ormsby

AN ACT Relating to creating the buy clean Washington act; and adding a new chapter to Title 39 RCW.

Referred to Committee on Environment.

HB 2413 by Representatives Doglio and Macri

AN ACT Relating to the voluntary option to purchase qualified alternative energy resources; and amending RCW 19.29A.090.

Referred to Committee on Technology & Economic Development.

HB 2414 by Representatives Walsh, Johnson, Morris, Shea, Haler, Griffey, Kraft, Muri, Buys, Van Werven and Young

AN ACT Relating to disciplinary action for state officials and employees who provide false testimony to the legislature; amending RCW 42.52.520; adding a

new section to chapter 42.52 RCW; and prescribing penalties.

Referred to Committee on State Government, Elections & Information Technology.

HB 2415 by Representatives Chapman, Goodman, Tharinger, Jinkins and Appleton

AN ACT Relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Public Safety.

HB 2416 by Representative Kirby

AN ACT Relating to workers at gambling establishments participating as a player in gambling activities; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2417 by Representatives Blake, Walsh, Muri, Buys and Appleton

AN ACT Relating to southern resident orca recovery; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2418 by Representatives Lytton, Chapman, Sawyer, Blake, Tarleton, Cody, Tharinger, Robinson, Peterson, Fitzgibbon, Morris, Dolan, Frame, Orwall, Kilduff, Stanford, Macri, Jinkins, Ryu, Ormsby, Doglio, Pollet, Ortiz-Self and Gregerson

AN ACT Relating to reducing impacts of nonnative finfish aquaculture by delaying construction of new nonnative finfish aquaculture facilities until thorough study, including structural analysis of existing facilities, is complete; amending RCW 77.125.010 and 77.125.030; adding a new section to chapter 77.125 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2419 by Representatives Hargrove, Muri and Haler

AN ACT Relating to beer, wine, cider, and mead at farmers markets; and amending RCW 66.24.244, 66.24.170, 66.24.175, and 66.04.010.

Referred to Committee on Commerce & Gaming.

HB 2420 by Representatives Hargrove and Sullivan

AN ACT Relating to state board of health rules regarding on-site sewage systems; amending RCW 70.05.074; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Environment.

HJR 4210 by Representatives Johnson, Goodman, Muri, MacEwen, Kilduff, Hayes, Reeves, Chapman, Haler, Walsh, Tarleton, Tharinger, Dent, Hudgins, Valdez, Stanford, Macri, Ryu and Appleton

Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident.

Referred to Committee on Public Safety.

HJR 4211 by Representatives Kilduff, MacEwen, Van Werven, Hargrove, Pellicciotti and Young

Restricting the legislation that can be considered after the ninetieth day of a legislative session in an odd-numbered year.

Referred to Committee on State Government, Elections & Information Technology.

HCR 4411 by Representatives Sullivan and Kretz

Specifying the status of bills, resolutions, and memorials.

HCR 4412 by Representatives Sullivan and Kretz

Convening the House of Representatives and Senate in Joint Session to receive the State of the State message of Governor Jay Inslee.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2382 which was referred to the Committee on Community Development, Housing & Tribal Affairs, and HOUSE BILL NO. 2412 which was referred to the Committee on Capital Budget.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1132
HOUSE BILL NO. 1172
HOUSE BILL NO. 1315
HOUSE BILL NO. 1394

HOUSE BILL NO. 1407
 HOUSE BILL NO. 1429
 HOUSE BILL NO. 1590
 HOUSE BILL NO. 1692
 HOUSE BILL NO. 2018
 HOUSE BILL NO. 2239
 HOUSE BILL NO. 2248

and the bills were referred to the Committee on Agriculture and Natural Resources.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1059
 HOUSE BILL NO. 1067
 HOUSE BILL NO. 1076
 HOUSE BILL NO. 1113
 HOUSE BILL NO. 1144
 SECOND SUBSTITUTE HOUSE BILL NO. 1169
 HOUSE BILL NO. 1267
 SUBSTITUTE HOUSE BILL NO. 1291
 HOUSE BILL NO. 1376
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440
 HOUSE BILL NO. 1486
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1512
 HOUSE BILL NO. 1558
 HOUSE BILL NO. 1560
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1562
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570
 HOUSE BILL NO. 1707
 HOUSE BILL NO. 1772
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843
 HOUSE BILL NO. 1873
 HOUSE BILL NO. 1968
 SUBSTITUTE HOUSE BILL NO. 2006
 SECOND SUBSTITUTE HOUSE BILL NO. 2009
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2121
 HOUSE JOINT RESOLUTION NO. 4202

and the bills were referred to the Committee on Appropriations.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1045
 HOUSE BILL NO. 1053
 ENGROSSED HOUSE BILL NO. 1081
 HOUSE BILL NO. 1137
 HOUSE BILL NO. 1373
 HOUSE BILL NO. 1700
 SUBSTITUTE HOUSE BILL NO. 1966
 HOUSE JOINT MEMORIAL NO. 4001

and the bills were referred to the Committee on Business & Financial Services.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1050
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075
 HOUSE BILL NO. 1080
 HOUSE BILL NO. 1325
 HOUSE BILL NO. 1912
 HOUSE BILL NO. 1923
 HOUSE BILL NO. 1936
 SECOND SUBSTITUTE HOUSE BILL NO. 1980
 HOUSE BILL NO. 1995
 SUBSTITUTE HOUSE BILL NO. 2182

and the bills were referred to the Committee on Capital Budget.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1063
 HOUSE BILL NO. 1357
 SUBSTITUTE HOUSE BILL NO. 1414
 HOUSE BILL NO. 1534
 HOUSE BILL NO. 1627
 HOUSE BILL NO. 1752
 HOUSE BILL NO. 1978
 HOUSE BILL NO. 1987
 HOUSE BILL NO. 2004
 HOUSE BILL NO. 2044
 HOUSE BILL NO. 2045
 HOUSE JOINT MEMORIAL NO. 4011

and the bills were referred to the Committee on Community Development, Housing & Tribal Affairs.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1039
 HOUSE BILL NO. 1065
 HOUSE BILL NO. 1125
 SUBSTITUTE HOUSE BILL NO. 1126
 HOUSE BILL NO. 1152
 HOUSE BILL NO. 1461
 HOUSE BILL NO. 1487
 ENGROSSED HOUSE BILL NO. 1857
 ENGROSSED HOUSE BILL NO. 1858
 SUBSTITUTE HOUSE BILL NO. 1893
 HOUSE BILL NO. 2000
 SUBSTITUTE HOUSE BILL NO. 2021

and the bills were referred to the Committee on Commerce & Gaming.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1294
 HOUSE BILL NO. 1303
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1319
 SUBSTITUTE HOUSE BILL NO. 1377

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600

and the bills were referred to the Committee on Education.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1366
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1482
HOUSE BILL NO. 1491
SUBSTITUTE HOUSE BILL NO. 1566
HOUSE BILL NO. 1617
HOUSE BILL NO. 1743

and the bills were referred to the Committee on Early Learning and Human Services.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1225
HOUSE BILL NO. 1268
HOUSE BILL NO. 1299
HOUSE BILL NO. 1611
HOUSE BILL NO. 2216

and the bills were referred to the Committee on Environment.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED HOUSE BILL NO. 1032
HOUSE BILL NO. 1054
ENGROSSED HOUSE BILL NO. 1309
SUBSTITUTE HOUSE BILL NO. 1321
HOUSE BILL NO. 1391
HOUSE BILL NO. 1410
SUBSTITUTE HOUSE BILL NO. 1532
HOUSE BILL NO. 1544
HOUSE BILL NO. 1663
HOUSE BILL NO. 1764
ENGROSSED HOUSE BILL NO. 1913
HOUSE BILL NO. 2001
HOUSE BILL NO. 2002
HOUSE BILL NO. 2015
HOUSE BILL NO. 2041
HOUSE BILL NO. 2165
HOUSE BILL NO. 2186

and the bills were referred to the Committee on Finance.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1359
HOUSE BILL NO. 1389
SUBSTITUTE HOUSE BILL NO. 1413

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1426
HOUSE BILL NO. 1854

and the bills were referred to the Committee on Health Care & Wellness.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1129
SECOND SUBSTITUTE HOUSE BILL NO. 1168
SUBSTITUTE HOUSE BILL NO. 1293
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333
HOUSE BILL NO. 1363
SUBSTITUTE HOUSE BILL NO. 1433
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1439
HOUSE BILL NO. 1488
HOUSE BILL NO. 1733
HOUSE BILL NO. 1861
HOUSE CONCURRENT RESOLUTION NO. 4402

and the bills were referred to the Committee on Higher Education.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1069
HOUSE BILL NO. 1093
HOUSE BILL NO. 1122
HOUSE BILL NO. 1139
HOUSE BILL NO. 1162
HOUSE BILL NO. 1305
ENGROSSED HOUSE BILL NO. 1378
SUBSTITUTE HOUSE BILL NO. 1384
HOUSE BILL NO. 1494
HOUSE BILL NO. 1603
HOUSE BILL NO. 1633
HOUSE BILL NO. 1731
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753
SUBSTITUTE HOUSE BILL NO. 1930
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2029

and the bills were referred to the Committee on Judiciary.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1116
SUBSTITUTE HOUSE BILL NO. 1298
ENGROSSED HOUSE BILL NO. 1506
HOUSE BILL NO. 1533
HOUSE BILL NO. 1669
SUBSTITUTE HOUSE BILL NO. 1673
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796
HOUSE BILL NO. 1953
ENGROSSED HOUSE BILL NO. 1967

and the bills were referred to the Committee on Labor and Workplace Standards.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1161
 HOUSE BILL NO. 1167
 HOUSE BILL NO. 1187
 HOUSE BILL NO. 1263
 SUBSTITUTE HOUSE BILL NO. 1347
 SUBSTITUTE HOUSE BILL NO. 1456
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1495
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1751
 HOUSE BILL NO. 1823
 HOUSE BILL NO. 1862
 HOUSE BILL NO. 1991

and the bills were referred to the Committee on Local Government.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1058
 ENGROSSED HOUSE BILL NO. 1078
 HOUSE BILL NO. 1112
 SUBSTITUTE HOUSE BILL NO. 1155
 HOUSE BILL NO. 1419
 SUBSTITUTE HOUSE BILL NO. 1472
 SECOND SUBSTITUTE HOUSE BILL NO. 1540
 HOUSE BILL NO. 1591
 HOUSE BILL NO. 1679
 SUBSTITUTE HOUSE BILL NO. 1680
 HOUSE BILL NO. 1759
 SECOND SUBSTITUTE HOUSE BILL NO. 1789
 HOUSE BILL NO. 1806
 HOUSE BILL NO. 1844

and the bills were referred to the Committee on Public Safety.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1159
 SUBSTITUTE HOUSE BILL NO. 1160
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1194
 HOUSE BILL NO. 1317
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1323
 HOUSE BILL NO. 1468
 HOUSE BILL NO. 1470
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1513
 HOUSE BILL NO. 1535
 HOUSE BILL NO. 1567
 HOUSE BILL NO. 1727
 HOUSE BILL NO. 1786
 HOUSE BILL NO. 1800
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1807
 HOUSE BILL NO. 1812
 HOUSE BILL NO. 1834
 HOUSE BILL NO. 1835
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1851

HOUSE BILL NO. 1901
 ENGROSSED HOUSE BILL NO. 1927
 HOUSE BILL NO. 1984
 HOUSE BILL NO. 1999
 HOUSE BILL NO. 2028

and the bills were referred to the Committee on State Government, Elections & Information Technology.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 1904

and the bill was referred to the Committee on Trade & Economic Development.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1037
 HOUSE BILL NO. 1041
 HOUSE BILL NO. 1147
 ENGROSSED HOUSE BILL NO. 1188
 HOUSE BILL NO. 1205
 HOUSE BILL NO. 1219
 HOUSE BILL NO. 1272
 HOUSE BILL NO. 1331
 HOUSE BILL NO. 1332
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371
 HOUSE BILL NO. 1446
 ENGROSSED HOUSE BILL NO. 1480
 SUBSTITUTE HOUSE BILL NO. 1502
 HOUSE BILL NO. 1556
 ENGROSSED HOUSE BILL NO. 1656
 ENGROSSED HOUSE BILL NO. 1795
 HOUSE BILL NO. 1860
 HOUSE BILL NO. 1909
 ENGROSSED HOUSE BILL NO. 1958
 HOUSE BILL NO. 2066
 ENGROSSED HOUSE BILL NO. 2095
 HOUSE BILL NO. 2179
 HOUSE JOINT MEMORIAL NO. 4007

and the bills were referred to the Committee on Transportation.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1889 and HOUSE BILL NO. 2025, and the bills were referred to the Committee on Public Safety.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1827, and the bill was referred to the Committee on Education.

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

COMMITTEE APPOINTMENTS

The Speaker announced the following appointments to standing committees:

Representative Barkis is appointed Ranking Minority Member of the Committee on Community Development, Housing & Tribal Affairs, replacing Representative McCabe.

Representative Eslick is appointed to the Committee on Early Learning & Human Services, replacing Representative McDonald, and is also appointed to the Committee on Capital Budget.

Representative Graves is appointed to the Committee on Appropriations, replacing Representative Nealey.

Representative Johnson is appointed to the Committee on State Government & Information Technology, replacing Representative Volz.

Representative Kraft is appointed Assistant Ranking Minority Member of the Committee on State Government & Information Technology.

Representative McCabe is appointed Ranking Minority Member of the Committee on Labor & Workplace Standards, replacing Representative Manweller, and is also appointed Assistant Ranking Minority Member of the Committee on Community Development, Housing & Tribal Affairs, replacing Representative Barkis.

Representative McCaslin is appointed Assistant Ranking Minority Member of the Committee on Early Learning & Human Services.

Representative McDonald is appointed Ranking Minority Member of the Committee on State Government & Information Technology.

Representative Pike is appointed Assistant Ranking Minority Member of the Committee on Labor & Workplace Standards, replacing Representative McCabe.

Representative Volz is appointed to the Committee on Capital Budget, replacing Representative Johnson.

Representative Graves is appointed Assistant Ranking Minority Member of the Committee on Judiciary, replacing Representative Muri.

There being no objection, the House adjourned until 9:55 a.m., January 9, 2018, the 2nd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 9, 2018

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

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

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

INTRODUCTION & FIRST READING

HB 2421 by Representatives Jinkins, Haler, Kilduff, Valdez, Orwall, Muri, Gregerson, Kirby, Stanford, Kagi, Lytton, Clibborn, Appleton, Pollet and Ormsby

AN ACT Relating to creating a program for the consolidation of traffic-based financial obligations; amending RCW 2.56.030 and 46.63.110; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2422 by Representatives Peterson, Gregerson, Macri, Pellicciotti, Reeves, Ryu, Valdez, Kagi, Frame, Clibborn, Appleton, Tharinger, Senn, Kloba, Pollet, Chapman, Bergquist, Dolan, Doglio and Stanford

AN ACT Relating to high capacity magazines; reenacting and amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2423 by Representatives DeBolt, Tarleton, Orcutt, Blake, Doglio, Fey, Springer, Pollet, Maycumber, Nealey, Schmick, Wilcox, Dye, Smith and Vick

AN ACT Relating to the state universal communications services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, and 80.36.690; and repealing RCW 80.36.700.

Referred to Committee on Appropriations.

HB 2424 by Representatives Lytton and Nealey

AN ACT Relating to correcting the use tax exemption for self-produced fuel; amending 2017 3rd sp.s. c 28 s 605 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2425 by Representatives Doglio and McCabe

AN ACT Relating to extending the validity of temporary elevator licenses; and amending RCW 70.87.250.

Referred to Committee on Labor & Workplace Standards.

HB 2426 by Representatives Cody, Macri, Tharinger and Jinkins

AN ACT Relating to the individual provider employment administrator program; amending RCW 74.39A.030, 74.39A.051, 74.39A.056, 74.39A.060, 74.39A.086, 74.39A.090, 74.39A.095, 74.39A.155, 74.39A.210, 74.39A.250, 74.39A.261, 74.39A.270, 74.39A.275, 74.39A.300, 74.39A.310, 74.39A.351, 74.39A.360, 41.56.026, and 41.56.113; reenacting and amending RCW 74.39A.009; adding new sections to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.220 and 74.39A.240.

Referred to Committee on Health Care & Wellness.

HB 2427 by Representatives Klippert, Irwin, Haler, Goodman and Young

AN ACT Relating to making residential burglary a crime against persons; amending RCW 43.43.830; reenacting and amending RCW 9.94A.411; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2428 by Representatives Hudgins and Bergquist

AN ACT Relating to providing for taxpayer protection by reducing costs in ballot production; amending RCW 29A.32.070, 29A.72.290, and 43.135.041; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2429 by Representatives Hudgins, Appleton, Kloba, Santos and Tarleton

AN ACT Relating to sales and use tax exemptions for durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283, 82.12.0277, 82.08.803, and 82.12.803; and creating a new section.

Referred to Committee on Finance.

HB 2430 by Representative Hudgins

AN ACT Relating to eliminating the joint legislative oversight committee on trade policy; amending RCW 43.15.020; repealing RCW 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, and 44.55.060; and providing an effective date.

Referred to Committee on Economic Development & International Trade.

HB 2431 by Representative Hudgins

AN ACT Relating to eliminating the joint administrative rules review committee; amending RCW 19.85.030, 19.85.061, 34.05.010, 34.05.230, 34.05.314, 34.05.320, 34.05.330, 34.05.350, 34.05.353, 34.05.534, 42.40.010, 42.40.020, 42.40.030, 43.15.020, and 43.180.110; reenacting and amending RCW 34.05.328; repealing RCW 34.05.610, 34.05.620, 34.05.630, 34.05.640, 34.05.650, 34.05.655, 34.05.660, 34.05.665, 34.05.671, 34.05.675, and 34.05.681; and providing an effective date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2432 by Representatives Hudgins, Riccelli, Stanford, Stambaugh, Appleton, Tharinger, Bergquist, Ormsby, Valdez and Tarleton

AN ACT Relating to a study on the state providing prepaid return postage for election ballots; creating a new section; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2433 by Representatives Bergquist, Kilduff, Macri, Riccelli, Kagi, Fitzgibbon, Frame, Stambaugh, Goodman, Pollet, Ormsby, Valdez and Tarleton

AN ACT Relating to automatic voter registration, including establishing the future voter program for certain persons sixteen and seventeen years of age; amending RCW 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140, 46.20.155, 29A.08.330, 29A.08.810, and 29A.08.350; reenacting and amending RCW 42.56.250; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2434 by Representatives Van Werven, Buys, Shea, Chapman, Pike and Haler

AN ACT Relating to reducing the state property tax in calendar year 2018; amending RCW 84.52.065; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2435 by Representatives Kilduff, Schmick, Cody, Muri, Kagi, Tharinger, Pollet and Tarleton

AN ACT Relating to reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year; and amending RCW 74.39A.076.

Referred to Committee on Health & Long Term Care.

HB 2436 by Representatives Robinson, Riccelli, Pollet, Ormsby and Santos

AN ACT Relating to defining community health workers and their roles; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2437 by Representatives Robinson, Tharinger, Macri, Ryu, Kagi, Pollet, Ormsby, Doglio, Santos and Tarleton

AN ACT Relating to encouraging investments in affordable and supportive housing; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2438 by Representative Cody

AN ACT Relating to the January 1, 2020, implementation of the school employees' benefits board program; amending RCW 41.05.740, 41.05.006, 41.05.009, 41.05.011, 41.05.021, 41.05.022, 41.05.023, 41.05.026, 41.05.050, 41.05.055, 41.05.065, 41.05.066, 41.05.075, 41.05.080, 41.05.085, 41.05.140, 41.05.225, 41.05.300, 41.05.320, 41.04.205, 28A.400.350, 41.05.120, 41.05.123, 41.05.143, and 43.79A.040; reenacting and amending RCW 28A.400.275; adding a new section to chapter 41.05 RCW; adding a new section to chapter 28A.710 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

EHB 2439 by Representatives Kirby, Vick, Barkis, Stanford, Ryu and Haler

AN ACT Relating to clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles; amending RCW 46.96.185 and 46.96.260; and adding new sections to chapter 46.96 RCW.

Referred to Committee on Labor & Commerce.

HB 2440 by Representative Manweller

AN ACT Relating to the plumbing industry; amending RCW 18.106.110, 18.106.270, and 18.106.070; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2441 by Representatives Manweller, Shea, Young and Steele

AN ACT Relating to preventing and addressing catastrophic wildfires; amending RCW 36.22.179 and 43.185C.060; adding a new section to chapter 76.04 RCW; adding a new section to chapter 82.04 RCW; and creating a new section.

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

HB 2442 by Representative Manweller

AN ACT Relating to creating a students protecting students program; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Appropriations.

HB 2443 by Representatives Riccelli, Johnson, Cody, Schmick, Kloba, Vick, Ortiz-Self, Peterson, Stonier, Ryu, Tarleton, Haler, Graves, Harris, Stokesbary, Dent, Robinson, Muri, MacEwen, Clibborn, Maycumber, Appleton, Tharinger, Bergquist, Ormsby and Doglio

AN ACT Relating to adding the Washington State University college of medicine to the family medicine residency network; and amending RCW 70.112.010 and 70.112.080.

Referred to Committee on Higher Education & Workforce Development.

EHB 2444 by Representatives Slatter, Robinson, McBride, Clibborn, Appleton, Tharinger, Kloba, Doglio and Tarleton

AN ACT Relating to providing a real estate excise tax exemption for certain transfers of low-income housing; amending RCW 82.45.010; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2445 by Representatives Macri, Graves, Robinson and Riccelli

AN ACT Relating to online access to health care resources via HEALWA; and amending RCW 43.70.110.

Referred to Committee on Health & Long Term Care.

HB 2446 by Representatives Graves, Jinkins, Cody, Macri, Robinson, Riccelli and Kloba

AN ACT Relating to physical therapist supervision of assistive personnel; and amending RCW 18.74.010 and 18.74.180.

Referred to Committee on Health & Long Term Care.

HB 2447 by Representatives McCabe, Cody, Caldier, Orwall, Dye, Macri, Muri, Smith, Barkis, Harmsworth, Haler, Senn, Pollet and Doglio

AN ACT Relating to practitioner education of opiate risks and pain management alternatives; adding a new section to chapter 69.50 RCW; adding a new section to chapter 43.70 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2448 by Representatives Senn, Tharinger, Chapman, Kilduff, Macri, Robinson, Appleton, Kloba, Pollet, Santos and Tarleton

AN ACT Relating to increasing the availability of housing for developmentally disabled persons; amending RCW 82.45.010 and 43.185.050; and creating a new section.

Referred to Committee on Finance.

HB 2449 by Representatives Senn, Kagi, Kilduff, Dent and Goodman

AN ACT Relating to extending the timeline for completing a family assessment response; reenacting and amending RCW 26.44.030; and providing an effective date.

Referred to Committee on Appropriations.

HB 2450 by Representatives Senn, Hargrove, Chapman, Kilduff, Muri, Kagi, Appleton, Tharinger and Doglio

AN ACT Relating to supporting the business of child care; adding new sections to chapter 43.216 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2451 by Representatives Slatter, Senn, Kagi, Appleton, Tharinger and Doglio

AN ACT Relating to expanding the activities of the children's mental health services consultation program; and amending RCW 71.24.061.

Referred to Committee on Appropriations.

HB 2452 by Representatives Dolan, Johnson, Appleton, Haler, Kagi, Slatter, Macri, Stanford, Ryu, Sells, Frame, Fitzgibbon, Young, Stonier, Kloba, Valdez, Pollet, Holy, Steele and Doglio

AN ACT Relating to retiree benefits for participants in the public employees' retirement system, the teachers' retirement system, and the public employees' benefits board; amending RCW 41.05.085; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2453 by Representatives Peterson, Kretz, Fitzgibbon, Blake, Kagi, Tharinger, Haler, Young and Tarleton

AN ACT Relating to the reauthorization of the underground storage tank program; and amending RCW 43.131.393 and 43.131.394.

Referred to Committee on Appropriations.

HB 2454 by Representatives Blake, Muri and Barkis

AN ACT Relating to vehicular assault; amending RCW 46.61.522; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2455 by Representatives Pellicciotti, Kilduff, Macri, Riccelli, Valdez, Kagi, Frame, Orwall, Kirby, Fitzgibbon, Hudgins, Wylie, Pollet, Ryu and Tarleton

AN ACT Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018; amending RCW 42.17A.235 and 42.17A.240; reenacting and amending RCW 42.17A.005; adding a new section to chapter 42.17A RCW; and creating new sections.

Referred to Committee on State Government, Elections & Information Technology.

HB 2456 by Representatives Kilduff, McCabe, Orwall, Reeves, Kraft, Senn, Gregerson, Muri, Riccelli, Stanford, Tharinger and Young

AN ACT Relating to increasing employment opportunities for spouses of military members; adding a new section to chapter 18.340 RCW; adding a new section to chapter 50.20 RCW; and providing an expiration date.

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

HB 2457 by Representatives Goodman and Klippert

AN ACT Relating to timelines in criminal cases involving domestic violence; amending RCW 10.99.050 and 9.95.210; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 2458 by Representatives Hayes and Goodman

AN ACT Relating to developing a short form for death certificates; and amending RCW 70.58.082.

Referred to Committee on Health Care & Wellness.

HB 2459 by Representatives Reeves, Robinson, Macri, Riccelli, Hudgins and Pollet

AN ACT Relating to modifying gender references pertaining to major political party committees; and amending RCW 29A.80.020 and 29A.80.030.

Referred to Committee on State Government, Elections & Information Technology.

HB 2460 by Representatives Griffey and Haler

AN ACT Relating to incidents requiring a municipal fire department or fire district response; and amending RCW 4.24.314.

Referred to Committee on Judiciary.

HB 2461 by Representatives Kagi, Goodman, Ormsby and Santos

AN ACT Relating to seriousness level I offenses where the offender score is three to five on the drug offense sentencing grid; amending RCW 9.94A.517; and providing an effective date.

Referred to Committee on Appropriations.

HB 2462 by Representatives Maycumber, Chapman, Jenkin, Nealey, McCabe, Schmick, Vick, Eslick, Appleton, Kretz, Manweller, Dent, Haler and Senn

AN ACT Relating to increasing access to the main street program; amending RCW 82.73.010 and 43.360.030; and adding a new section to chapter 82.73 RCW.

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

HB 2463 by Representative Sells

AN ACT Relating to the adoption of the state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education.

HB 2464 by Representatives Reeves, Kilduff, Muri, Shea, Riccelli and Stanford

AN ACT Relating to veteran and national guard tuition waivers; and amending RCW 28B.15.621.

Referred to Committee on Appropriations.

HB 2465 by Representatives Orwall, McCabe, Griffey, Harmsworth and Haler

AN ACT Relating to modifying the offense of rape in the third degree; amending RCW 9A.44.060; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 2466 by Representatives Orwall, Klippert, McCabe, Griffey, Muri, Stanford, Van Werven, Haler and Doglio

AN ACT Relating to authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses; and reenacting and amending RCW 10.31.100.

Referred to Committee on Public Safety.

HB 2467 by Representatives Kirby, Jinkins and Santos

AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.034, 48.62.111, 48.62.121, and 48.62.141; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Business & Financial Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

HOUSE BILL NO. 1884

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1209
HOUSE BILL NO. 1452
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508
SUBSTITUTE HOUSE BILL NO. 1723
HOUSE BILL NO. 2087
HOUSE BILL NO. 2097
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2143
ENGROSSED HOUSE BILL NO. 2201

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4411
HOUSE CONCURRENT RESOLUTION NO. 4412

The Speaker called upon Representative Lovick to preside.

JOINT SESSION

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate, Lieutenant Governor Cyrus Habib, Senator Sharon Nelson, Senator Barbara Bailey and Senator Karen Keiser to seats on the Rostrum. The Senators were invited to sit within the Chamber.

The Speaker (Representative Lovick presiding) called upon President Habib to preside.

The President of the Senate, Lieutenant Governor Habib, called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Habib: "The purpose of the Joint Session is to receive the state of the state message from His Excellency, Governor Jay Inslee.

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Gina McCabe and Javier Valdez, and Senators Mike Padden and Jamie Pedersen.

The President appointed a special committee to escort the Statewide-elected officials to the House Chamber: Representatives Andrew Barkis and Laurie Dolan, and Senators Guy Palumbo and Shelly Short.

The President appointed a special committee to advise His Excellency, Governor Jay Inslee, that the joint session had assembled and to escort him to the House Chamber: Representatives Carolyn Eslick and Vandana Slatter, and Senators Manka Dhingra and Keith Wagoner.

The Supreme Court Justices arrived, were escorted to the Floor of the House Chamber and were introduced: Chief Justice Mary Fairhurst, Associate Chief Justice Charles Johnson, and Justices Barbara Madsen, Susan Owens, Debra Stephens, Charlie Wiggins, Steven Gonzalez, Sheryl Gordon McCloud and Mary Yu.

The State elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Kim Wyman, State Treasurer Duane Davidson, State Auditor Pat McCarthy, Attorney General Bob Ferguson, Superintendent of Public Instruction Chris Reykdal, and Insurance Commissioner Mike Kreidler.

The President introduced the officers and members of the Consular Association of Washington, the leaders representing various tribal nations, and civic leaders in attendance.

His Excellency Governor Jay Inslee arrived, was escorted to the Rostrum and was introduced.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard, commanded by Sergeant Greg Tri. The National Anthem was performed by the Wenatchee High School Vocal Jazz Ensemble. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Dr. Jasmit Singh, co-founder of the National Sikh Coalition and council member of the Interfaith Leadership Council of the Faith Action Network.

Dr. Singh: "Good Moring everyone!

Let us join in prayer and reflection. As we come together today, let us keep in our hearts and prayers - Deputy McCartney, his family, his colleagues in Pierce County Sheriff's Department and all those who serve our communities with honor and sacrifice.

O Gracious God, O All pervading light that is common to all humanity, we turn to you at this point in history and ask for your blessing, guidance and strength for this great State of Washington, it's residents, Governor Inslee, and all those who are present in mind, in person or in spirit. Please allow us to serve with truth, justice, humility and compassion. Bless us with wisdom and strength to address the challenges that we face today with integrity and honesty and work for the Chardi Kala (Good of all) people.

Let us create a world based not on fear where the color of our skin, the faith that we believe in, the language that we speak or any wall that has been created to divide us - define us as a people. Instead, please help us celebrate and recognize the beautiful diversity that exists all around us. Ek Pitaa Ekas kae ham Baarak. We are all created from your light. Let us be united in purpose and give us the

understanding that welfare of all humankind is a priority for those who lead them.

I share a small prayer from the Sikh Holy Scriptures, Shri Guru Granth Sahib ji

Pavan guru paani pitaa, maataa dharat mahat. Divas raat doe daai daaiaa, khelai sagal jagat.

By respecting nature, we respect our creator and we respect ourselves. The Air is our Teacher, Water is our Father and the Vast Earth is our Mother. The day and the night are like parents who nurture their child and provide us with an environment for righteous living.

Changiaaiaa buriaaiaa, vaachai dharam hadur. Karmi aapo aapni, ke nerai ke dur.

Grant us the wisdom to do good in this world and take care of the earth. We shall all be judged by what we do in our lives.

Jini Naam dhiaaiaa, gae masakat ghaal. Naanak te mukh ujle, keti chhuti naal.

Let us remember the Divine in our hearts as we work hard and honestly to fulfill our life's potential. Guru Nanak says, only such people who act for the good for all creatures liberate not just themselves but countless others.

Let us pray so that God may grant us the strength to create a caring, more just, compassionate loving world for all its creatures.

Thank you."

The President introduced First Lady Trudi Inslee.

STATE OF THE STATE

Governor Inslee: "Good afternoon! Thank you, Jasmit, for those timely and empowering words. Thank you to the Wenatchee High School Vocal Jazz Ensemble for that inspiring rendition of our national anthem. Thank you, Lieutenant Governor, for honoring Deputy McCartney. All of our hearts are with his family. And a big thank you to my wife, Trudi, my entire family, and in particular, my mother-in-law, the original Trudy Tindall, who tells me that her first 100 years in Washington have been pretty great.

I welcome the new legislators in your ranks; Senator Manka Dhingra, Senator Keith Wagoner, and Representative Carolyn Eslick, may you all do good work here.

Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, members of the Legislature, tribal leaders, state and local government officials, members of the Consular Corps, and most importantly, my fellow Washingtonians: I am honored to stand before you once again to report on the state of Washington state.

Because of the work we have done together in the past five years, our state has made crucial investments in our

schools and colleges, our highways and transit systems, and our health care system. The minimum wage was raised for Washington's workers, and last year, we passed the best paid family leave program in the nation. We have invested in our people. That's why our state has one of the country's fastest-growing economies, why it was named the top state for business, and why statewide unemployment is at a historic low. Our economy is strong, our future is bright, but there are always new heights to reach, new challenges to overcome, and persistent wrongs to right.

When our state's first governor, Elisha Ferry, delivered his message to our inaugural Legislature, he challenged legislators to think big. "It is your province," he said, "to make precedents, not to follow them; to mark the way, that others may walk in the path which you have made." We have been walking in that path that Governor Ferry and the first Legislature set for this state 128 years ago. Today, it is up to us to continue that work for future generations.

This year we cannot focus just on the length of this session, which is short. We have a duty to focus on our legacy, which can be long. Several opportunities are in front of us to forge a prosperous path for the next generation.

Access to democracy is a cornerstone to the enduring health of our nation and our state, so let's leave a legacy of a stronger democracy by increasing voter participation and equitable representation. It is time to pass the Washington Voting Rights Act, automatic voter registration, and Election Day registration. And speaking of a stronger democracy, let's leave a legacy that supports our modern democracy and our modern economy by ensuring equal access to the internet. When Washington, D.C., takes away that protection, we must protect net neutrality for our people, for our businesses, and for the virtues of free speech.

At a time when women's health care rights are under attack throughout our nation, let's leave a legacy that ensures full access to contraception and allows women to chart their own course. That includes access to long-acting reversible contraception and reproductive parity.

And not all of our work is in passing bills. Right now, let's all, elected leaders and employers alike, commit to inclusive workplaces where everyone is safe from sexual harassment and assault. This is one of the most persistent wrongs that our society must make right.

This session, let's also continue our outstanding legacy on education. Legislators can take pride that they passed a plan that will fully comply with the McCleary decision. I want to commend Senators John Braun and Christine Rolfes, Representatives Pat Sullivan, Timm Ormsby, and David Taylor, and so many others who have helped achieve this bipartisan success. The Supreme Court has made it clear that the plan needs to start one year earlier, and fortunately, we have the reserves to be able to do that. It is crucial that we implement the McCleary plan now, because a child is only a third grader once and they don't get that year back. But our work on education does not stop at McCleary. We have got to stop telling our children that a four-year degree is the only path to success. That simply is not true. Let's leave a legacy of opportunity for all our students by expanding career-connected learning. My budget includes funding to help us continue our Career Connect Washington initiative, which has the potential to be one of the most exciting and meaningful things we can do for our students. During a

study mission to Switzerland last year, our Washington delegation saw a truly remarkable apprenticeship system stemming from a robust partnership with business, labor, and academia. There is no reason our own students cannot have better access to those same opportunities here in Washington. Please let me recognize the chairs of that delegation who are in the gallery today: former U.S. Ambassador to Switzerland and Liechtenstein Suzi LeVine and her husband, Eric LeVine. Thank you for your visionary work on this issue. You can go to Tacoma and see for yourself how this works. It was a joy last year to celebrate our state's first 15 registered youth apprentices as they prepared to launch rewarding careers in aerospace. Let's expand that opportunity, as well as apprenticeship programs for our veterans and other Washingtonians, in the coming years.

This session, let's leave a legacy of compassion by continuing our work on behavioral health care. This is a persistent challenge that intersects our efforts to end homelessness, to improve our criminal justice system, and to combat an opioid epidemic that kills an average of two Washingtonians each day. We must build upon our current work on opioids. We need to pursue innovative approaches to affordable housing, and strengthen our partnerships with counties to help us foster healthy communities.

Let's continue our bipartisan legacy of helping Dreamers fulfill their potential. This is a time of great uncertainty and fear for our Dreamers and their families. Let's pass legislation now to ensure the availability of College Bound scholarships for Dreamers, even if the federal government fails to renew their deferred-action status.

Let's leave a legacy of common-sense measures that help end the scourge of gun violence. Our state's voters have demonstrated strong support for such measures. We can continue our commitment to public safety and health by banning bump stocks, closing the background-check loophole on semi-automatic rifles, and requiring the safe storage of firearms.

Let's leave a legacy that, at long last, upholds the equal application of justice by passing a bill to end the death penalty in the state of Washington.

And let's make sure we don't leave a legacy of irresponsible brinkmanship. It is absolutely crucial that we pass a capital budget as one of the first orders of business this session. This budget supports more than 19,000 construction jobs in every corner of the state. It would help us build more affordable housing and expand capacity in our mental health care system. This funding is languishing at exactly the same time the need for these projects is exploding. In Yakima, students are waiting for renovations to alleviate overcrowding at East Valley High School. In Sequim, biologists are waiting for upgrades at the Dungeness Hatchery to improve fish passage. In Ephrata, the community is waiting to replace an aging water line. If you want to help rural Washington. If you want more affordable housing, better mental health care and school construction, then do something about it and send this capital budget to my desk now.

As we gather to do the people's work this session, Washington's values and this Legislature's actions will be more important than ever. Despite the onslaught of

divisiveness, disorder and disrespect coming from the White House this past year, the people of our state have stood proudly together. The world should know that we are going to keep standing up for civility, tolerance, and liberty. We will fight to protect Washingtonians' health care, women's right to choose, the right for people to be safe from discrimination, and the right to clean air and water. We will not be intimidated.

Washington state has so much to be proud of. Our biotech companies are creating new treatments for cancer. Scientists at Hanford have helped confirm the existence of gravitational waves predicted by Einstein. We even make world-famous beer and wine, and we should be proud of the great progress we have made together in state government.

When I came into office, there was doubt we could pass a transportation package. But we did, and it is the largest and greenest transportation package in state history. When I came into office, there was doubt we could invest seven billion dollars in education. But we did. We tackled transportation. We tackled education. And now we must recognize an existential threat to the health of our state, a threat to the health of our children, and a threat to the health of our businesses that demands action this year. That threat is climate change.

The Legislature recognized this threat a decade ago – a decade ago – when it pledged to the people of Washington that we would make our air cleaner and reduce carbon pollution. But unless we act this year, that promise will be broken. It is time to step up and give our citizens what they demand and deserve – and what is the law – which is a fight against climate change and the damaging health effects of carbon pollution. While this session is short, our legacy on climate change must be long and lasting. We have just 59 days to do our part to save our children from an endless cycle of crop-killing droughts one year, and rivers spilling their banks the next. To save salmon from dying in ever warming rivers, and our forests from being reduced to plumes of ash. We have allowed the unfettered release of carbon pollution into our air. That burden will be carried by our children, our economy, our security, and our quality of life. We must be victorious over climate change, because, as Winston Churchill said, "... without victory, there is no survival."

I believe Washingtonians will be together on this issue. Because on this issue, there is no geographic divide. The Eastern Washington farmer whose irrigation supply is threatened by low snowpack faces the same crisis as the Western Washington shellfish grower whose baby oysters are threatened by ocean acidification. There is no age divide. The young child suffering from asthma is just as vulnerable as a grandparent suffering from COPD, a lung disease aggravated by heat and air pollution. And there is no partisan divide. Nationally respected Democrats and Republicans are among those calling for a tax on carbon pollution. Support for enacting a price on carbon is growing. Members of the business, tribal, environmental, and labor communities from across our state are coming to the table to talk about carbon pricing. Some of them are here today, including Microsoft and Puget Sound Energy, which have enacted bold changes in the way they do business. Labor leaders see the job potential in growing our clean energy economy. Our environmental leaders and tribes see the urgency of acting now to curb carbon pollution. They all

agree that putting a price on carbon this year is the right thing to do, and have committed to working with me to get that accomplished. House and Senate members also have been working closely with my office all summer and fall to design a Washington-focused approach, and their contributions have been key. So we are joined across geography, across age, and across political interests. Now is the time to join in action and put a price on carbon pollution. Doing so will allow us to reinvest in all the things that drive down emissions. We can build more solar panels. We can put more electric cars on the road. We can help more Washingtonians purchase energy-saving insulation for their homes and businesses. We can reduce the wildfire risk in rural communities and on tribal lands. We can improve utility services and modernize the electrical grid. We can make much-needed upgrades to our irrigation and water-management systems. We can prepare our workforce for new careers in clean-energy. And by doing these things, we can save our forests. We can help our rural economies. We can protect our waterways.

I am optimistic about this year, and that optimism is well justified by Washington's can-do spirit of confidence and innovation. And why shouldn't we get this done? Carbon pricing is hardly a new or bold idea. British Columbia, our neighbor to the north, is doing it. To the south, California is doing it, and Oregon is considering it. From Quebec to Japan, from Europe to Mexico, many states and nations have enacted a price on carbon. Even China is getting on board, having recently launched the largest carbon market on the planet. By passing a carbon tax, we would simply join our West Coast neighbors, and the rest of the world, as the global economy moves away from fossil fuels and toward a decarbonized, clean-energy future. And I believe that Washington is exactly the right state to lead the clean-energy economy and seize the jobs that China and other nations are clamoring for. This is who we are. We create, we invent, we build. And the people of Washington are ready to create, invent, and build the carbon-free future our children and grandchildren deserve. These clean-energy jobs belong here. Not just in China, not just in Germany, not just in B.C., here. Washington employs some of the most influential climate scientists in the world. Our universities and businesses are on the cutting edge of clean-energy technologies. In the Pacific Coast region, clean-energy jobs have grown more than twice as fast as jobs in the overall economy. Mukilteo is home to the inventors and manufacturers of the world's largest vanadium flow battery. Moses Lake is home to one of the world's largest carbon fiber manufacturing plants for electric cars. Our state is home to the inventors of biofuels that have powered the Boeing 787 across the oceans. It is our state's destiny, because of who we are, to defeat climate change. Even if the White House walks away from the global effort to reduce greenhouse gas emissions, we will walk forward and join this battle for the world's healthy future.

Already, Washington has joined with 14 other states and territories to form the U.S. Climate Alliance, and we are committed to meeting our share of the emission reduction targets outlined in the Paris Climate Accord. This is a significant collaboration. We represent 40 percent of the United States economy, and if we were our own nation, we

would have the third-largest economy in the world. It is right that we do this.

Washington is home to the most beautiful collection of fertile wheat fields, towering forests and salty waters on Earth. It is true, our Creator practiced on the rest of the planet, and then created Washington state. Every single one of us is deeply tied to Washington in our own way. We each have a part of this state that we love: a favorite fishing spot, a quiet place on the farm, that campground in the forest. But the things we treasure individually can only be saved collectively. We have been given an incredible bounty of natural beauty and sustenance, and we now must ask ourselves how we can protect that bounty for future generations. We know we are smart enough to recognize the perils of climate change, and we know we are innovative enough to do something about it.

Repeatedly, over the decades, we have lived up to Governor Ferry's charge "to mark the way." We have succeeded in aerospace, in software, in online commerce, in coffee, in biotechnology, and there is every reason to believe we will succeed in fighting climate change and growing our economy in the process. This is the year to believe in ourselves. This is the year to act with confidence. This is the year for us to do our part, for all who will walk in the path we will make, together.

We are here in Olympia to serve the current and future interests of all Washingtonians, and I thank each of you for your willingness to find solutions to the challenges we face. I like to think of this Legislature and our state as one big family: we may have differences around the dinner table, but on what really counts, we agree. We all agree that our families deserve to be safe from tragedies like mass shootings. We all agree we must do more for homeless individuals and families. We all agree that our children deserve the best education possible. We all agree that our communities deserve protection from the physical and financial threats of climate change.

Today I call on all of us to look deep into our hearts and to think of our families. For them, and for all Washingtonians, let's get to work together. Thank you."

The President thanked the Governor for his remarks and asked the special committee to escort Governor Inslee from the House Chamber.

The President thanked the state elected officials and asked the special committee to escort them from the House Chamber.

The President thanked the Supreme Court Justices and asked the special committee to escort them from the House Chamber.

The President thanked the consuls and tribal members.

MOTION

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker (Representative Lovick presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Cyrus Habib, Senator Sharon Nelson, Senator Barbara Bailey, Senator Karen Keiser and members of the Washington State Senate from the House Chamber.

There being no objection, the House adjourned until 10:00 a.m., January 10, 2018, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 10, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Jenner and Ian Vickers. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th Legislative District.

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

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

MESSAGES FROM THE SENATE

January 8, 2018

MR. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 8, 2018

MR. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 9, 2018

MR. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4411,
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

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

REPORTS OF STANDING COMMITTEES

January 9, 2018

ESHB 1075 Prime Sponsor, Committee on Capital Budget: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

January 9, 2018

HB 1080 Prime Sponsor, Representative Tharinger: Concerning state general obligation bonds and related accounts. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Eslick; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Stonier and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Kraft; Steele and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

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

INTRODUCTION & FIRST READING

HB 2468 by Representatives Vick and Kirby

AN ACT Relating to allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of another corporate entity registered in Canada; amending RCW 18.04.350, 18.04.183, 18.04.195, 18.04.215, and 18.04.345; creating a new section; and providing an expiration date.

Referred to Committee on Business & Financial Services.

HB 2469 by Representatives Clibborn and Fey

AN ACT Relating to transportation funding and appropriations; amending 2017 c 313 ss 101, 103, 105, 106, 108, 201-223, 301-312, 401, 402, 404, 406-408, 601, 604, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 726, 727, 728, 729, 730, 731, 732, 733, 735, and 736 (uncodified); adding a new section to 2017 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 2470 by Representative Ormsby

AN ACT Relating to budget stabilization account transfers; amending RCW 43.79.496; and providing an effective date.

Referred to Committee on Appropriations.

HB 2471 by Representatives Kirby, Sawyer and Condotta

AN ACT Relating to establishing state preemption of local government regulation of medical marijuana cooperatives; amending RCW 69.51A.250; and adding a new section to chapter 69.51A RCW.

Referred to Committee on Commerce & Gaming.

HB 2472 by Representatives Vick, Blake, Sawyer, Condotta and Kloba

AN ACT Relating to ensuring reasonable terms of payment are available to marijuana retailers when contracting with marijuana processors for the purchase of marijuana products; and amending RCW 69.50.395.

Referred to Committee on Commerce & Gaming.

HB 2473 by Representatives Vick, Blake and Condotta

AN ACT Relating to private label marijuana; and amending RCW 69.50.395.

Referred to Committee on Commerce & Gaming.

HB 2474 by Representatives Condotta, Sawyer and Kloba

AN ACT Relating to information on marijuana product container labels about the businesses that produced, processed, or sold the marijuana product; amending RCW 69.50.345; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2475 by Representative Ryu

AN ACT Relating to the tolling of construction defect claims; and amending RCW 64.50.010, 64.50.020, and 4.16.325.

Referred to Committee on Judiciary.

HB 2476 by Representatives Fey and Harmsworth

AN ACT Relating to clarifying the collection process for existing vehicle service transactions; and amending RCW 46.17.040.

Referred to Committee on Transportation.

HB 2477 by Representative McDonald

AN ACT Relating to providing citizens with a civil process to stop nonconsensual capture of their private, personal, and familial activities by trespassers; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2478 by Representatives Irwin, Dolan, Stokesbary and Gregerson

AN ACT Relating to write-in voting; and amending RCW 29A.24.091, 29A.24.311, 29A.60.021, and 29A.60.040.

Referred to Committee on State Government, Elections & Information Technology.

HB 2479 by Representatives Appleton, Ryu and McBride

AN ACT Relating to Washington's property assessment appeal procedures; and amending RCW 84.48.150.

Referred to Committee on Local Government.

HB 2480 by Representative McBride

AN ACT Relating to providing local governments with options to preserve affordable housing in single-family neighborhoods; adding a new chapter to Title 84 RCW; creating a new section; and providing an expiration date.

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

HB 2481 by Representatives Graves, Jinkins and Wylie

AN ACT Relating to driving a motor vehicle with a suspended or revoked driver's license; amending RCW 46.20.342, 10.37.015, 10.37.015, 46.20.005, 46.20.341, 46.20.341, 46.55.113, 46.55.120, and 46.63.020; reenacting and amending RCW 10.31.100; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2482 by Representatives Macri and Jinkins

AN ACT Relating to protecting patient care; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2483 by Representative Klippert

AN ACT Relating to the siting of marijuana businesses in relation to areas or facilities frequented by children; amending RCW 69.50.331, 69.50.369, and 69.50.580; and declaring an emergency.

Referred to Committee on Commerce & Gaming.

HB 2484 by Representative Klippert

AN ACT Relating to authorizing a local government to prohibit the operation of marijuana producers, processors, or retailers within its jurisdictional boundaries; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2485 by Representatives Orwall, Dent, Blake and Buys

AN ACT Relating to encouraging low-water landscaping practices as a drought alleviation tool; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 39.35D RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2486 by Representative Graves

AN ACT Relating to the revised uniform unclaimed property act; adding a new chapter to Title 63 RCW; repealing RCW 63.29.010, 63.29.020, 63.29.030, 63.29.040, 63.29.050, 63.29.060, 63.29.070, 63.29.080, 63.29.090, 63.29.100, 63.29.110, 63.29.120, 63.29.130, 63.29.133, 63.29.135, 63.29.140, 63.29.150, 63.29.160, 63.29.165, 63.29.170, 63.29.180, 63.29.190, 63.29.192, 63.29.193, 63.29.194, 63.29.195, 63.29.200, 63.29.210, 63.29.220, 63.29.230, 63.29.240, 63.29.250, 63.29.260,

63.29.270, 63.29.280, 63.29.290, 63.29.300, 63.29.310, 63.29.320, 63.29.330, 63.29.340, 63.29.350, 63.29.360, 63.29.370, 63.29.380, 63.29.900, 63.29.902, 63.29.903, 63.29.905, and 63.29.906; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2487 by Representatives Dye, Orwall, McCabe, Jenkin, Klippert, Stambaugh and Holy

AN ACT Relating to increasing the public disclosure of registered sex offenders; and amending RCW 4.24.550.

Referred to Committee on Public Safety.

HB 2488 by Representatives Sullivan and Kagi

AN ACT Relating to clarifying the use of the Puget Sound taxpayer accountability account to include facilities to improve educational outcomes in early learning, K-12, and higher education; and amending RCW 43.79.520.

Referred to Committee on Appropriations.

HB 2489 by Representatives Cody, Rodne, Harris, Caldier, Macri and Robinson

AN ACT Relating to opioid use disorder treatment, prevention, and related services; amending RCW 71.24.585, 71.24.595, 71.24.560, 71.24.011, 69.41.095, 70.225.010, 70.225.040, and 70.168.090; amending 2005 c 70 s 1 (uncodified); adding new sections to chapter 71.24 RCW; adding a new section to chapter 70.225 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2490 by Representatives Santos and Harris

AN ACT Relating to the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact; amending RCW 28A.715.010, 41.32.010, and 41.35.01; and creating a new section.

Referred to Committee on Appropriations.

HB 2491 by Representatives Santos and Harris

AN ACT Relating to removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics; and reenacting and amending RCW 28A.230.097.

Referred to Committee on Education.

HB 2492 by Representatives Santos and Harris

AN ACT Relating to modifying definitions for alternative learning experience courses; and amending RCW 28A.232.010.

Referred to Committee on Education.

HB 2493 by Representatives Santos and Harris

AN ACT Relating to the second grade reading assessments; and amending RCW 28A.300.310 and 28A.300.320.

Referred to Committee on Education.

HB 2494 by Representatives Santos and Harris

AN ACT Relating to expanding statewide career and technical education course equivalency options; and amending RCW 28A.700.070.

Referred to Committee on Education.

HB 2495 by Representatives Santos and Harris

AN ACT Relating to updating application requirements for the academic acceleration incentive program; and amending RCW 28A.320.195 and 28A.320.196.

Referred to Committee on Education.

HB 2496 by Representatives Santos and Harris

AN ACT Relating to strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students; and amending RCW 28A.300.288, 28A.320.127, and 28A.310.500.

Referred to Committee on Education.

HB 2497 by Representatives Pellicciotti, Appleton and Orwall

AN ACT Relating to aircraft noise abatement; and amending RCW 53.54.020 and 53.54.030.

Referred to Committee on Local Government.

HB 2498 by Representatives Caldier, Kilduff, Muri, Cody and Young

AN ACT Relating to facilitating the credentialing process for military spouses and state registered domestic partners of military persons; amending RCW 18.71.205; adding a new section to chapter 18.71 RCW; and adding new sections to chapter 18.73 RCW.

Referred to Committee on Health Care & Wellness.

HB 2499 by Representatives Caldier, Gregerson and Pike

AN ACT Relating to exempting seeds and plants used to grow food from retail sales and use tax; adding a new

section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2500 by Representatives Caldier, Jinkins, Manweller and Cody

AN ACT Relating to the salaries of nonprofit health carriers; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2501 by Representatives Caldier, Slatter, Cody and Harris

AN ACT Relating to facilitating access to the prescription monitoring program; and reenacting and amending RCW 70.225.020.

Referred to Committee on Health Care & Wellness.

HB 2502 by Representatives Caldier, Cody, Manweller and DeBolt

AN ACT Relating to explanation of benefits for stand-alone dental plans; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2503 by Representatives Vick, Wylie, Pike, Harris, Steele and Stonier

AN ACT Relating to zoning regulations relating to accessory dwelling units; and amending RCW 43.63A.215.

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

HB 2504 by Representative Hansen

AN ACT Relating to making the funding of the opportunity scholarship program a maintenance level item for budgeting purposes; amending RCW 28B.145.040; and creating a new section.

Referred to Committee on Appropriations.

HB 2505 by Representatives Blake, Orcutt, Walsh, Chapman, Dent and Stanford

AN ACT Relating to increasing participation in recreational fishing and hunting; amending RCW 77.08.010, 77.32.470, 77.32.520, and 77.32.580; adding new sections to chapter 77.32 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2506 by Representatives Sawyer, Kilduff, Ormsby and Appleton

AN ACT Relating to liability for exemplary damages; amending RCW 4.92.090 and 4.96.010; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2507 by Representatives Appleton and Griffey

AN ACT Relating to employee recognition awards; and amending RCW 36.32.460.

Referred to Committee on Local Government.

HB 2508 by Representatives Goodman and Griffey

AN ACT Relating to fire service mobilization; and repealing 2015 c 181 s 5 (uncodified).

Referred to Committee on Public Safety.

HB 2509 by Representative Hayes

AN ACT Relating to mandatory reporting of child abuse and neglect; amending RCW 26.44.080; reenacting and amending RCW 26.44.030; prescribing penalties; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2510 by Representative Morris

AN ACT Relating to net metering; amending RCW 80.60.010, 80.60.020, and 80.60.030; and adding a new section to chapter 80.60 RCW.

Referred to Committee on Technology & Economic Development.

HB 2511 by Representatives Manweller and Fitzgibbon

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2512 by Representatives Kagi, Dent, Senn and McCaslin

AN ACT Relating to making technical changes regarding the department of children, youth, and families; amending RCW 28A.655.080, 74.09.470, 43.63A.068, 43.63A.066, 43.31.571, 41.06.097, 74.12.340, 74.08A.260, 74.04.014, 70.305.020,

70.305.010, 70.198.020, 43.216.065, 43.121.100, 43.88C.050, 43.31.583, 43.31.581, 43.31.575, 43.20.275, 42.48.010, 41.04.385, 36.70A.450, 36.70.757, 35A.63.215, 35.63.185, 35.21.688, 28B.77.005, 28A.655.220, 28A.300.570, 28A.188.040, 28A.175.075, 28A.155.160, 19.02.050, 43.216.555, 43.216.370, 43.216.355, 43.216.350, 43.216.325, 43.216.315, 43.216.305, 43.216.300, 43.216.265, 43.216.045, 43.216.105, 9.94A.655, 26.44.220, 9.94A.6551, 74.13.632, 74.13.341, 28A.300.525, 74.13.020, 72.05.435, 13.34.030, 74.31.020, 74.15.038, 74.13.660, 74.13.570, 71.24.065, 43.185C.285, 43.185C.260, 28B.105.060, 28A.300.592, 26.44.125, 7.68.801, 2.70.090, 43.216.380, 43.216.165, 43.216.250, 13.34.062, 13.34.069, 74.13A.005, 74.14A.060, 13.90.010, 43.216.015, 43.06A.030, 13.50.010, 74.14B.010, 43.216.906, and 43.216.905; reenacting and amending RCW 43.216.270; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2513 by Representatives Orwall, Holy, Kilduff, Pellicciotti, Ortiz-Self, Senn and Stambaugh

AN ACT Relating to implementing a comprehensive approach to suicide prevention and behavioral health in higher education, with enhanced services to student veterans; adding new sections to chapter 43.70 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2514 by Representatives Kilduff, Muri, Sawyer, Frame, Jinkins, Gregerson, Valdez and Lovick

AN ACT Relating to discriminatory provisions found in written instruments related to real property; amending RCW 49.60.227 and 64.38.028; and providing an effective date.

Referred to Committee on Judiciary.

HB 2515 by Representatives Tharinger, Schmick, Cody, Johnson, Jinkins, Harris and Robinson

AN ACT Relating to updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care; amending RCW 74.39A.030; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 2516 by Representatives Cody, Harris, Jinkins and Robinson

AN ACT Relating to modernizing the health benefit exchange statutes by aligning statutes with current practice and making clarifying changes to the health

benefit exchange enabling statute; amending RCW 43.71.010, 43.71.020, 43.71.030, 43.71.060, 43.71.065, 43.71.070, 43.71.075, 43.71.080, and 48.43.039; and repealing RCW 43.71.035, 43.71.040, 43.71.050, and 43.71.090.

Referred to Committee on Health Care & Wellness.

HB 2517 by Representatives Stonier, Vick, Kirby and Jenkin

AN ACT Relating to the issuance of penalties for a licensed alcohol manufacturer's ancillary activities; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2518 by Representatives Schmick, Barkis and Dye

AN ACT Relating to siting tenant-owned mobile home parks for senior citizens; amending RCW 36.70.493; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Environment.

HB 2519 by Representatives Lovick, Hayes, Goodman, Klippert and Appleton

AN ACT Relating to concealed pistol license eligibility requirements; amending RCW 9.41.345; and reenacting and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 2520 by Representatives Pike, Caldier and Shea

AN ACT Relating to modifying the requirements for renewing state need grants; and amending RCW 28B.92.020 and 28B.92.060.

Referred to Committee on Higher Education.

HB 2521 by Representative Pike

AN ACT Relating to vacation of roads abutting bodies of water; and amending RCW 36.87.130.

Referred to Committee on Local Government.

HB 2522 by Representatives Pike, Blake, Kraft, Peterson, Orcutt, Shea, Vick, Caldier, Manweller, Reeves, Doglio, Riccelli and Smith

AN ACT Relating to modifying qualifications for disabled veterans to receive fee exempt license plates; and amending RCW 46.18.235.

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

HB 2523 by Representatives Hudgins, DeBolt, Kloba, Tarleton, Smith and Morris

AN ACT Relating to the annual reporting requirements for regulated utility and transportation companies; amending RCW 80.04.080 and 81.04.080; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2524 by Representatives Pike, Blake, Manweller, Vick and Shea

AN ACT Relating to soil samples in classifying agricultural and forestland; and amending RCW 36.70A.050.

Referred to Committee on Environment.

HB 2525 by Representatives Pike, Blake, Vick, Shea and Manweller

AN ACT Relating to consistency of growth management act plans and development regulations with the Revised Code of Washington; amending RCW 36.70A.120, 36.70A.130, 36.70A.280, and 36.70A.280; and creating a new section.

Referred to Committee on Environment.

HB 2526 by Representative Hudgins

AN ACT Relating to creating a committee to consider state elections policy; adding a new section to chapter 29A.04 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2527 by Representative Hudgins

AN ACT Relating to evaluating random check procedures for ballot counting equipment; and amending RCW 29A.60.170.

Referred to Committee on State Government, Elections & Information Technology.

HB 2528 by Representative Hudgins

AN ACT Relating to providing for the coordination of continuity of operations efforts for elections; amending RCW 38.52.030; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2529 by Representatives Kraft and Hudgins

AN ACT Relating to the costs of election administration; creating a new section; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2530 by Representatives Senn, Graves, Caldier, Fey and Stonier

AN ACT Relating to foster youth health care benefits; amending RCW 74.09.860; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2531 by Representative Santos

AN ACT Relating to social determinates of health, including changing the name of the governor's interagency coordinating council on health disparities and evaluating data; amending RCW 43.20.270, 43.20.025, 43.20.275, 43.20.280, and 43.20.285; adding new sections to chapter 43.20 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.215 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2532 by Representatives Sells, Hayes, Holy, Sullivan and Irwin

AN ACT Relating to fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list; adding a new section to chapter 10.93 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2533 by Representatives Jinkins, Johnson, Cody, Tharinger, Harris, Slatter, Appleton, Frame, Robinson, Haler, Stonier and Fitzgibbon

AN ACT Relating to long-term care services and supports; and adding a new chapter to Title 50A RCW.

Referred to Committee on Health Care & Wellness.

HB 2534 by Representative Gregerson

AN ACT Relating to dates and timelines associated with the operation of the state primary and elections; amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.050, 29A.24.181, 29A.28.041, 29A.60.190, and 29A.60.240; reenacting and amending RCW 29A.16.040; and repealing RCW 29A.24.072.

Referred to Committee on State Government, Elections & Information Technology.

HB 2535 by Representatives Hayes and Goodman

AN ACT Relating to criminal background checks for employees of certain towing operators; and amending RCW 46.55.115.

Referred to Committee on Transportation.

HB 2536 by Representatives Appleton and Griffey

AN ACT Relating to noncollection of taxes by county treasurers; and amending RCW 84.56.250.

Referred to Committee on Local Government.

HB 2537 by Representatives Appleton and Griffey

AN ACT Relating to sales of manufactured/mobile or park model homes at county treasurer's foreclosure or distraint sales; and amending RCW 46.12.700.

Referred to Committee on Judiciary.

HB 2538 by Representatives McBride, Barkis, Appleton, Peterson, Springer and Slatter

AN ACT Relating to exempting impact fees for low-income housing development; amending RCW 82.02.060; providing an effective date; and declaring an emergency.

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

HB 2539 by Representatives Peterson and Griffey

AN ACT Relating to public hospital district health and wellness promotion activities and superintendent appointment and removal; and amending RCW 70.44.007 and 70.44.070.

Referred to Committee on Local Government.

HB 2540 by Representatives McBride and Griffey

AN ACT Relating to clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels; amending RCW 53.08.040; and creating a new section.

Referred to Committee on Local Government.

HB 2541 by Representatives Kilduff and Rodne

AN ACT Relating to expanding the classes of persons who may provide informed consent for certain patients

who are not competent to consent; and amending RCW 7.70.065.

Referred to Committee on Judiciary.

HB 2542 by Representatives Nealey, Goodman, Jenkin, Klippert, Haler, Smith and Hansen

AN ACT Relating to obtaining ex parte temporary orders outside of normal court hours; and amending RCW 26.50.070.

Referred to Committee on Judiciary.

HB 2543 by Representatives Lovick, Irwin, Springer, Kirby, Doglio, Frame, Chandler, Stokesbary, Griffey, Volz, Ortiz-Self, McBride and Senn

AN ACT Relating to establishing regional school safety centers in educational service districts; adding a new section to chapter 28A.310 RCW; creating a new section; and repealing RCW 28A.310.505.

Referred to Committee on Education.

HB 2544 by Representatives Stonier, Johnson, Volz, Kraft, Vick, Wylie and Blake

AN ACT Relating to requiring property sold in tax lien foreclosure proceedings to be sold as is; and amending RCW 84.64.080.

Referred to Committee on Judiciary.

HB 2545 by Representatives Stonier, Johnson, Volz, Kraft, Vick, Wylie and Blake

AN ACT Relating to mosquito control districts; and amending RCW 17.28.257.

Referred to Committee on Local Government.

HB 2546 by Representatives Muri and Kilduff

AN ACT Relating to waivers of required ballot box placements; and amending RCW 29A.40.160.

Referred to Committee on State Government, Elections & Information Technology.

HB 2547 by Representatives Muri and Kilduff

AN ACT Relating to eliminating certificate of need requirements; and amending RCW 70.38.025 and 70.38.105.

Referred to Committee on Health Care & Wellness.

HB 2548 by Representatives Muri and Kilduff

AN ACT Relating to railroad community notice requirements; and adding a new section to chapter 81.48 RCW.

Referred to Committee on Transportation.

HB 2549 by Representative Muri

AN ACT Relating to expanding the alternative fuel vehicle sales and use tax exemption; amending RCW 82.08.809 and 82.12.809; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2550 by Representatives Muri and Kilduff

AN ACT Relating to providing tax exemptions for the assistance of disabled veterans and members of the armed forces of the United States of America; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2551 by Representative Muri

AN ACT Relating to removing areas from a regional transit authority; adding a new section to chapter 81.112 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2552 by Representatives Blake, Walsh and Tharinger

AN ACT Relating to municipal police districts; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

HB 2553 by Representatives Blake and Orcutt

AN ACT Relating to adjusting assessments levied on hardwood processors; amending RCW 15.74.060; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2554 by Representatives Blake, Walsh and Tharinger

AN ACT Relating to establishing compassionate care renewals for medical marijuana qualifying patients; amending RCW 69.51A.030 and 69.51A.230; adding a new section to chapter 69.51A RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2555 by Representatives Dent, Blake, Buys and Orwall

AN ACT Relating to providing the director of the department of fish and wildlife the authority to issue permits to the Wanapum Indians for other freshwater food fish for ceremonial and subsistence purposes; and amending RCW 77.12.453.

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

HB 2556 by Representatives Jinkins, Appleton, Stonier and Robinson

AN ACT Relating to protecting consumers and purchasers from excessive increases in generic prescription drug prices; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

HB 2557 by Representatives Maycumber, Lovick, Graves, Volz, DeBolt, Stambaugh, Chandler, Cody, Caldier and Fitzgibbon

AN ACT Relating to bone marrow donation; amending RCW 70.54.280; adding a new section to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2558 by Representatives Kirby and Santos

AN ACT Relating to preventing public identification or stigmatization of public school students based on unsatisfactory attendance, academic performance, or behavior; amending RCW 28A.400.110; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2559 by Representatives Blake and Condotta

AN ACT Relating to home cultivation of marijuana; and amending RCW 69.50.4013.

Referred to Committee on Commerce & Gaming.

HB 2560 by Representatives Condotta and Barkis

AN ACT Relating to advancing the American dream by allowing increased family residential development in counties where the first-time buyer housing affordability index shows that housing is not affordable; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment.

HB 2561 by Representatives Dent, Blake, Dye, Doglio, Johnson and Peterson

AN ACT Relating to temporary duties for the wildland fire advisory committee; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2562 by Representatives Dent, Blake, Dye, Doglio, Johnson and Peterson

AN ACT Relating to rangeland fire protection associations; amending RCW 43.30.111, 43.30.215, 43.43.960, 52.12.160, 76.04.015, 76.04.135, and 76.04.181; reenacting and amending RCW 43.43.960; adding a new section to chapter 43.30 RCW; adding a new chapter to Title 24 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2563 by Representatives Condotta and Sawyer

AN ACT Relating to consumer sales price notification regarding spirits sold at retail for off-premises consumption; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Gaming.

HB 2564 by Representatives Lovick, Graves, Orwall, Stanford, Riccelli, Sells, Gregerson and Macri

AN ACT Relating to creating Patches pal special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2565 by Representative Schmick

AN ACT Relating to drug and gene therapy payment for medicaid managed care organizations; amending RCW 70.14.050; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 2566 by Representative Schmick

AN ACT Relating to funding the medical marijuana authorization database; amending RCW 43.70.320, 69.50.540, and 69.51A.230; and providing an effective date.

Referred to Committee on Appropriations.

HB 2567 by Representatives Shea, Hudgins, McDonald, Pike, Kraft, McCaslin, Volz, Irwin and Taylor

AN ACT Relating to prohibiting the names of county auditors and the secretary of state in their official capacity on election materials; and amending RCW 29A.32.070, 29A.32.241, and 29A.40.091.

Referred to Committee on State Government, Elections & Information Technology.

HB 2568 by Representatives Eslick, Vick and Jenkin

AN ACT Relating to establishing an on-premises retail alcohol license for a business at which customers participate in an art activity such as painting, pottery, or sculpting; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2569 by Representatives Stambaugh, Kilduff, Muri, Stokesbary and Harmsworth

AN ACT Relating to exempting trailers from motor vehicle excise taxes imposed by regional transit authorities; amending RCW 81.104.160 and 82.44.125; and creating a new section.

Referred to Committee on Transportation.

HB 2570 by Representatives Stambaugh and Robinson

AN ACT Relating to a database of pharmacies offering vaccines and self-administered hormonal contraceptives through collaborative drug therapy agreements; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care & Wellness.

HB 2571 by Representatives Stambaugh, McDonald, Johnson and Haler

AN ACT Relating to overtime compensation for seasonal employees at agricultural fairs; and amending RCW 49.46.130.

Referred to Committee on Labor & Workplace Standards.

HB 2572 by Representatives Cody, Macri and Jinkins

AN ACT Relating to removing health coverage barriers to accessing substance use disorder treatment services; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2573 by Representatives Kloba, Sawyer, Reeves and Springer

AN ACT Relating to alcohol server permits; amending RCW 66.24.170 and 66.24.244; and reenacting and amending RCW 66.24.240.

Referred to Committee on Commerce & Gaming.

HB 2574 by Representatives Kloba, Sawyer, Condotta, Slatter, Robinson, Kirby, Stanford, Vick and Pollet

AN ACT Relating to establishing an endorsement to the marijuana retailer's license authorizing delivery services to qualified medical marijuana patients; amending RCW 69.50.375 and 43.06.490; adding a new section to chapter 69.50 RCW; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2575 by Representatives Maycumber, Macri, Buys, Chapman, Taylor, Holy, McCaslin, Volz, Condotta, Schmick and Caldier

AN ACT Relating to waiving fees related to groundwater withdrawals for low-income housing units; amending RCW 36.70A.540 and 18.104.055; adding a new section to chapter 90.44 RCW; and adding a new section to chapter 90.54 RCW.

Referred to Committee on Environment.

HB 2576 by Representatives Griffey and Springer

AN ACT Relating to allowing fire protection district annexations and mergers within a reasonable geographic proximity; and amending RCW 52.04.031, 52.26.020, 52.26.060, and 52.26.300.

Referred to Committee on Local Government.

HB 2577 by Representatives Lytton, Nealey, Springer, Dent, Wylie, Holy, Riccelli and Rodne

AN ACT Relating to removing the expiration date of the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2578 by Representatives Riccelli, Kirby, Macri, Peterson, Appleton, McBride, Frame, Doglio, Stanford and Goodman

AN ACT Relating to preserving and expanding rental housing options for persons whose source of income is derived from or includes sources other than employment; amending 2017 3rd sp.s. c 4 s 1028

(uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2579 by Representatives Kilduff, McDonald, Muri, Fey and Stambaugh

AN ACT Relating to the placement and treatment of conditionally released sexually violent predators; amending RCW 71.09.096; adding new sections to chapter 71.09 RCW; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2580 by Representative Morris

AN ACT Relating to promoting renewable natural gas; amending RCW 82.04.260, 82.08.900, 82.08.962, 82.12.900, 82.12.962, 84.36.635, and 82.29A.135; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2581 by Representatives Kilduff, Dent and Muri

AN ACT Relating to the Washington achieving a better life experience program account; and amending RCW 43.330.460, 43.330.462, and 43.330.464.

Referred to Committee on Early Learning & Human Services.

HB 2582 by Representatives Reeves, Johnson, Kilduff and MacEwen

AN ACT Relating to the department of veterans affairs; amending RCW 43.60A.050, 72.36.020, 72.36.090, 72.36.100, 72.36.110, and 72.36.150; and reenacting RCW 43.60A.100.

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

HB 2583 by Representatives Macri, Gregerson, Frame, Pollet, Dolan, Peterson, Appleton, Wylie, Cody, Tarleton and Robinson

AN ACT Relating to local authority to address affordable housing needs through regulation of rent and associated charges; creating a new section; and repealing RCW 35.21.830 and 36.01.130.

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

HB 2584 by Representatives Maycumber, Taylor, Buys, Holy, McCaslin, Condotta, Volz and Schmick

AN ACT Relating to providing assistance to victims of government actions originating as part of the implementation of the growth management act by the state or local governments; amending RCW 36.70A.290 and 43.79A.040; reenacting and amending RCW 42.56.240; adding a new section to chapter 43.10 RCW; and creating new sections.

Referred to Committee on Environment.

HB 2585 by Representatives Caldier, Orwall, McCabe, Gregerson, Jinkins, Cody and Pike

AN ACT Relating to hospital notification of availability of sexual assault evidence kit collection; adding a new section to chapter 70.41 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2586 by Representatives Caldier, Cody, Slatter, Harris and Rodne

AN ACT Relating to graded dosage packs of schedule II and III controlled substances; adding a new section to chapter 18.64 RCW; adding a new section to chapter 69.50 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2587 by Representatives Valdez, McBride and Fitzgibbon

AN ACT Relating to required disclosures for special prosecuting attorneys; amending RCW 36.32.200; and providing an effective date.

Referred to Committee on Judiciary.

HB 2588 by Representatives Caldier, Appleton and Cody

AN ACT Relating to providing patients notice of facility fees charged by hospitals and ambulatory surgical facilities; and adding a new section to chapter 70.02 RCW.

Referred to Committee on Health Care & Wellness.

HB 2589 by Representatives Caldier, Appleton, Jinkins and Cody

AN ACT Relating to certificates of need; and amending RCW 70.38.105, 70.38.115, and 70.38.125.

Referred to Committee on Health Care & Wellness.

HB 2590 by Representatives Ortiz-Self, Harris, Kilduff, Stonier and Lovick

AN ACT Relating to the transitional bilingual instruction program; amending RCW 28A.180.040; and adding new sections to chapter 28A.180 RCW.

Referred to Committee on Education.

HB 2591 by Representatives McBride, Harris, Blake and Vick

AN ACT Relating to hearing instrument replacement under the industrial insurance medical aid benefit; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2592 by Representative Morris

AN ACT Relating to the efficient deployment of small cell network infrastructure; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2593 by Representative Morris

AN ACT Relating to the dispute resolution process for utility pole attachments; and amending RCW 54.04.045.

Referred to Committee on Technology & Economic Development.

HB 2594 by Representative Morris

AN ACT Relating to studying the feasibility of a statewide infrastructure authority; creating new sections; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2595 by Representatives Hudgins, Dolan, Appleton, Gregerson and Pellicciotti

AN ACT Relating to increasing opportunities for citizens to participate in elections by streamlining procedures in order to automatically register citizens to vote; amending RCW 29A.08.110, 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.720, and 42.56.230; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on State Government, Elections & Information Technology.

HB 2596 by Representatives Riccelli, Volz, Shea and Ormsby

AN ACT Relating to governing the use of narrow track vehicles; amending RCW 46.04.320, 46.61.165, 46.61.184, 46.61.575, 46.61.608, and 47.52.025; adding a new section to chapter 46.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2597 by Representative Sullivan

AN ACT Relating to extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes; amending RCW 84.36.381 and 84.55.050; and creating a new section.

Referred to Committee on Finance.

HB 2598 by Representatives Riccelli, Schmick, Chapman, Maycumber and Dye

AN ACT Relating to establishing a matched student loan repayment program for medical doctors working in rural areas; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HJM 4014 by Representatives Shea, Fitzgibbon, Wilcox, Tharinger, Dent, Doglio, Buys, Fey, Manweller, Peterson, Maycumber, Ryu, Nealey, Pettigrew, Johnson, Springer, Haler, Lytton and Stokesbary

Supporting the continued research, development, production, and application of biochar from our forests and agricultural lands.

Referred to Committee on Agriculture & Natural Resources.

SCR 8407 by Senators Liias and Fain

Establishing cutoff dates for the consideration of legislation during the 2018 regular session of the sixty-fifth legislature.

There being no objection, the bills, joint memorial and concurrent resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL 2528 which was referred to the Committee on Public Safety, HOUSE BILL NO. 2594 which was referred to the Committee on Technology & Economic Development, and SENATE CONCURRENT RESOLUTION NO. 8407 which, under suspension of the rules, was placed on the second reading calendar.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Appropriations (originally sponsored by Representatives Stonier, Dolan, Ortiz-Self, Riccelli, Orwall, Peterson, Sawyer, Doglio, Gregerson, Slatter, Frame, Macri, Bergquist, Senn, Ryu, Kloba, Stanford, Sells, Farrell, Lovick, McBride, Pollet, Hudgins, Jinkins, Kagi, Appleton, Goodman, Tharinger, Clibborn, Ormsby, Cody, Santos, Fey and Pettigrew)

Promoting student health and readiness through meal and nutrition programs.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Stonier moved the adoption of the striking amendment (653):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell programs, a program model that has increased

breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.235 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 4 of this act unless the context clearly requires otherwise.

(1) "Breakfast after the bell" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models include, but are not limited to:

(a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;

(b) "Second chance breakfast," where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of

2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1) (a) In accordance with section 6 of this act and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection (1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. In addition, each food item served in a breakfast after the

bell program must contain less than twenty-five percent, by weight, added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the programs under this section within the state's obligation for basic education funding under Article IX of the state Constitution.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the implementation of section 3 of this act that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various

funding options available to high-needs schools such as the community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

Sec. 5. RCW 28A.150.205 and 1992 c 141 s 502 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals. If students are provided the opportunity to engage in educational activity concurrently with the consumption of breakfast, and the provision of breakfast allows the regular instructional program to continue functioning, the period of time designated for student participation in breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.235 RCW to read as follows:

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only in years in which funding is specifically provided for the purposes of chapter . . . , Laws of 2018 (this act), referencing chapter . . . , Laws of 2018 (this act) by bill or chapter number or statutory references, in a biennial or supplemental operating budget.

Sec. 7. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:

(1) (a) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction may award grants to school districts to:

(i) Increase awareness of and participation in school breakfast and lunch programs (~~(~~to~~)~~), including breakfast after the bell programs;

(ii) Improve program quality (~~(~~and to~~)~~), including the nutritional content of program food and the promotion of nutritious food choices by students;

(iii) Promote innovative school-based programs, including but not limited to developing organic gardens that provide produce used in school breakfast or lunch programs; and

(iv) Improve the equipment and facilities used in the programs.

(b) If applicable, school districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent

of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer markets that include, but are not limited to, farmers' markets, local retailers, restaurants, value-added product

developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this subsection (3), regional markets program activities may include, but are not limited to:

(a) Connecting schools and other institutions with farmers and distribution chains;

(b) Overcoming seasonality constraints;

(c) Providing budgeting assistance;

(d) Navigating procurement requirements; and

(e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects established by school districts that receive grants in accordance with this section must:

(a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and

(b) Provide participating youth with opportunities for:

(i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;

(ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;

(iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and

(iv) Improving food security for themselves and their community through the project.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with section 3 of this act. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

- (a) Tardiness and absenteeism;
- (b) Suspensions;
- (c) Reported illnesses and visits to nurses' offices;
- (d) Results on standardized tests; and
- (e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026.

NEW SECTION. Sec. 10. Sections 3, 4, and 6 of this act expire June 30, 2028.

NEW SECTION. Sec. 11. This act may be known and cited as the Washington kids ready to learn act of 2018."

Correct the title.

Representatives Stonier and Harris spoke in favor of the adoption of the striking amendment.

The striking amendment (653) was adopted.

The bill was ordered engrossed.

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

Representatives Stonier, Johnson, Hudgins, Santos, Steele, Dolan and Johnson (again) spoke in favor of the passage of the bill.

Representatives Hargrove, Hargrove (again) and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1508.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1508, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Dent, Dye, Hargrove, Jenkin, Klippert, Kraft, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor and Vick.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2200 and the bill was referred to the Committee on Technology & Economic Development.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

There being no objection, the House adjourned until 10:00 a.m., January 11, 2018, the 4th Day of the Regular Session.

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 11, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Macenna Perez and Pranav Prasad. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Father Joseph Mikel, St. David of Wales Episcopal Church, Shelton, Washington.

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

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

REPORTS OF STANDING COMMITTEES

January 9, 2018

SHB 1293 Prime Sponsor, Committee on Higher Education: Concerning witnessing a student's college bound scholarship pledge when efforts to obtain a parent's or guardian's signature are unsuccessful. Reported by Committee on Higher Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Orwall; Sells; Stambaugh and Tarleton.

January 9, 2018

SHB 1433 Prime Sponsor, Committee on Higher Education: Decoupling services and activities fees from tuition. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of SUBSTITUTE HOUSE BILL NO. 1293 which was placed on the second reading calendar.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1047 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1056
 SUBSTITUTE HOUSE BILL NO. 1186
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239
 HOUSE BILL NO. 1499
 SECOND SUBSTITUTE HOUSE BILL NO. 1541
 HOUSE BILL NO. 1630
 SUBSTITUTE HOUSE BILL NO. 1655
 HOUSE BILL NO. 1715
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1783
 HOUSE CONCURRENT RESOLUTION NO. 4400

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

INTRODUCTION & FIRST READING

HB 2599 by Representative Fitzgibbon

AN ACT Relating to allowing local governments to collect reasonable fees to cover costs for long-range planning required by state environmental policy statutes; and amending RCW 82.02.020.

Referred to Committee on Environment.

HB 2600 by Representatives Irwin, Appleton, Taylor, Young, Volz, Peterson, Hayes and Shea

AN ACT Relating to the concealed carry of certain fixed blade knives; amending RCW 9.41.250; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2601 by Representatives Fey, Jinkins and Sawyer

AN ACT Relating to reducing air emissions associated with certain port trucking operations; adding a new section to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Environment.

HB 2602 by Representatives Fey, Jinkins and Sawyer

AN ACT Relating to updating certain standards applicable to toxic air pollutants; adding a new section to chapter 70.94 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Environment.

HB 2603 by Representatives Fey, Jinkins and Sawyer

AN ACT Relating to distinguishing emissions sources that degrade air quality adjacent to certain port operations; and creating a new section.

Referred to Committee on Environment.

HB 2604 by Representative Tarleton

AN ACT Relating to emerging internet technology applications and consumers utilizing the services of carrier network companies and carrier network company operators; amending RCW 81.80.070, 81.80.305, 81.80.355, and 81.04.010; reenacting and amending RCW 81.80.010; and creating a new section.

Referred to Committee on Transportation.

HB 2605 by Representatives Irwin and Macri

AN ACT Relating to misdemeanor supervision services by limited jurisdiction courts; amending RCW 4.24.760, 39.34.180, and 70.48.090; and reenacting and amending RCW 10.64.120.

Referred to Committee on Judiciary.

HB 2606 by Representatives Valdez, Orcutt and Clibborn

AN ACT Relating to bringing the state into compliance with the federal FAST act; and amending RCW 46.44.030.

Referred to Committee on Transportation.

HB 2607 by Representatives Irwin, Wilcox, Fitzgibbon and Stokesbary

AN ACT Relating to promoting redevelopment of certain areas to encourage transit supportive densities

and efficient land use; and amending RCW 84.14.007 and 84.14.040.

Referred to Committee on Environment.

HB 2608 by Representatives Reeves, Wylie, Volz and Fey

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381, 84.36.383, 84.36.385, and 84.38.020; reenacting and amending RCW 84.38.030; and creating new sections.

Referred to Committee on Finance.

HB 2609 by Representative Tarleton

AN ACT Relating to modernizing and clarifying in-state distilled spirits production licenses and fees; amending RCW 66.04.010, 66.24.140, 66.24.520, 66.24.630, 66.28.040, 66.28.295, 66.20.410, 66.20.010, and 66.28.310; adding a new section to chapter 66.24 RCW; repealing RCW 66.24.145; providing an effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Commerce & Gaming.

HB 2610 by Representatives Peterson, Bergquist and Pollet

AN ACT Relating to a hunger-free students' bill of rights; adding new sections to chapter 28A.235 RCW; and creating a new section.

Referred to Committee on Education.

HB 2611 by Representatives Barkis, Walsh, Irwin, Klippert, Hayes, Maycumber, Lovick, Stambaugh, Griffey and Wilcox

AN ACT Relating to the privilege for peer support group counselors; and reenacting and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 2612 by Representative Condotta

AN ACT Relating to tow truck operators; adding a new section to chapter 46.55 RCW; creating a new section; and repealing RCW 46.76.040, 46.79.060, and 46.80.060.

Referred to Committee on Transportation.

HB 2613 by Representatives Kilduff, Muri, Pollet and Kagi

AN ACT Relating to employment services for individuals with developmental disabilities; amending RCW 28A.155.220 and 71A.12.290; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2614 by Representatives Bergquist, McDonald and Hudgins

AN ACT Relating to ballots returned electronically; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government, Elections & Information Technology.

HB 2615 by Representatives Santos and Harris

AN ACT Relating to the transitional bilingual instruction program's definition of native language; and reenacting and amending RCW 28A.180.030.

Referred to Committee on Education.

HB 2616 by Representatives Santos and Harris

AN ACT Relating to expanding the definition of eligible pupil for purposes of the transitional bilingual instruction program; and reenacting and amending RCW 28A.180.030.

Referred to Committee on Education.

HB 2617 by Representatives Santos and Harris

AN ACT Relating to granting of high school diplomas by community or technical colleges; and amending RCW 28B.50.535.

Referred to Committee on Education.

HB 2618 by Representatives Irwin, Walsh, Volz, Johnson, Hayes and Condotta

AN ACT Relating to relief from government actions during property development; and amending RCW 64.40.010, 64.40.020, and 64.40.030.

Referred to Committee on Judiciary.

HB 2619 by Representatives Irwin, Eslick, Orwall, Pellicciotti, Volz, Walsh, Griffey, Hayes and Johnson

AN ACT Relating to protecting the public by increasing penalties for certain repeat offenders who engage in lurid criminal conduct; amending RCW 9A.36.041 and 9A.88.010; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2620 by Representative Hudgins

AN ACT Relating to strengthening the initiative process by providing for more comprehensive review

before initiatives receive ballot titles; amending RCW 29A.72.010, 29A.72.020, 29A.72.030, and 43.07.120; adding new sections to chapter 29A.72 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2621 by Representatives Stonier, Harris, Dolan and MacEwen

AN ACT Relating to certificates of academic and individual achievement; amending RCW 28A.155.045, 28A.155.170, 28A.230.090, 28A.230.122, 28A.230.125, 28A.655.068, 28A.655.070, 28A.180.100, 28A.195.010, 28A.200.010, 28A.305.130, 28A.320.208, 28A.415.360, and 28A.600.310; adding a new section to chapter 28A.655 RCW; creating a new section; repealing RCW 28A.600.405, 28A.655.061, 28A.655.063, 28A.655.065, and 28A.655.066; and declaring an emergency.

Referred to Committee on Education.

HB 2622 by Representative Manweller

AN ACT Relating to sales and use tax for county rail districts; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2623 by Representative Manweller

AN ACT Relating to allowing pharmacies and pharmacists to inform patients about lower cost alternatives; and adding a new section to chapter 19.340 RCW.

Referred to Committee on Health Care & Wellness.

HB 2624 by Representative Chapman

AN ACT Relating to requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; and adding a new section to chapter 49.39 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2625 by Representatives Hudgins and Dolan

AN ACT Relating to technical changes by the department of enterprise services; amending RCW 39.04.020, 39.04.320, 43.19.600, and 46.08.065; and repealing RCW 41.04.460.

Referred to Committee on State Government, Elections & Information Technology.

HB 2626 by Representatives Blake, Griffey, Wilcox, Condotta, Tharinger and Nealey

AN ACT Relating to increasing commercial fishing license fees for nonresidents; amending RCW 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.480, and 77.65.510; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2627 by Representatives Springer and Stokesbary

AN ACT Relating to authorizations of proposals for emergency medical care and service levies; and amending RCW 84.52.069.

Referred to Committee on Finance.

HB 2628 by Representatives Fey and Stambaugh

AN ACT Relating to the compensation of commissioners of certain metropolitan park districts; and amending RCW 35.61.150.

Referred to Committee on Local Government.

HB 2629 by Representatives Kirby and Vick

AN ACT Relating to actions arising out of real estate appraisal activity; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Judiciary.

HB 2630 by Representatives Griffey and MacEwen

AN ACT Relating to ensuring marijuana license applicants are in compliance with local ordinances; and amending RCW 69.50.331.

Referred to Committee on Commerce & Gaming.

HB 2631 by Representative Griffey

AN ACT Relating to spurring innovation through incentivizing the use of sustainable building materials; reenacting and amending RCW 43.84.092; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.45 RCW; and creating new sections.

Referred to Committee on Technology & Economic Development.

HB 2632 by Representatives Doglio, Fitzgibbon and Senn

AN ACT Relating to limiting public exposure to certain dangerous chemicals through restrictions on chemicals in certain consumer products and improved public disclosure; amending RCW 70.240.025 and 70.240.040; and reenacting and amending RCW 70.240.010.

Referred to Committee on Environment.

HB 2633 by Representatives Doglio, Sawyer, Griffey, Irwin, Reeves, Fitzgibbon, Stambaugh, Stonier and Stokesbary

AN ACT Relating to the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement; and amending RCW 51.32.185.

Referred to Committee on Labor & Workplace Standards.

HB 2634 by Representatives Chapman, Graves, Fitzgibbon and Hayes

AN ACT Relating to antifouling paints on recreational water vessels; amending RCW 70.300.005, 70.300.010, and 70.300.020; creating a new section; and declaring an emergency.

Referred to Committee on Environment.

HB 2635 by Representatives Kilduff, Muri, Sawyer and Kirby

AN ACT Relating to creating a military benefit zone program; adding a new chapter to Title 39 RCW; and adding a new chapter to Title 82 RCW.

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

HB 2636 by Representatives Holy, Volz, Van Werven, Maycumber, Haler, MacEwen, Buys, Manweller, Vick, Rodne, Dent, Jenkin, Graves, Taylor, Hargrove, Shea, Young, McCaslin, DeBolt, Kraft, Hayes, Chandler and Klippert

AN ACT Relating to fiscal notes for supreme court decisions; and amending RCW 43.88A.010, 43.88A.020, 43.88A.030, 43.132.020, 43.132.040, 43.132.800, 43.132.810, and 28A.300.0401.

Referred to Committee on Appropriations.

HB 2637 by Representatives Holy, Pollet and Van Werven

AN ACT Relating to the treatment and handling of communications and records held by campus-affiliated advocates at institutions of higher education; amending RCW 28B.112.030; reenacting and amending RCW 5.60.060; adding a new section to chapter 28B.112 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2638 by Representatives Goodman and Pettigrew

AN ACT Relating to creating a graduated reentry program of partial confinement for certain offenders; amending RCW 9.94A.030, 9.94A.734, and 9.94A.190; reenacting and amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

HB 2639 by Representatives Buys, Peterson, Stokesbary, Graves, Stambaugh, Bergquist, Vick, Walsh, Volz, Shea and Blake

AN ACT Relating to exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Health Care & Wellness.

HB 2640 by Representatives Buys, Peterson, Pike, Lytton, Stambaugh and Blake

AN ACT Relating to limiting liability for registered apiarists; and adding a new section to chapter 15.60 RCW.

Referred to Committee on Judiciary.

HB 2641 by Representatives McCaslin, Hargrove, Shea, Maycumber, Taylor and Holy

AN ACT Relating to promoting the use of expert volunteers in career and technical education courses offered in grades seven and eight; and adding a new section to chapter 28A.700 RCW.

Referred to Committee on Education.

HB 2642 by Representatives McCaslin, Pettigrew, Harmsworth, Shea, Dolan, Dent, Bergquist and Holy

AN ACT Relating to requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care; reenacting and amending RCW 43.216.270; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2643 by Representative Muri

AN ACT Relating to repealing the electronic authentication act; amending RCW 9.38.060, 9A.72.085, 43.07.120, 43.07.173, 48.185.005, 58.09.050, and 58.09.110; and repealing RCW 19.34.010, 19.34.020, 19.34.030, 19.34.040, 19.34.100, 19.34.101, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210, 19.34.220, 19.34.230, 19.34.231, 19.34.240, 19.34.250, 19.34.260, 19.34.270, 19.34.280, 19.34.290, 19.34.291, 19.34.300, 19.34.305, 19.34.310, 19.34.311, 19.34.320, 19.34.321, 19.34.330, 19.34.340, 19.34.350, 19.34.351, 19.34.360, 19.34.400, 19.34.410, 19.34.420, 19.34.500, 19.34.501, 19.34.502, 19.34.503, 19.34.900, 19.34.901, and 43.19.794.

Referred to Committee on State Government, Elections & Information Technology.

HB 2644 by Representative Muri

AN ACT Relating to requirements for the issuance of a driver's license that includes a veteran designation; and amending RCW 46.20.161.

Referred to Committee on Transportation.

HB 2645 by Representative Muri

AN ACT Relating to the definition of veterans of armed conflicts; and reenacting and amending RCW 41.04.005.

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

HB 2646 by Representatives Wylie, Stonier, Tharinger, Clibborn, McBride, Harris, Macri, Cody and Tarleton

AN ACT Relating to facilitating transportation projects of statewide significance; adding new sections to chapter 47.05 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2647 by Representatives Wylie, Stonier, Hudgins, Tarleton, Macri, Vick, Cody, Clibborn and Harris

AN ACT Relating to applying campaign contribution limits to candidates for all special purpose districts authorized to provide freight and passenger transfer and terminal facilities; and amending RCW 42.17A.405.

Referred to Committee on State Government, Elections & Information Technology.

HB 2648 by Representatives Orwall, Goodman and Klippert

AN ACT Relating to supporting sexual assault survivors; amending RCW 43.101.272 and 70.125.090; amending 2017 c 290 s 2 (uncodified); adding new sections to chapter 70.125 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2649 by Representatives Barkis, Wilcox, Dolan, Doglio and Nealey

AN ACT Relating to enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability; amending RCW 77.15.460 and 77.32.237; and repealing RCW 77.32.238 and 77.32.400.

Referred to Committee on Agriculture & Natural Resources.

HB 2650 by Representatives Stonier, Harris and Dolan

AN ACT Relating to provision of early intervention services for eligible children with disabilities from birth to three years of age; amending RCW 28A.155.065; adding a new section to chapter 43.216 RCW; recodifying RCW 28A.155.065; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2651 by Representatives Stanford, Johnson, Macri, Haler, Tharinger, Goodman, Caldier, Appleton, Harris, Jenkins, Barkis, Dolan and Senn

AN ACT Relating to increasing the personal needs allowance for people in residential and institutional care settings; and amending RCW 74.09.340.

Referred to Committee on Appropriations.

HB 2652 by Representative Fitzgibbon

AN ACT Relating to the initial implementation of recommendations from the collaborative process carried out to implement the state parks operating budget proviso on recreational access fee systems; and amending RCW 79A.80.060, 79A.80.080, 79A.05.065, 79A.80.020, and 79A.80.050.

Referred to Committee on Environment.

HB 2653 by Representatives Fey and Orcutt

AN ACT Relating to modifying the alternative fuel vehicle sales and use tax exemptions for the purposes of expanding the exemptions and amending related provisions; amending RCW 82.08.809; reenacting RCW 82.12.809; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2654 by Representatives Blake and Dent

AN ACT Relating to certificates of veterinary inspection for animals brought into the state; and amending RCW 16.36.140.

Referred to Committee on Agriculture & Natural Resources.

HB 2655 by Representatives Dolan, Harris, Kilduff and Robinson

AN ACT Relating to adding members to the school employees' benefits board; and amending RCW 41.05.740.

Referred to Committee on Appropriations.

HB 2656 by Representatives Orwall, Stambaugh, Tarleton, Haler, Pollet, Van Werven, Dolan and Sells

AN ACT Relating to concurrent enrollment programs and college preparatory with examination programs; amending RCW 28B.10.053, 28B.15.820, 28B.15.821, 28B.50.531, 28B.92.086, 28B.95.030, 28B.95.032, 28A.300.560, 28A.320.195, 28A.320.196, 28A.600.280, 28A.600.285, 28A.600.290, 28A.700.005, 28A.700.010, 28A.700.030, 28A.700.040, and 28A.700.080; adding new sections to chapter 28B.10 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2657 by Representatives Stonier, Bergquist, Ortiz-Self, Haler, Reeves, Pollet, Kilduff, Dolan, Doglio and Stanford

AN ACT Relating to the school employees' benefits program; amending RCW 41.05.740, 41.05.011, 41.05.022, 41.05.050, 28A.400.280, and 28A.400.350; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2658 by Representatives McBride, Kagi, Peterson, Fitzgibbon and Doglio

AN ACT Relating to the use of perfluorinated chemicals in food packaging; amending RCW 70.95G.010 and 70.95G.040; and adding a new section to chapter 70.95G RCW.

Referred to Committee on Environment.

HB 2659 by Representatives Goodman, Kagi, Lovick, Kilduff and Appleton

AN ACT Relating to expanding eligibility for the early childhood education and assistance program; amending RCW 43.216.505, 43.216.556, and 43.88C.010; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2660 by Representatives Stonier, Harris, Orwall, Macri, Clibborn, Santos, Riccelli, Gregerson, Reeves, Dolan, Valdez and Kloba

AN ACT Relating to continuing access to medicaid services; amending RCW 74.09.470; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2661 by Representatives Doglio, Appleton, Orwall, Gregerson, Frame and Sells

AN ACT Relating to protecting survivors of domestic violence, sexual assault, and stalking from employment discrimination; amending RCW 49.76.010, 49.76.040, 49.76.060, 49.76.100, and 49.76.120; and adding a new section to chapter 49.76 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2662 by Representatives Hansen, Griffey, Appleton, MacEwen and Caldier

AN ACT Relating to authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Technology & Economic Development.

HB 2663 by Representatives Pettigrew, Ortiz-Self, Hargrove, McCaslin and Senn

AN ACT Relating to legal support for kinship caregivers; and reenacting and amending RCW 74.13.031.

Referred to Committee on Judiciary.

HB 2664 by Representatives Dye, Doglio, Jenkin, Chapman, Vick, Stonier, Wylie and Walsh

AN ACT Relating to extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure; and amending RCW 53.08.005, 53.08.370, and 53.08.380.

Referred to Committee on Technology & Economic Development.

HB 2665 by Representatives Macri and Appleton

AN ACT Relating to eliminating certain requirements for the annexation of an unincorporated island of territory; and amending RCW 35A.14.295, 35A.14.297, 35A.14.299, and 36.93.105.

Referred to Committee on Local Government.

HB 2666 by Representatives Macri, Wylie, Valdez, Pollet, Appleton, Hudgins, Dolan, Ryu, Cody, Peterson, Jinkins, Robinson, Tarleton and Senn

AN ACT Relating to local government authority to regulate firearms; amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; creating a new section; and repealing RCW 9.41.290.

Referred to Committee on Judiciary.

HB 2667 by Representatives Macri, McBride, Ormsby, Stanford, Senn, Stonier, Kloba and Jinkins

AN ACT Relating to improving housing stability for people with disabilities and seniors by amending eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs; and amending RCW 74.04.805, 74.62.030, and 43.185C.230.

Referred to Committee on Early Learning & Human Services.

HB 2668 by Representative Haler

AN ACT Relating to candidacy qualification restrictions based on consanguinity and affinity; and amending RCW 29A.24.075, 29A.24.031, and 42.04.020.

Referred to Committee on State Government, Elections & Information Technology.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2637 which was referred to the Committee on Judiciary.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Lias and Fain

Establishing cutoff dates for the consideration of legislation during the 2018 regular session of the sixty-fifth legislature.

The resolution was read the second time.

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

Representative Sullivan spoke in favor of the passage of the resolution.

The Speaker (Representative Orwall presiding) stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8407.

SENATE CONCURRENT RESOLUTION NO. 8404 was adopted.

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

THIRD READING

HOUSE BILL NO. 1452, by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter

Concerning the opportunity scholarship program.

The bill was read the third time.

Representatives Holy and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1452.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1452, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

HOUSE BILL NO. 1452, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143, by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)

Expanding opportunities for higher education students.

The bill was read the third time.

Representative Haler and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2143.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2143, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1499, by Representatives Pollet, Ryu, Sells, Lovick, Bergquist and Stanford

Creating protections and fairness for students in the student loan disbursement process.

The bill was read the third time.

Representatives Pollet and Holy spoke in favor of the passage of the bill.

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

ROLL CALL

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

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

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

SUBSTITUTE HOUSE BILL NO. 1186, by House Committee on Judiciary (originally sponsored by Representatives Santos, Goodman, Jinkins, Kilduff and Senn)

Concerning the provision of and reimbursement for certain court interpreter services.

The bill was read the third time.

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

Representatives Walsh and Graves spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1186.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1186, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn,

Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1186, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1056, by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman, Gregerson, Kirby, Fey, Slatter and Sawyer

Concerning consumer protections for military service members on active duty.

The bill was read the third time.

Representatives Kilduff and Muri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1056.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1723, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Haler, Riccelli, Sells, Gregerson, Ormsby, Doglio and Pollet)

Creating the presumption of occupational disease for certain employees at the United States department of energy Hanford site.

The bill was read the third time.

Representatives Halder, Pollet, Jenkin, Irwin, Dent and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1723.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1723, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Halder, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Eslick, Graves, Hargrove, Holy, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Orcutt, Pike, Schmick, Shea, Stokesbary, Taylor, Vick, Volz and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1723, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2087, by Representatives Stambaugh, Riccelli, Orcutt, Hayes, Gregerson and Ormsby

Concerning worker safety on roadways and roadsides.

The bill was read the third time.

Representatives Stambaugh, Clibborn and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2087.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2087, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2087, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and Pollet)

Concerning legal financial obligations.

The bill was read the third time.

Representatives Holy, Goodman and Riccelli spoke in favor of the passage of the bill.

Representatives Orcutt and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1783.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele,

Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, DeBolt, Dent, Dye, Eslick, Jenkin, Klippert, McCabe, Nealey, Orcutt, Schmick and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2097, by Representatives Stanford, Fitzgibbon, Ortiz-Self, Senn, Pettigrew, Jinkins, Kagi, Lytton, Ormsby, Peterson, Pollet, Ryu, Farrell, Santos, Appleton and Macri

Limiting disclosure of information about the religious affiliation of individuals.

There being no objection, the rules were suspended and HOUSE BILL NO. 2097 was returned to second reading for the purpose of amendment.

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

SECOND READING

Representative Stanford moved the adoption of amendment (654):

On page 1, beginning on line 15, after "disclose" strike "information about his or her religious affiliation, unless the disclosure is for the purpose of providing religious accommodation for the employee" and insert "his or her sincerely held religious affiliation or beliefs, unless the disclosure is for the purpose of providing a religious accommodation at the request of the employee"

Representatives Stanford and Rodne spoke in favor of the adoption of the amendment.

Amendment (654) was adopted.

The bill was ordered engrossed.

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

Representatives Stanford, Rodne, Senn and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2097.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2097, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2097, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1209, by House Committee on Business & Financial Services (originally sponsored by Representatives Bergquist, Vick, Kirby, Walsh and Blake)

Concerning municipal access to local financial services. Revised for 1st Substitute: Addressing municipal access to local financial services.

The bill was read the third time.

Representatives Bergquist and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1209.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1209, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Condotta, Eslick, Harmsworth, Harris, Hayes, Klippert, Kraft, Kristiansen, McCabe, Nealey, Rodne, Schmick, Smith, Steele, Van Werven and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1209, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1715, by Representatives Riccelli, Gregerson, McBride, Stonier, Wylie, Pollet, Cody, Ryu, Goodman, Morris, Fitzgibbon, Sullivan, Lytton, Tharinger, Chapman, Peterson, Lovick, Senn, Hansen, Sells, Frame, Doglio, Bergquist, Sawyer, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Springer, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Kagi, Ormsby, Pellicciotti, Kloba, Hudgins and Santos

Addressing meal and rest breaks and mandatory overtime for certain health care employees.

The bill was read the third time.

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1715.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1715, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Holy, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, Muri, Nealey, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox and Young.

HOUSE BILL NO. 1715, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1630, by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

Allowing minors to consent to share their personally identifying information in the Washington homeless client management information system.

The bill was read the third time.

Representatives Slatter and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1630.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1630, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

HOUSE BILL NO. 1630, having received the necessary constitutional majority, was declared passed.

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

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

MOTION

There being no objection, the Committee on Community Development, Housing & Tribal Affairs was relieved of HOUSE BILL NO. 2583, and the bill was referred to the Committee on Judiciary.

There being no objection, the House adjourned until 9:55 a.m., January 12, 2018, the 5th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 12, 2018

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

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

RESOLUTION

HOUSE RESOLUTION NO. 4652, by Representatives Maycumber and Kretz

WHEREAS, From as young as three years old Rocksie began competing in rodeos, where she quickly excelled and showcased her prowess; and

WHEREAS, Most nine year olds are starting their second semester of fourth grade, Rocksie is busy claiming the Indian National Finals Rodeo, Ladies World Barrel Racer title; and

WHEREAS, Her mother Ashley, father Justus, two sisters Hartlyn and Gracy, and the entire community of the Colville Indian Reservation are so proud of her; and

WHEREAS, Rocksie's connection with her horse Roo may remind all of us that trust and love are the foundations of every winning relationship; and

WHEREAS, Rocksie's patience, determination, and grit enabled her to complete such a monumental feat, she has remained humble throughout the ride; and

WHEREAS, Rocksie may be underestimated by some, the expectations she has of herself and Roo exemplify the self-confidence we all strive to possess; and

WHEREAS, Rocksie may be light as a feather, her will is as strong as Roo's legs; and

WHEREAS, Roo may carry Rocksie at blistering speeds in the arena, their community will carry them in spirit across the country to Arlington, Texas for the American Rodeo; and

WHEREAS, There will be many expectations of Rocksie and Roo in Texas, the two will find comfort in the love they have for each other; and

WHEREAS, Rocksie may be reluctant to speak in front of her classmates, she will shine under the big lights in Texas; and

WHEREAS, Everything is bigger in Texas, this year's winner of the American Rodeo barrel racing competition may be the smallest ever;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor

Rocksie Marchand for her inspiring character from which everyone can learn and her remarkable accomplishments so few have achieved; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Rocksie Marchand.

There being no objection, HOUSE RESOLUTION NO. 4652 was adopted.

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

INTRODUCTION & FIRST READING

HB 2669 by Representative Doglio

AN ACT Relating to adding part-time employees to state civil service; and amending RCW 41.06.070.

Referred to Committee on State Government, Elections & Information Technology.

HB 2670 by Representatives Kilduff, Muri, Stonier, Stambaugh, Sawyer and Kagi

AN ACT Relating to providing services and supports to pregnant and parenting minors to improve educational attainment; adding a new section to chapter 74.12 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.160 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2671 by Representatives Wilcox, Jinkins, Dye, Orwall, Schmick, Cody, DeBolt, Walsh, Maycumber, Griffey, Barkis, Haler and Buys

AN ACT Relating to improving the behavioral health of people in the agricultural industry; adding a new section to chapter 43.70 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2672 by Representatives Schmick and Chandler

AN ACT Relating to providing small business tax relief; amending RCW 82.32.045 and 82.04.4451; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2673 by Representatives Springer, Stambaugh and Stokesbary

AN ACT Relating to providing a tax preference for nonrural data centers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2674 by Representatives Gregerson, Appleton, Orwall, Hudgins and Bergquist

AN ACT Relating to requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government; and amending RCW 35.21.960, 35A.21.410, and 36.01.350.

Referred to Committee on Local Government.

HB 2675 by Representative Haler

AN ACT Relating to modifying the irrigation district election process to correspond with general election laws; amending RCW 87.03.020, 87.03.030, 87.03.032, 87.03.040, 87.03.075, 29A.24.031, 87.03.080, 87.03.081, 87.03.847, 87.03.190, 87.03.200, 87.03.675, 87.03.740, 87.04.070, 87.19.010, 29A.04.330, 87.28.103, 87.56.010, 87.03.470, 87.03.590, 87.22.120, 87.52.030, 87.52.090, 87.53.040, 87.84.070, and 29A.60.280; and repealing RCW 87.03.031, 87.03.033, 87.03.034, 87.03.035, 87.03.085, 87.03.090, 87.03.095, 87.03.100, 87.03.105, and 87.03.110.

Referred to Committee on Local Government.

HB 2676 by Representatives Walsh and Irwin

AN ACT Relating to the responsibility for payment of medical services for jail inmates; and amending RCW 70.48.130.

Referred to Committee on Appropriations.

HB 2677 by Representatives Irwin, Blake, Condotta, Orcutt and Volz

AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

HB 2678 by Representatives Tarleton and Hudgins

AN ACT Relating to modifying cybercrime provisions; and amending RCW 9A.90.030, 9A.90.040, 9A.90.070, and 9A.90.080.

Referred to Committee on Public Safety.

HB 2679 by Representative Klippert

AN ACT Relating to pretrial release programs to protect the public from harm; amending RCW 10.21.015, 10.21.017, 10.21.030, and 10.21.050; and creating a new section.

Referred to Committee on Public Safety.

HB 2680 by Representatives Irwin and Dolan

AN ACT Relating to voter registration; amending RCW 29A.08.140, 29A.08.140, 29A.08.140, 29A.08.125, 29A.08.410, 29A.08.620, 29A.04.611, and 29A.40.160; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2681 by Representatives Springer, Buys, Blake and Chandler

AN ACT Relating to implementing the federal produce safety rule; amending RCW 42.56.380; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2682 by Representatives Buys, Blake, Dent and Chandler

AN ACT Relating to exempting hop grower lot information used in the state department of agriculture export document from public disclosure; and amending RCW 42.56.380.

Referred to Committee on Agriculture & Natural Resources.

HB 2683 by Representatives Caldier, Kilduff and Johnson

AN ACT Relating to developmental disability supported employment provider job coaches; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2684 by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self and Johnson

AN ACT Relating to defining best practices for the process and people involved in best interest determination of students in out-of-home care; amending RCW 74.13.560 and 74.13.631; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 28A.320 RCW; repealing RCW 28A.300.800; and providing an effective date.

Referred to Committee on Education.

HB 2685 by Representatives Ortiz-Self, Harris, Santos, Johnson, Caldier and Dolan

AN ACT Relating to promoting preapprenticeship opportunities for high school students; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 2686 by Representatives Ortiz-Self, Santos and Dolan

AN ACT Relating to high school and beyond plans; amending RCW 28A.230.090; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2687 by Representatives Frame, Condotta, Kilduff, Volz, Gregerson and Appleton

AN ACT Relating to public defense services; amending RCW 10.101.050 and 10.101.060; adding a new section to chapter 10.101 RCW; and repealing RCW 10.101.070 and 10.101.080.

Referred to Committee on Judiciary.

HB 2688 by Representatives Slatter, DeBolt and Cody

AN ACT Relating to nonresident pharmacies; and amending RCW 18.64.360.

Referred to Committee on Health Care & Wellness.

HB 2689 by Representatives Slatter, DeBolt and Cody

AN ACT Relating to electronic communication of prescription information; amending RCW 69.41.055; and reenacting and amending RCW 69.50.312.

Referred to Committee on Health Care & Wellness.

HB 2690 by Representatives Peterson and Griffey

AN ACT Relating to clarifying the authority and procedures for contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Referred to Committee on Local Government.

HB 2691 by Representatives Appleton, Griffey and Peterson

AN ACT Relating to clarifying the authority and procedures for unit priced contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Referred to Committee on Local Government.

HB 2692 by Representatives Fey, Hayes, Lovick, Rodne, Irwin, Chapman, Stanford, Ortiz-Self and Sawyer

AN ACT Relating to minimum monthly salary paid to Washington state patrol troopers and sergeants; and amending RCW 43.43.380.

Referred to Committee on Transportation.

HB 2693 by Representatives Volz, Lovick, Schmick, Orwall, Irwin, Holy, Maycumber and Buys

AN ACT Relating to increasing the mandatory retirement age for Washington state patrol officers; amending RCW 43.43.250; and providing an effective date.

Referred to Committee on Appropriations.

HB 2694 by Representatives Volz, Griffey, Holy, Ormsby and Maycumber

AN ACT Relating to authorizing county treasurers to contract with other treasurers for services; and amending RCW 36.29.010.

Referred to Committee on Local Government.

HB 2695 by Representatives Stonier, Harris, Bergquist, McCaslin, Senn, Muri, Lovick, Stokesbary and Dolan

AN ACT Relating to supporting student achievement through public school libraries; amending RCW 28A.150.260; adding new sections to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 2696 by Representatives Valdez and Orcutt

AN ACT Relating to medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits; amending RCW 46.25.055, 46.25.057, and 46.25.075; reenacting and amending RCW 46.25.010; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2697 by Representatives Pike and Manweller

AN ACT Relating to limiting industrial insurance benefits for injuries or diseases caused by use of intoxicating liquor or drugs; adding a new section to chapter 51.32 RCW; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2698 by Representatives Bergquist and Muri

AN ACT Relating to paraeducators; amending RCW 28A.413.040, 28A.660.042, and 28A.413.060; and making appropriations.

Referred to Committee on Education.

HB 2699 by Representatives Stanford, Dent, Blake and Nealey

AN ACT Relating to exempting alcohol manufacturers from the food storage warehouse license; and amending RCW 69.10.020.

Referred to Committee on Agriculture & Natural Resources.

HB 2700 by Representatives Valdez, Smith and Stonier

AN ACT Relating to the handling of child forensic interview and child interview digital recordings; amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2701 by Representatives Bergquist, Holy, Klippert, Stonier, Lytton and Maycumber

AN ACT Relating to the definition of veteran; and reenacting and amending RCW 41.04.005.

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

HB 2702 by Representatives Robinson, McCabe and Springer

AN ACT Relating to making technical corrections to the family and medical leave program and making no substantive changes; and amending RCW 50A.04.010, 50A.04.110, 50A.04.500, 50A.04.525, 50A.04.540, 50A.04.565, and 50A.04.600.

Referred to Committee on Labor & Workplace Standards.

HB 2703 by Representatives Sells, McCabe, Doglio, Dolan and Gregerson

AN ACT Relating to clarifying hours and wages for education employee compensation claims; amending RCW 50.44.050, 50.44.053, and 50.44.055; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2704 by Representative Hudgins

AN ACT Relating to election ballot space and voter informations; amending RCW 29A.72.290, 29A.36.121, 29A.36.071, and 29A.52.220; reenacting and amending RCW 29A.36.161; adding a new section to chapter 29A.36 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2705 by Representatives McBride, Vick and Kirby

AN ACT Relating to employment laws regarding transportation contractors, including the definition of "truck"; amending RCW 51.08.180; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 2706 by Representatives Irwin, Griffey and Fey

AN ACT Relating to exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions; and amending RCW 46.61.672.

Referred to Committee on Transportation.

HB 2707 by Representatives Blake, Klippert, Kirby, Haler, Shea, Rodne, Hayes, Wilcox, Walsh and Muri

AN ACT Relating to creating a program for the reinstatement of driving privileges that are suspended because of failure to pay a traffic infraction; amending RCW 46.20.289; adding a new section to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2708 by Representatives Riccelli and Dolan

AN ACT Relating to an ambulance transport quality assurance fee; reenacting and amending RCW 43.84.092; adding a new chapter to Title 74 RCW; prescribing penalties; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2709 by Representatives Holy and Bergquist

AN ACT Relating to the authority of the law enforcement officers' and firefighters' plan 2 retirement board to set the salary of the executive director; and amending RCW 43.03.040 and 41.26.717.

Referred to Committee on Appropriations.

HB 2710 by Representatives Reeves, Barkis, Kilduff and Graves

AN ACT Relating to improving the accuracy of the residential real estate disclosure statement associated with the Washington right to farm act by providing a more complete description of the scope of RCW 7.48.305 through references related to working forests; amending RCW 64.06.022; and creating a new section.

Referred to Committee on Business & Financial Services.

HB 2711 by Representatives Ryu, Haler and Peterson

AN ACT Relating to enabling Washington cities to encourage residential development around transit; amending RCW 82.02.060; adding new sections to chapter 43.31 RCW; adding a new section to chapter 36.22 RCW; and creating a new section.

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

HB 2712 by Representatives Gregerson, Appleton, Bergquist, Stokesbary, Pollet, Dent, Senn, Calder, Irwin, Stambaugh, Lovick, Sells, Pettigrew, Hudgins, Wylie, Tarleton, Macri, Sullivan, McBride, Stanford, Doglio, Dolan, Kloba, Valdez, Chapman, Slatter, Orwall, Riccelli, Jinkins and Pellicciotti

AN ACT Relating to eliminating lunch copays for students who qualify for reduced-price lunches; amending RCW 28A.235.160; and creating a new section.

Referred to Committee on Appropriations.

HB 2713 by Representatives Harmsworth, Lovick, McCaslin, Vick, Hargrove and Van Werven

AN ACT Relating to limiting the application of use tax on purchases of motor vehicles purchased by bona fide nonresidents; and amending RCW 82.12.0251.

Referred to Committee on Finance.

HB 2714 by Representatives Vick, Pettigrew, Blake, Jenkin, Sullivan and Young

AN ACT Relating to theater licenses; and amending RCW 66.24.655 and 66.24.650.

Referred to Committee on Commerce & Gaming.

HB 2715 by Representatives Klippert and Goodman

AN ACT Relating to impaired driving; amending RCW 9.94A.729, 9.94A.533, 10.21.055, 18.360.030, and 38.52.430; reenacting and amending RCW 46.61.5055; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2716 by Representatives Tarleton, Orcutt, Wylie and Harmsworth

AN ACT Relating to transportation network companies; amending RCW 43.79A.040, 48.177.010, 46.72.160, 46.74.020, 81.68.015, and 19.182.040; adding a new chapter to Title 46 RCW; recodifying RCW 48.177.010; repealing RCW 48.177.005; and prescribing penalties.

Referred to Committee on Transportation.

HB 2717 by Representative Dolan

AN ACT Relating to public schools; amending RCW 28A.150.410, 28A.400.200, 28A.150.412, 84.52.053, 84.52.0531, 28A.500.015, 84.52.054, 84.52.065, 28A.320.330, 84.55.010, 28A.150.260, 28A.400.007, 28A.165.055, 28A.510.250, 28A.510.250, 28A.150.276, 41.56.800, 41.59.800, 28A.400.006, 41.56.907, and 41.59.937; creating new sections; repealing RCW 28A.415.020, 28A.415.023, 28A.415.024, 41.56.800, 41.59.800, and 28A.400.006; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2718 by Representatives Shea and Goodman

AN ACT Relating to seizure and forfeiture procedures and reporting; amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 19.290.230, 46.61.5058, 70.74.400, 77.15.070, 69.50.505, and 38.42.020; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Judiciary.

HB 2719 by Representatives Vick and Harris

AN ACT Relating to the size of cities that must establish a law enforcement officers' and firefighters' retirement system plan 1 disability board; and reenacting and amending RCW 41.26.110.

Referred to Committee on Local Government.

HB 2720 by Representatives Orwall and Tarleton

AN ACT Relating to student opportunity, assistance, and relief for student loans; amending RCW 67.08.100, 4.56.110, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150; creating new sections; and repealing RCW 2.48.165, 18.04.420, 18.08.470, 18.11.270, 18.16.230, 18.20.200, 18.27.360, 18.39.465, 18.43.160, 18.46.055, 18.76.100, 18.85.341, 18.96.190, 18.104.115, 18.106.290, 18.130.125, 18.140.200, 18.145.125, 18.160.085, 18.165.280, 18.170.163, 18.180.050, 18.185.055, and 28A.410.105.

Referred to Committee on Higher Education.

HB 2721 by Representatives Sullivan and Dolan

AN ACT Relating to modifying basic education funding provisions; amending RCW 28A.150.200, 28A.150.203, 28A.150.260, 28A.150.276, 28A.150.415, 28A.165.055, 28A.320.330, 28A.400.205, 28A.500.015, 28A.710.280, 28A.715.040, 41.56.800, 41.59.800, 28A.400.006, 84.52.053, and 84.52.0531; repealing RCW 28A.505.240; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2722 by Representative Shea

AN ACT Relating to quick title service fees; amending RCW 46.17.160, 46.68.025, 88.02.640, 88.02.640, and 88.02.640; providing effective dates; and providing expiration dates.

Referred to Committee on Transportation.

HB 2723 by Representative Shea

AN ACT Relating to modifying the types of off-road vehicles subject to local government regulation; and amending RCW 46.09.360.

Referred to Committee on Transportation.

HB 2724 by Representative Sells

AN ACT Relating to unemployment compensation for musicians; amending RCW 50.04.030 and 50.04.148; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 9, 2018

SHB 1298 Prime Sponsor, Committee on Appropriations: Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

January 9, 2018

EHB 1506 Prime Sponsor, Representative Senn: Addressing workplace practices to achieve gender pay equity. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

January 9, 2018

SHB 1673 Prime Sponsor, Committee on Labor & Workplace Standards: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Appropriations.

January 9, 2018

HB 1953 Prime Sponsor, Representative Dolan: Addressing maximum penalties under the Washington industrial safety and health act. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Rules for second reading.

January 10, 2018

HB 2344 Prime Sponsor, Representative Tharinger: Concerning evacuation of adult family homes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 10, 2018

HB 2346 Prime Sponsor, Representative Tharinger: Concerning priority processing for adult family home license applications. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1298 and HOUSE BILL 1506 which were placed on the second reading calendar.

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1336 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1022
HOUSE BILL NO. 1128
HOUSE BILL NO. 1939
HOUSE BILL NO. 2007

The Speaker (Representative Lovick presiding) called upon Representative Blake to preside.

MOTION

There being no objection, the Committee on Higher Education was relieved of HOUSE BILL NO. 1439, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 10:00 a.m., January 15, 2018, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker
BERNARD DEAN, Chief Clerk

MOTIONS

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 15, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jack Webb and Susan Wilmes. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed by the Total Experience Gospel Choir under the direction of Pastor Pat Wright. The prayer was offered by Pastor Pat Wright, Ebenezer AME Zion Church, Seattle, Washington.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced the Total Experience Gospel Choir to sing "Unity" and thanked them for joining the House to commemorate the life of Dr. Martin Luther King Jr..

The Speaker (Representative Lovick presiding) then introduced 12th Grader Isaac Sotelo Gonzalez, 12th Grader Zeytun Ahmed, and 11th Grader Reecca Guya from the Institute for Community Leadership, who came to present readings on the life and legacy of Dr. Martin Luther King, Jr. and asked the members to please welcome them to the Chamber.

The Speaker (Representative Lovick presiding) further introduced students from the Institute for Community Leadership who were located in the South Gallery and asked the members to acknowledge them.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4653, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary,

Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Today, the third Monday of January 2018, we join with the nation to honor the monumental life and profound legacy of the Reverend Dr. Martin Luther King Jr.; and

WHEREAS, Dr. King began and inspired a social justice movement alongside his wife Coretta Scott King and his four children; and

WHEREAS, He dedicated his life's work to gain civil and economic rights for all, with his selfless work reminding us that, "Life's most persistent and urgent question is, 'What are you doing for others?'" and

WHEREAS, We should be reminded, that even when Dr. King received a 'C' in his public speaking class he did not let that singular rating determine his ability to inspire one person, let alone a nation, saying, "No person has the right to rain on your dreams"; and

WHEREAS, Forty-four years ago, he marched on Washington D.C. sharing his dream that "one day little black boys and girls will be holding hands with little white boys and girls"; and

WHEREAS, We remember his Letter to Birmingham, which includes the words, "Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has consistently refused to negotiate is forced to confront the issue"; and

WHEREAS, People around the world still use his nonviolent philosophy as a guide to make lasting changes, following the words of Dr. King, "Injustice anywhere is a threat to justice everywhere"; and

WHEREAS, We honor the many achievements Dr. King accumulated in recognition of his search for justice, including the Nobel Prize for Peace in 1964, the Presidential Medal of Freedom in 1977, and the Congressional Gold Medal in 2004;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of the life of Dr. King, exalt his dedicated work, and embrace the ideals of equality and equity for all people.

Representative Valdez moved adoption of HOUSE RESOLUTION NO. 4653

Representatives Valdez, Walsh, Reeves and DeBolt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4653 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced Rocksie Marchand who was recognized by HOUSE RESOLUTION NO. 4652 and asked members to acknowledge her.

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

INTRODUCTION & FIRST READING

HB 2725 by Representatives Blake, Chandler, Jenkin, Dent, Dye, Chapman, Wylie, Walsh, Ryu, Maycumber, Kretz, Wilcox, Van Werven, Haler, Steele, Condotta and McDonald

AN ACT Relating to updating agricultural fairs, youth shows, and exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115, 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and repealing RCW 15.76.130.

Referred to Committee on Agriculture & Natural Resources.

HB 2726 by Representatives Buys and Tarleton

AN ACT Relating to public-private partnerships for alternative public works contracting; amending RCW 39.10.230; reenacting and amending RCW 43.131.408; adding a new chapter to Title 39 RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2727 by Representatives McDonald, Kilduff, Nealey, Jenkin, Van Werven, Hargrove, Muri, Jinkins, Cody and Haler

AN ACT Relating to banning all billboards pertaining to marijuana retailers or marijuana products; and amending RCW 69.50.369.

Referred to Committee on Commerce & Gaming.

HB 2728 by Representatives McDonald, Maycumber, Hargrove and Haler

AN ACT Relating to the impartial participation of members of the growth management hearings board on matters before the board; reenacting and amending RCW 36.70A.270; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Environment.

HB 2729 by Representatives McBride, Kloba and Jinkins

AN ACT Relating to accessible public on-street parking for individuals with a physical disability; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2730 by Representatives Jinkins, Steele, Chapman, Wilcox, Blake, Eslick, Haler, Tharinger and Slatter

AN ACT Relating to encouraging employers to promote and support workers' educational attainment; adding a new chapter to Title 82 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2731 by Representatives Jinkins, Macri, Cody, Tharinger, Kilduff, Slatter, Clibborn, Stonier, Valdez, Robinson, Riccelli, Hansen, Orwall, Stanford, Gregerson, Doglio and Frame

AN ACT Relating to collection of medical debt; and amending RCW 19.52.010, 19.52.020, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, 6.27.150, 19.16.100, and 19.16.250.

Referred to Committee on Judiciary.

HB 2732 by Representatives Johnson, Lytton, Dent, Morris, Chandler, Manweller and Chapman

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2733 by Representatives Orcutt, Chapman, Maycumber, Tharinger, Dent, Kretz, Blake, Fitzgibbon and Muri

AN ACT Relating to establishing a prescribed burn certification program at the department of natural resources; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2734 by Representatives Lytton, Jinkins, Pollet and Frame

AN ACT Relating to eliminating certain tax preferences not being used and recommended for repeal as determined by the joint legislative audit and review committee; amending RCW 82.04.260; and repealing RCW 82.16.055.

Referred to Committee on Technology & Economic Development.

HB 2735 by Representatives Young, Peterson and Kretz

AN ACT Relating to public disclosure of certain information procured or obtained pursuant to a loan or grant application under the underground storage tank revolving loan and grant program; and amending RCW 42.56.270.

Referred to Committee on Environment.

HB 2736 by Representative Sells

AN ACT Relating to the statute of limitations for unfair labor practice complaints filed in superior court; and amending RCW 41.56.160, 41.59.150, 41.76.055, 41.80.120, 47.64.132, 49.39.140, and 28B.52.065.

Referred to Committee on Judiciary.

HB 2737 by Representatives Appleton, Nealey, McBride, Lytton, Peterson, Griffey, Doglio and Wylie

AN ACT Relating to studying the constitutional and statutory obligations and tax revenue capacity of local government entities; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Local Government.

HB 2738 by Representatives Doglio, Dolan, Appleton, Peterson, Macri, McBride and Pollet

AN ACT Relating to requiring permission to bring a concealed firearm into another person's residence or dwelling place; amending RCW 9.41.075; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2739 by Representatives Chapman, Reeves and Tharinger

AN ACT Relating to veterans' assistance levies; amending RCW 73.08.080, 84.52.043, 84.52.010, and 84.55.005; and creating a new section.

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

HB 2740 by Representatives Fitzgibbon, Springer and Tharinger

AN ACT Relating to ensuring that water is available for permit exempt and instream uses; amending RCW 19.27.097, 58.17.110, 90.54.010, 90.03.247, and 90.03.290; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding new sections to chapter 90.54 RCW; adding a new chapter to Title 43 RCW; creating new sections;

providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2741 by Representatives Clibborn, Fey and Tarleton

AN ACT Relating to reimbursement of the financing of the Alaskan Way viaduct replacement project; amending RCW 47.56.862 and 47.56.864; adding a new section to chapter 47.10 RCW; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Transportation.

HB 2742 by Representatives Doglio, Tarleton, Fey, Appleton, Bergquist and Tharinger

AN ACT Relating to establishing maritime Puget Sound regional prevailing wages; amending RCW 39.12.026; adding a new section to chapter 39.12 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2743 by Representatives Springer, Graves, Slatter, McBride, Goodman, Rodne, Appleton and Tharinger

AN ACT Relating to integration of reclaimed water, water system planning, and groundwater source protection; amending RCW 90.46.220; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2744 by Representatives Klippert and Haler

AN ACT Relating to prohibiting marijuana licensees from engaging in activities that can be seen or smelled from public places or nearby properties; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

HB 2745 by Representatives Kirby and Vick

AN ACT Relating to lost or destroyed state warrants, bonds, and other instruments; amending RCW 43.08.068, 43.08.066, and 43.08.064; and adding a new section to chapter 43.08 RCW.

Referred to Committee on Business & Financial Services.

HB 2746 by Representatives Hudgins, Macri, Goodman, Dolan, Stanford, Lovick, Fitzgibbon, Gregerson, Robinson, Sells, Frame, Appleton, Bergquist, Peterson and Slatter

AN ACT Relating to providing options for local governments to adopt alternative voting procedures; amending RCW 29A.52.112, 29A.52.161, 29A.52.220, 29A.24.010, 28A.343.320, 36.32.020, and 36.32.040; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; and adding a new section to chapter 53.12 RCW.

Referred to Committee on State Government, Elections & Information Technology.

HB 2747 by Representatives Wylie, Harris, Johnson, Pellicciotti, Pollet, Stonier, Kloba, Chapman, Valdez, Appleton, Muri, Jinkins, Goodman, Gregerson, Doglio, Tharinger and Slatter

AN ACT Relating to allowing a deduction for out-of-pocket medical expenses from the calculation of disposable income for senior property tax programs; amending RCW 84.36.383; and creating new sections.

Referred to Committee on Finance.

HB 2748 by Representatives Santos, Stonier, Muri and Pollet

AN ACT Relating to modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible and requiring that the expenditure of funds be consistent with the Washington integrated student supports protocol; and amending RCW 28A.165.005, 28A.165.035, 28A.165.055, 28A.165.100, and 28A.710.280.

Referred to Committee on Education.

HB 2749 by Representatives Orcutt, Chapman, Nealey, Tarleton, Eslick, Morris, Muri, Gregerson, Doglio, Smith, Wilcox, Griffey, Slatter, Young and McDonald

AN ACT Relating to allowing a local sales and use tax as a credit against the state sales tax for rural high-speed internet infrastructure without increasing the total sales and use tax rate; and amending RCW 82.14.370.

Referred to Committee on Technology & Economic Development.

HB 2750 by Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson

AN ACT Relating to quality in assisted living facilities; amending RCW 18.20.190 and 18.20.430; adding new sections to chapter 18.20 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2751 by Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet and Frame

AN ACT Relating to the deduction of union dues and fees; and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080.

Referred to Committee on Labor & Workplace Standards.

HB 2752 by Representatives Stanford and Kloba

AN ACT Relating to issuance of search warrants by district and municipal court judges; and amending RCW 2.20.030.

Referred to Committee on Judiciary.

HB 2753 by Representatives Macri, DeBolt, Caldier, Harris, Doglio, Graves, Peterson, Senn, Tarleton, Riccelli, McBride, Stonier, Tharinger, Valdez, Kloba, MacEwen, Kilduff, Jinkins, Reeves, Robinson, Cody, Stanford, Kagi, Appleton, Sawyer, Fitzgibbon, Bergquist, Goodman, Gregerson, Santos, Clibborn, Pollet, Frame and Slatter

AN ACT Relating to restricting the practice of conversion therapy; amending RCW 18.130.020 and 18.130.180; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2754 by Representatives Dent, Tarleton, Klippert, Gregerson, Hargrove, Dye, McCabe, Fey, Slatter, Springer and Condotta

AN ACT Relating to the distribution of aircraft fuel tax revenue; and amending RCW 82.42.090.

Referred to Committee on Transportation.

HB 2755 by Representatives Stonier, Macri, Appleton, Pollet, Harris, Irwin, Sells, Condotta, Vick, Kirby, Bergquist, Gregerson, Doglio, Tharinger and Steele

AN ACT Relating to employee benefits provided by the school employees' benefits board; amending RCW 41.05.050; and creating a new section.

Referred to Committee on Appropriations.

HB 2756 by Representatives Blake, Kretz, Chapman, Steele, Condotta, Wilcox, Dent, Eslick and Shea

AN ACT Relating to a pilot program to provide wheeled all-terrain vehicle tourism routes; amending RCW 46.09.455 and 46.09.540; adding a new section

to chapter 46.09 RCW; creating a new section; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Transportation.

HB 2757 by Representatives Doglio, Tharinger, Walsh, Chapman, Fitzgibbon and Tarleton

AN ACT Relating to modernizing fuel content standards and references; amending RCW 19.112.010, 19.112.020, 19.112.030, 19.112.050, 19.112.060, 19.112.110, 19.112.130, 19.112.900, 42.56.270, 43.19.642, 43.19.646, 43.19.647, 82.08.865, 82.08.956, and 82.12.956; reenacting and amending RCW 80.50.020; adding a new section to chapter 43.325 RCW; repealing RCW 19.112.040, 19.112.090, 19.112.120, 19.112.140, 19.112.150, 19.112.160, 19.112.170, 19.112.180, and 43.19.643; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2758 by Representatives Doglio, Dolan, Stanford, Stonier, Bergquist and Reeves

AN ACT Relating to diaper changing stations; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Business & Financial Services.

HB 2759 by Representatives Doglio, Jinkins, Senn, Pettigrew, Dolan, Hudgins, Stanford, Chapman, Kagi, Appleton, Gregerson, Tarleton, Santos, Kilduff, Pollet, Macri, Frame and Bergquist

AN ACT Relating to establishing the Washington state women's commission; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government, Elections & Information Technology.

HB 2760 by Representative Dolan

AN ACT Relating to requiring presidential electors to vote for party nominees; and amending RCW 29A.56.340.

Referred to Committee on State Government, Elections & Information Technology.

HB 2761 by Representatives Kagi, Griffey, Dent, Orwall, Senn, Eslick, Kilduff, Graves, Stonier, Jinkins, Tharinger and Reeves

AN ACT Relating to improving placement stability for children and youth involved with child welfare services; amending RCW 13.34.040, 13.34.065, 26.44.272, 74.13.065, and 13.34.260; reenacting and

amending RCW 13.34.145; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Human Services.

HB 2762 by Representatives Sells, McCabe and Kilduff

AN ACT Relating to allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims; amending RCW 51.44.070 and 51.44.140; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Appropriations.

HB 2763 by Representatives Jenkin, Santos, Harris, Hargrove, Griffey, Kilduff, McDonald, Johnson, Steele, Nealey, Kloba, Stonier, Muri, Senn, Gregerson, Pollet and Slatter

AN ACT Relating to the additional poverty-based learning assistance program allocation; and amending RCW 28A.150.260 and 28A.165.055.

Referred to Committee on Education.

HB 2764 by Representatives Pollet, Griffey, Senn, Reeves, Kloba, Stanford, Kagi, Stonier, Appleton, Goodman, Gregerson, Kilduff, Doglio, Peterson, Tharinger, Frame, Slatter and Stambaugh

AN ACT Relating to improving access and completion for students at public institutions of higher education, especially at community and technical colleges, by removing restrictions on subsidized child care; amending RCW 43.215.135, 43.216.135, and 43.216.135; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2765 by Representatives Blake, Dent, Dye, Chapman, Wylie, Sullivan, Wilcox, Kretz, Nealey, Stonier, Hargrove, Schmick, Barkis, Tharinger, Steele and Condotta

AN ACT Relating to ensuring the funding of fairs; amending RCW 15.76.115; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2766 by Representatives Stanford, Sawyer, Pollet and Appleton

AN ACT Relating to the certification and evidence of adequate and available water; amending RCW 19.27.097 and 90.44.450; reenacting and amending RCW 36.70A.070; adding a new section to chapter 90.44 RCW; adding a new section to chapter 36.70A

RCW; adding new sections to chapter 90.54 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2767 by Representatives Ortiz-Self, Kagi, Appleton, Jenkins, Pollet and Frame

AN ACT Relating to suspension and expulsion of students including kindergarten and early elementary school students; amending RCW 28A.600.015, 28A.600.020, 28A.600.410, and 28A.600.460; and creating a new section.

Referred to Committee on Education.

HB 2768 by Representatives Maycumber and Haler

AN ACT Relating to ensuring that attempts to limit greenhouse gas emissions in Washington state do not make Washington's agricultural products and food processing businesses economically uncompetitive, thereby shifting emissions to jurisdictions without similar greenhouse gas policies; amending RCW 70.235.020; and creating a new section.

Referred to Committee on Environment.

HB 2769 by Representatives Maycumber and Haler

AN ACT Relating to regulatory relief from greenhouse gas emissions rules for producers of agricultural commodities and food products; amending RCW 70.94.151 and 70.94.331; adding a new section to chapter 70.94 RCW; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Environment.

HB 2770 by Representatives Kloba, Condotta and Macri

AN ACT Relating to ownership of marijuana businesses; amending RCW 69.50.331; reenacting and amending RCW 69.50.325; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2771 by Representatives Kretz, Maycumber, Taylor, Buys and Shea

AN ACT Relating to wolf management using translocation; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2772 by Representatives Kretz, Maycumber, Walsh, Dent, Buys, Schmick, Van Werven, Manweller,

Condotta, Hayes, Smith, Stokesbary, Haler, Barkis and Griffey

AN ACT Relating to addressing the ecological effects of large-scale water withdrawals for urban domestic purposes; amending RCW 19.27.097, 90.03.386, and 43.20.260; adding a new section to chapter 43.21C RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2773 by Representatives Maycumber, Chapman, Van Werven, Shea, Steele, Appleton, Young and Reeves

AN ACT Relating to creating the veterans service officer program; and adding new sections to chapter 43.60A RCW.

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

HB 2774 by Representatives Condotta and Steele

AN ACT Relating to exempting information relating to the regulation of explosives from public disclosure; and amending RCW 42.56.460.

Referred to Committee on State Government, Elections & Information Technology.

HJM 4015 by Representatives Senn, McDonald, Hudgins, Eslick, Gregerson, Valdez, Kagi, Graves, Ormsby, Riccelli, Goodman, Frame, Stanford, Chapman, Stonier, Bergquist, Tarleton, Santos, Doglio, Macri and Slatter

Concerning census funding.

Referred to Committee on State Government, Elections & Information Technology.

HJM 4016 by Representatives Ortiz-Self, Harris, Ryu, Peterson, Stanford, Valdez, Kagi, Stonier, Sells, Appleton, Bergquist, Senn, Gregerson, Tarleton, Santos, Haler, Doglio, Tharinger, Pollet, Macri, Frame and Slatter

Concerning the deferred action for childhood arrivals (DACA) program.

Referred to Committee on Judiciary.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2763 and HOUSE BILL NO. 2765 which were referred to the Committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

January 11, 2018

SHB 1377 Prime Sponsor, Committee on Education: Improving students' mental health by enhancing nonacademic professional services. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Steele and Volz.

Referred to Committee on Appropriations.

January 11, 2018

HB 1679 Prime Sponsor, Representative Goodman: Issuing a two-year identicard for offenders released from prison facilities. Reported by Committee on Public Safety

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Appleton; Chapman; Orwall and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey; Holy and Van Werven.

Referred to Committee on Appropriations.

January 11, 2018

HB 1896 Prime Sponsor, Representative Dolan: Expanding civics education in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Appropriations.

January 10, 2018

HB 2233 Prime Sponsor, Representative McDonald: Concerning temporary registration cards for private investigators. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 10, 2018

HB 2286 Prime Sponsor, Representative Kirby: Addressing the disposition of certain fees collected by the department of financial institutions for the securities division. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Barkis; Bergquist; Blake; Santos and Stanford.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Jenkin.

Referred to Committee on Appropriations.

January 10, 2018

HB 2297 Prime Sponsor, Representative Dolan: Extending the period for voter registration. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Lovick presiding) announced the following committee appointments:

Representative Senn was appointed to the Committee on Rules replacing Representative Stonier.

Representative Van Werven was appointed to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., January 16, 2018, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

NINTH DAY

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4654, by Representative Stambaugh

WHEREAS, Pierce County Sheriff's Deputy Daniel Alexander McCartney bravely served the people of Pierce County for three years; and

WHEREAS, Deputy McCartney passed away on January 8th from injuries sustained while responding to a call on duty; and

WHEREAS, Deputy McCartney graduated from Loyalton High School in 2002; and

WHEREAS, Deputy McCartney then enlisted in the United States Navy, where he served as an Electronics Technician 2nd Class (E-5) aboard the USS Abraham Lincoln from 2004-2008; and

WHEREAS, During his time in the Navy, Petty Officer Second Class McCartney was awarded the Navy Marine Corps Achievement Medal, Global War on Terror Service Medal, The NATO Medal, the Joint Services Achievement Medal, and was twice awarded the Sea Services Deployment Ribbon; and

WHEREAS, After being honorably discharged from the Navy, Deputy McCartney served with the Hoquiam Police Department for six years; and

WHEREAS, Deputy McCartney then transferred to the Pierce County Sheriff's Department in 2014; and

WHEREAS, On January 8th, our community lost a husband, son, father, coach, veteran, police officer, and hero; and

WHEREAS, Deputy McCartney's spirit of service will continue through the lives he impacted as well as those he touched throughout the community; and

WHEREAS, Deputy McCartney is survived by his wife and three sons, with whom we now mourn;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express profound appreciation and enduring gratitude to Deputy McCartney and the brave men and women that protect our state every day as law enforcement officers; and

House Chamber, Olympia, Tuesday, January 16, 2018

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Deputy McCartney.

There being no objection, HOUSE RESOLUTION NO. 4654 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4655, by Representative Shea

WHEREAS, With an unwavering conviction that "Almighty God hath created the mind free," Thomas Jefferson drafted the Virginia Statute for Religious Freedom; and

WHEREAS, On January 16, 1786, the Virginia Statute for Religious Freedom, a strong statement for freedom of conscience, was passed by the Virginia General Assembly; and

WHEREAS, The Virginia Statute for Religious Freedom served as an inspiration and basis for First Amendment protections for religious freedom in the United States Constitution; and

WHEREAS, Freedom of conscience has been highly valued in our nation since its earliest beginnings, not only by individuals seeking religious freedom in the American colonies but through colonial charters and laws such as the 1658 "Flushing Remonstrance," that guaranteed citizens the freedom "to have and enjoy the liberty of conscience, according to the manner and custom of Holland, without molestation or disturbance"; and

WHEREAS, These values were enshrined in the First Amendment to the United States Constitution, which guarantees that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..."; and

WHEREAS, Our Founding Fathers knew as they designed our nation that religious freedom was vital to help strengthen and unite it; and

WHEREAS, In a 1789 letter, George Washington said, "The liberty enjoyed by the people of these States, of worshipping Almighty God agreeably to their consciences, is not only among the choicest of their blessings, but also of their rights."; and

WHEREAS, Many of the first immigrants to our nation came to these shores motivated by their desire for religious

liberty so that they could worship according to the dictates of their own consciences; and

WHEREAS, The right to exercise one's own individual conscience is a critical and essential element in the fabric of American culture and history which serves as a beacon of freedom in the world; and

WHEREAS, Each year the President of the United States declares January 16th to be Religious Freedom Day and calls upon Americans to observe this day through events and activities;

NOW, THEREFORE, BE IT RESOLVED, That today we proudly look back in history to the passage of the Virginia Statute for Religious Freedom on January 16, 1786, recognizing and affirming Religious Freedom Day to commemorate that great historical accomplishment that provided the heart of our First Amendment to the United States Constitution.

There being no objection, HOUSE RESOLUTION NO. 4655 was adopted.

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

INTRODUCTION & FIRST READING

HB 2775 by Representative Lovick

AN ACT Relating to the color of stop lamps on vehicles; and amending RCW 46.37.100 and 46.37.200.

Referred to Committee on Transportation.

HB 2776 by Representative Lovick

AN ACT Relating to exemptions from the use of safety belts; and reenacting and amending RCW 46.61.688.

Referred to Committee on Transportation.

HB 2777 by Representative Jinkins

AN ACT Relating to improving and updating administrative provisions related to the board of tax appeals; amending RCW 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.090, 82.03.100, 82.03.110, 82.03.120, 82.03.140, 82.03.150, 82.03.160, and 82.03.170; adding a new section to chapter 82.03 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2778 by Representatives Jinkins, Stambaugh, Fitzgibbon, Gregerson, Caldier, Kilduff, Tharinger, Hansen, Orwall, Wylie, Stonier, Bergquist, Clibborn, Dolan, McBride, Kraft, Macri and Senn

AN ACT Relating to protecting personal information from disclosure for persons who make claims of sexual harassment; reenacting and amending RCW 42.56.250; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Judiciary.

HB 2779 by Representatives Senn and Dent

AN ACT Relating to improving access to mental health services for children and youth; amending RCW 74.09.495, 71.24.385, 71.24.045, and 28A.630.500; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.216 RCW; adding a new section to chapter 28B.20 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Early Learning & Human Services.

HB 2780 by Representative Lytton

AN ACT Relating to revenue.

Referred to Committee on Finance.

HB 2781 by Representatives Lytton and Ormsby

AN ACT Relating to providing that the department of revenue is the secretary of state's agent for all legal entity renewals; and amending RCW 43.07.200.

Referred to Committee on Finance.

HB 2782 by Representatives Kilduff, Stambaugh, Chapman and Muri

AN ACT Relating to electric-assisted bicycles; amending RCW 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 2783 by Representatives McDonald and Irwin

AN ACT Relating to protecting public safety by authorizing certain educational institutions to impose reasonable restrictions on registered sex and kidnapping offenders enrolled at those institutions; adding a new section to chapter 9A.44 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2784 by Representatives Goodman, Dent, Lovick and McCaslin

AN ACT Relating to background checks for persons providing child care services; reenacting and amending RCW 43.216.270; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2785 by Representatives Dent, Senn, McCaslin, Kagi, Goodman, Klippert, Lovick, Eslick, Griffey and Caldier

AN ACT Relating to providing the list of foster parent rights and responsibilities to prospective and current foster parents; and amending RCW 43.216.015.

Referred to Committee on Early Learning & Human Services.

HB 2786 by Representatives Kilduff and Muri

AN ACT Relating to membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections or the department of social and health services and serving at a prison or civil commitment center located on an island; amending RCW 41.26.030; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 2787 by Representatives Caldier, Kilduff, Dent and Senn

AN ACT Relating to creation of the select committee on supported employment services for individuals with developmental disabilities; adding a new section to chapter 71A.12 RCW; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2788 by Representative Kraft

AN ACT Relating to utility service annexation covenants; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

HB 2789 by Representative Kraft

AN ACT Relating to requiring support by a majority of the people before annexation of a city, town, or unincorporated area; amending RCW 35.13.040, 35.13.060, 35.13.090, 35.13.174, 35.13.410, 35.13.420, 35A.14.040, 35A.14.050, 35A.14.220, 35A.14.420, and 35.10.217; adding new sections to chapter 35.13 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 35A.21 RCW; and repealing RCW 35.13.125, 35.13.130, 35.13.140, 35A.14.120, 35A.14.130, 35A.14.140, and 35A.14.150.

Referred to Committee on Local Government.

HB 2790 by Representative Kraft

AN ACT Relating to the condominium and homeowners' association dispute resolution program; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 64 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2791 by Representative Kilduff

AN ACT Relating to faith-based exemptions regarding criminal mistreatment of children and vulnerable adults; amending RCW 9A.42.005, 26.44.020, and 26.44.020; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2792 by Representatives Chapman and Blake

AN ACT Relating to spirits retailers; and amending RCW 66.24.620 and 66.24.630.

Referred to Committee on Commerce & Gaming.

HB 2793 by Representatives Peterson, Doglio, Fitzgibbon and Riccelli

AN ACT Relating to reducing the use of certain toxic chemicals in firefighting activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment.

HB 2794 by Representatives McCabe, Lovick, Dye, Pettigrew, Klippert, Irwin and Dent

AN ACT Relating to drug-free zone perimeters designated under the uniform controlled substances act; amending RCW 69.50.435; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2795 by Representatives Kagi and Senn

AN ACT Relating to private case management of child welfare services; amending RCW 13.34.025, 13.34.030, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.096, 13.34.125, 13.34.130, 13.34.132, 13.34.136, 13.34.136, 13.34.174, 13.34.176, 13.34.180, 13.34.180, 13.34.210, 13.34.215, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.370, 13.34.380, 13.34.385, 13.34.400, 26.44.020, 26.44.020, 74.13.010, 74.13.020, 74.13.020, 74.13.0311, 74.13.042, 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280, 74.13.283, 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590,

74.13.600, 74.13.640, 74.13.650, 74.15.010, 74.15.020, and 74.15.020; reenacting and amending RCW 13.34.138, 13.34.145, 13.34.155, 74.13.031, 74.13.036, and 74.15.100; repealing RCW 74.13.320, 74.13.360, 74.13.362, 74.13.364, 74.13.366, 74.13.370, 74.13.372, and 43.10.280; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2796 by Representative Pollet

AN ACT Relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia; amending RCW 28A.710.040; adding a new section to chapter 28A.155 RCW; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 2797 by Representative Lytton

AN ACT Relating to revenue.

Referred to Committee on Finance.

HB 2798 by Representative Kagi

AN ACT Relating to the baby court initiative; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2799 by Representative Kagi

AN ACT Relating to providing that certain local sales and use taxes may be used for prevention and outreach programs; and amending RCW 82.14.460.

Referred to Committee on Finance.

HB 2800 by Representative Kagi

AN ACT Relating to behavioral rehabilitation services; amending RCW 43.88C.010; adding a new section to chapter 43.88 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2801 by Representative Stambaugh

AN ACT Relating to implementing a tracking and early alert system to improve student success at community and technical colleges; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 2802 by Representatives Kloba, Johnson, Stonier and Macri

AN ACT Relating to expanded learning opportunities; amending RCW 28A.630.121, 28A.630.122, 28A.630.123, 28A.630.124, and 28A.300.130; adding new sections to chapter 28A.300 RCW; recodifying RCW 28A.630.121, 28A.630.122, 28A.630.123, and 28A.630.124; repealing RCW 28A.630.125, 28A.630.126, 28A.630.127, and 28A.630.129; and repealing 2015 c 163 s 2 (uncodified).

Referred to Committee on Education.

HB 2803 by Representative Taylor

AN ACT Relating to expanding recreational access to department of fish and wildlife and department of natural resources lands; amending RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, 79A.80.110, 46.16A.090, 77.32.010, and 77.12.170; and repealing RCW 79A.80.040.

Referred to Committee on Environment.

HB 2804 by Representative Macri

AN ACT Relating to residential tenant protections; amending RCW 59.18.040, 59.18.220, 59.18.410, 59.18.290, and 61.24.060; reenacting and amending RCW 59.18.030; adding a new section to chapter 59.18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2805 by Representatives Pollet, Valdez, Ryu and Wylie

AN ACT Relating to lead ammunition; adding a new section to chapter 9.41 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.05 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2806 by Representative Muri

AN ACT Relating to child sex trafficking; adding a new chapter to Title 4 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 2807 by Representatives Lovick, Sells, McCabe, Senn, Pettigrew, Riccelli, Ortiz-Self, Ryu, Orwall, Wylie, Valdez, Hudgins and Chapman

AN ACT Relating to motor truck parking; amending RCW 47.38.020; adding a new section to chapter 47.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2808 by Representatives Kirby and Walsh

AN ACT Relating to vehicle dealer licensing; amending 2017 c 15 s 1 (uncodified); adding a new section to chapter 46.70 RCW; repealing 2017 c 15 ss 2, 3, 4, 5, and 6; and repealing 2017 c 15 s 8 (uncodified).

Referred to Committee on Business & Financial Services.

HB 2809 by Representatives Tharinger, Doglio, Peterson, McBride and Van Werven

AN ACT Relating to efficiency updates for capital budget appropriations allocated for public art; amending RCW 28B.10.027 and 43.17.200; amending 2015 3rd sp.s. c 3 s 7012 (uncodified); and adding a new section to chapter 43.46 RCW.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2778 which was referred to the Committee on State Government & Information Technology, HOUSE BILL NO. 2798 which was referred to the Committee on Early Learning & Human Services, and HOUSE BILL NO. 2800 which was referred to the Committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

January 12, 2018

HB 1159 Prime Sponsor, Representative Pellicciotti: Concerning employment after public service in state government. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

January 12, 2018

HB 1470 Prime Sponsor, Representative Hudgins: Modifying declaration of candidacy provisions. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 12, 2018

HB 1567 Prime Sponsor, Representative Koster: Concerning modification of precinct and district boundary lines. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 11, 2018

HB 1827 Prime Sponsor, Representative Santos: Relating to expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities. Reported by Committee on Education

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

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

MOTION

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 2707, and the bill was referred to the Committee on Judiciary.

There being no objection, the House adjourned until 10:00 a.m., January 17, 2018, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 17, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Colin Noorlun and Natalie Castro. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Keith Wilson, Hood Canal Community Church, Washington.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) asked the Chamber to observe a moment of silence to remember the passing of Washington State University Quarterback Tyler Hilinski and House of Representatives employee of 30 years, John Gower.

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

MESSAGE FROM THE SENATE

January 15, 2018

MR. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8407,
and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

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

INTRODUCTION & FIRST READINGHB 2810 by Representatives Dolan and Doglio

AN ACT Relating to the Olympia and Tumwater school district regionalization factors; amending 2017 3rd sp.s. c 1 s 503 (uncodified); and creating a new section.

Referred to Committee on Appropriations.

HB 2811 by Representative Appleton

AN ACT Relating to modifying earned early release provisions; and amending RCW 9.94A.729 and 9.92.151.

Referred to Committee on Public Safety.

HB 2812 by Representatives Stonier, Sells and Pollet

AN ACT Relating to determinations of worker benefits and employer obligations based on a worker's status; amending RCW 39.12.010, 39.12.050, 49.46.010, 49.46.010, 50.04.100, 50.04.298, 50.12.070, 50.12.072, 50.24.070, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082; adding a new section to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.46 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 51.12 RCW; adding new chapters to Title 49 RCW; creating new sections; repealing RCW 39.12.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 2813 by Representatives Fey, Muri, McBride and Jinkins

AN ACT Relating to incentivizing the development of commercial office space in cities with a population of greater than thirty-five thousand and located in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 2814 by Representatives Smith, McCabe and Young

AN ACT Relating to studying state policies and programs that impact the affordability of retail electric bills in Washington state; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2815 by Representatives Griffey, Reeves, Eslick, Steele and Young

AN ACT Relating to career and technical education in alternative learning experience programs; and amending RCW 28A.232.020.

Referred to Committee on Appropriations.

HB 2816 by Representatives Senn, Dent, Kagi, Muri and Appleton

AN ACT Relating to transferring all aspects of working connections child care and seasonal child care service delivery to the department of children, youth, and families, based on the recommendations required to be reported to the legislature pursuant to section 103, chapter 6, Laws of 2017 3rd sp. sess.; amending RCW 43.216.139, 43.216.141, 74.08A.341, and 43.216.135; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2817 by Representatives Frame, Irwin, Sells, Appleton, Pollet and Stanford

AN ACT Relating to limiting overtime for correctional officers; adding new sections to chapter 49.28 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2818 by Representatives Frame, Irwin, Chapman, Senn, Sells, Sawyer, Appleton, Fitzgibbon, Macri and Stanford

AN ACT Relating to the appointment of religious coordinators; amending RCW 41.04.360, 72.01.210, 72.01.210, and 72.01.212; providing an effective date; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2819 by Representatives Eslick, Chapman and Chandler

AN ACT Relating to public employees' retirement system eligible positions, including when an employer must report a retiree to the department of retirement systems; and amending RCW 41.40.010 and 41.50.139.

Referred to Committee on Appropriations.

HB 2820 by Representatives McCabe, Pettigrew, Stambaugh, Macri, Vick, Reeves, Jenkin, Sells, Kagi, Muri and Kilduff

AN ACT Relating to the healthy relationships campaign; adding a new section to chapter 50.44 RCW; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2821 by Representatives McCabe, Manweller, Sells and Gregerson

AN ACT Relating to delegation of inspection duties; and amending RCW 43.22.470 and 43.22.450.

Referred to Committee on Labor & Workplace Standards.

HB 2822 by Representatives Steele, McBride, Muri, Johnson, Caldier, Valdez, Eslick and Gregerson

AN ACT Relating to the definition and misrepresentation of service animals; amending RCW 49.60.218 and 7.80.120; reenacting and amending RCW 49.60.040; adding a new section to chapter 49.60 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2823 by Representatives Steele, Holy and Stambaugh

AN ACT Relating to scholarship displacement in postsecondary institutions' gift equity packaging policies; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2824 by Representatives Harris, Dolan and Muri

AN ACT Relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education; amending RCW 28A.310.020, 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date.

Referred to Committee on Education.

HB 2825 by Representatives McDonald, Muri and Young

AN ACT Relating to providing motor vehicle excise tax relief to low-income senior citizens and disabled individuals; and amending RCW 81.104.160.

Referred to Committee on Transportation.

HB 2826 by Representatives Tharinger, Chapman, Appleton and Santos

AN ACT Relating to Indian health care in Washington state; amending RCW 38.52.040, 41.05.690, and 70.320.020; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 70 RCW.

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

HB 2827 by Representative Kirby

AN ACT Relating to minimum liability insurance coverage for certain towing expenses; and amending RCW 46.29.090.

Referred to Committee on Business & Financial Services.

HB 2828 by Representative Riccelli

AN ACT Relating to the Washington interscholastic activities association and any voluntary nonprofit entity with the authority over interschool athletic activities and other interschool extracurricular activities for students of a school district; amending RCW 28A.600.200; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2829 by Representatives Eslick, Pike, Griffey and Young

AN ACT Relating to deannexing from a park and recreation district; amending RCW 36.69.310; and adding a new section to chapter 36.69 RCW.

Referred to Committee on Local Government.

HB 2830 by Representatives Eslick, Pike, Griffey and Van Werven

AN ACT Relating to employment opportunity training programs in restaurants and grocery stores; adding a new section to chapter 49.46 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2831 by Representatives Senn, Chapman, Clibborn, Vick, Springer, Appleton and Barkis

AN ACT Relating to construction defect actions; and amending RCW 64.50.040, 64.34.304, and 64.38.020.

Referred to Committee on Judiciary.

HB 2832 by Representatives Kilduff, Stambaugh, Tarleton, Haler, Orwall, Graves, Kagi, Hudgins, Appleton, Doglio, Pollet, Gregerson and Santos

AN ACT Relating to ensuring the passport to college promise program is available to certain populations of foster youth; and amending RCW 28B.117.020, 28B.117.030, and 28B.117.040.

Referred to Committee on Higher Education.

HB 2833 by Representatives Morris, Schmick and Hudgins

AN ACT Relating to transferring duties of the life sciences discovery fund; amending RCW 43.350.040, 43.350.050, and 43.350.070; adding new sections to chapter 43.330 RCW; recodifying RCW 43.350.040, 43.350.050, and 43.350.070; repealing RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.060, 43.350.901, and 43.350.903; and providing an effective date.

Referred to Committee on Technology & Economic Development.

HB 2834 by Representatives Kilduff, Caldier, Muri, Young and Appleton

AN ACT Relating to establishing an equitable debt service repayment plan for the Tacoma Narrows bridge; adding new sections to chapter 47.56 RCW; and providing expiration dates.

Referred to Committee on Transportation.

HB 2835 by Representatives Maycumber, Cody, Holy, Clibborn, Irwin, Lovick, Graves, DeBolt, Harris, Rodne, Stonier, Slatter, Kagi, Klippert, Eslick, Muri, Vick, Johnson and Young

AN ACT Relating to establishing a special allegation and sentencing enhancement for the use or consumption of heroin in the presence of a person under the age of eighteen; amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

HB 2836 by Representatives Jinkins, Harris, Cody, Tharinger, Stonier, Slatter, Clibborn, Macri, Riccelli, Robinson, Valdez, Appleton and Johnson

AN ACT Relating to delineating charity care and notice requirements without restricting charity care; amending RCW 70.170.020 and 70.170.060; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2837 by Representatives Kloba, Harris, Kirby, Robinson, Appleton, Johnson, Stonier, Dolan, Macri, Maycumber, Slatter and Stanford

AN ACT Relating to prior authorization; and amending RCW 48.43.016.

Referred to Committee on Health Care & Wellness.

HB 2838 by Representatives Dent, Wylie, Nealey and Chandler

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 90.50A.030.

Referred to Committee on Capital Budget.

HB 2839 by Representatives Morris, Slatter, Doglio and Fitzgibbon

AN ACT Relating to authorizing an alternative form of regulation of electrical and natural gas companies; amending RCW 80.28.005 and 80.28.010; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2840 by Representatives Shea, McCaslin, Eslick and Young

AN ACT Relating to protecting patients from vaccines containing mercury or aluminum; amending RCW 70.95M.115; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2841 by Representatives Shea, McCaslin, Eslick, DeBolt and Young

AN ACT Relating to distributing information about the risks associated with vaccinations; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2842 by Representatives Shea, McCaslin, Eslick and Young

AN ACT Relating to notification of availability of immunization exemptions; and amending RCW 28A.210.080.

Referred to Committee on Health Care & Wellness.

HB 2843 by Representative Kirby

AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.111, and 48.62.121; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Business & Financial Services.

HB 2844 by Representatives Stanford, Hudgins and Appleton

AN ACT Relating to call center retention; amending RCW 82.32.805; adding a new section to chapter 39.26 RCW; adding a new chapter to Title 50 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2845 by Representatives Dent, Blake, Dye, Reeves and Eslick

AN ACT Relating to creating a task force on marijuana odor; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1506, by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew

Addressing workplace practices to achieve gender pay equity.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1506 was substituted for House Bill No. 1506 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1506 was read the second time.

With the consent of the house, amendment (662) was withdrawn.

Representative Maycumber moved the adoption of amendment (666):

On page 3, after line 27, insert the following:

"(4)A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a)Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(b)Providing for local enforcement of the provisions of this chapter; or

(c)Requiring private employers to supplement the requirements or benefits provided under this chapter."

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

Representative Senn spoke against the adoption of the amendment.

MOTION

On motion of Representative Hayes, Representative Nealey was excused.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (666) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

Amendment (666) was not adopted.

Representative Stambaugh moved the adoption of amendment (665):

On page 3, beginning on line 34, after "including by" strike all material through "gender" on line 38 and insert "failing to provide information about career advancement opportunities on the basis of gender"

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

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (665) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey

Amendment (665) was not adopted.

Representative Muri moved the adoption of amendment (664):

On page 7, line 1, after "from" strike "four" and insert "three"

On page 7, line 11, after "from" strike "four" and insert "three"

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

Representative Frame spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (664) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

Amendment (664) was not adopted.

Representative Smith moved the adoption of amendment (669):

On page 7, after line 2, insert the following:

"(6) (a) An employee who has filed a complaint under this chapter with the department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(b) If the employee elects to terminate the department's administrative action: (i) The department shall immediately discontinue its action against the employer; (ii) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (iii) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of amounts assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(c) Nothing in this section shall be construed to limit or affect: (i) The right of any employee to pursue any judicial, administrative, or other action available with respect to an

employer; (ii) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a complaint under this chapter; or (iii) the right of the department to pursue any judicial, administrative, or other action otherwise authorized."

On page 7, line 3, after "Subject to" insert "section 7(6) of this act and"

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

Representative Senn spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (669) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

Amendment (669) was not adopted.

Representative McCabe moved the adoption of the striking amendment (663):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers,

employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

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

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state (~~employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males~~) who discriminates in any way in providing compensation based on gender between similarly employed (~~(, or in any employment formerly performed by males, shall be)~~) employees of the employer is guilty of a misdemeanor. If any (~~female~~) employee

(~~shall~~) receives less compensation because of (~~being discriminated against~~) discrimination on account of (~~her sex, and~~) gender in violation of this section, (~~she shall be~~) that employee is entitled to (~~recover in a civil action the full amount of compensation that she would have received had she not been discriminated against~~) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to (~~her~~) the employee upon account. (~~A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.~~)

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(3) (a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not

constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

(4) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(b) Providing for local enforcement of the provisions of this chapter; or

(c) Requiring private employers to supplement the requirements or benefits provided under this chapter.

NEW SECTION. Sec. 4. (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not limit or deprive an employee of career advancement opportunities that would otherwise be available to the employee but for the employee's gender, including by failing to provide information about career advancement opportunities on the basis of gender.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3) (a) (i) through (iii) (as recodified by this act) does not constitute discrimination within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3) (b) (i) through (iv) (as recodified by this act).

(4) (a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if

there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order the employer to pay to the employee actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Sections 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. Sec. 5. (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. Sec. 6. An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. Sec. 7. (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175

(as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from three years before the complaint.

(6)(a) An employee who has filed a complaint under this chapter with the

department may elect to terminate the department's administrative action, thereby preserving any private right of action, by providing written notice to the department within ten business days after the employee's receipt of the department's citation and notice of assessment.

(b) If the employee elects to terminate the department's administrative action: (i) The department shall immediately discontinue its action against the employer; (ii) the department shall vacate a citation and notice of assessment already issued by the department to the employer; and (iii) the citation and notice of assessment, and any related findings of fact or conclusions of law by the department, and any payment or offer of payment by the employer of amounts assessed by the department in the citation and notice of assessment, shall not be admissible in any court action or other judicial or administrative proceeding.

(c) Nothing in this section limits or affects: (i) The right of any employee to pursue any judicial, administrative, or other action available with respect to an employer; (ii) the right of the department to pursue any judicial, administrative, or other action available with respect to an employee that is identified as a result of a complaint under this chapter; or (iii) the right of the department to pursue any judicial, administrative, or other action otherwise authorized.

NEW SECTION. Sec. 8. (1) Subject to section 7(6) of this act and subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. Any wages and interest owed must be calculated from three years before the civil action was instituted.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through

application of a formal or informal employer policy or practice.

NEW SECTION. Sec. 9. A violation of this chapter occurs when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. Sec. 10. The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 11. The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. Sec. 12. RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

Correct the title.

Representative McCabe spoke in favor of the adoption of the striking amendment.

Representative Sells spoke against the adoption of the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (663) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford,

Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Nealey.

The striking amendment (663) was not adopted.

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

Representatives Senn, McCabe, Doglio, Graves, Sells, Johnson, Slatter, Caldier, Jinkins, Tarleton and Young spoke in favor of the passage of the bill.

Representatives Van Werven and Pike spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1506.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1506, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harris, Hayes, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Orcutt, Pike, Schmick, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz and Wilcox.

Excused: Representative Nealey.

SECOND SUBSTITUTE HOUSE BILL NO. 1506, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Cody, Kagi, Johnson, Appleton, Frame, Ormsby, Jinkins, Short, Young, DeBolt, Hudgins and Tarleton

Naming the 1063 Building "The Helen Sommers Building." (REVISED FOR ENGROSSED: Naming the 1063 Building "Helen Sommers Building.")

There being no objection, the rules were suspended, and HOUSE CONCURRENT RESOLUTION NO. 4400 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Hudgins moved the adoption of amendment (660):

On page 2, line 28, after "name "" strike "The"

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

Amendment (660) was adopted.

The bill was ordered engrossed.

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

Representatives Cody, Johnson and Frame spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representatives Barkis and Wilcox were excused

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Concurrent Resolution No. 4400.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Concurrent Resolution No. 4400, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea, Taylor and Walsh.

Excused: Representatives Barkis, Nealey and Wilcox.

ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 4400, having received the necessary
constitutional majority, was declared passed.

HOUSE BILL NO. 2007, by Representatives Kagi, Appleton, Hudgins, Jinkins, Johnson, Kilduff, Senn, Tarleton, Frame, Stonier, Stambaugh, Lytton, Macri, Robinson, Ormsby, Doglio, Slatter and Pollet

Making provisions to commemorate the centennial of national women's suffrage.

The bill was read the third time.

Representatives Kagi, DeBolt and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2007.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2007, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representatives Barkis, Nealey and Wilcox.

HOUSE BILL NO. 2007, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Tarleton: "Madame Speaker, I know that this body needs to recognize and needs to appreciate the extraordinary contributions of a statesman whom we lost earlier this week - Governor John Spellman. Governor Spellman was a giant throughout his adult life, working for the people of One Washington. He led this state through a very turbulent time, 1980-1984, when the country was experiencing deep recession; when there were enormous world tensions; when we were a state that, even then, was involved in aviation and exploration and space during the cold war, and he found ways to keep our state connected to our partners around the world. He found ways to invest in

our people, our higher education institutions, our courts, to all of the parts of our society that we hold dear. He lived a full, involved and civically engaged life up to the age of 91 and all of us owe a debt of gratitude to him and his service, and can only hope that we honor his memory and his legacies by carrying forward all of his beliefs and his goals for the people of Washington state. I ask your help and support to honor his memory with a moment of silence."

POINT OF PERSONAL PRIVILEGE

Representative Chandler: "Thank you Madame Speaker. I also rise to urge the House to take a few moments to pay tribute to a man that left an indelible achievement in the public life of Washington state. Mr. Spellman was the first county executive for King County and he helped to reform all across the state, the way local governments were conducted. I think that what I most appreciate about Governor Spellman, actually, is that as county executive, he was instrumental in getting the Kingdom built, which of course is the only reason why we have the Mariners and the Seahawks. He was much involved, demonstrated a lot of leadership in making that happen. I would say that, as much as all the things that he accomplished over half a lifetime in public office, what he really left, I think, was a legacy of having an indelible and unending, unwavering respect, not just for those that supported him and all those that were close to him, but he was eminently respectful to those that disagreed with him and that opposed him, and he believed and defended their right to express their position and to fight for their cause just as he defended his own. I think that I would ask that the House remember the legacy of John Spellman and that we would continue to be mindful of the example and the character that he has set for us as we continue our work. Thank you Madame Speaker."

SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) asked the members to take a moment of silence to honor Governor Spellman.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8407

The Speaker called upon Representative Orwall to preside.

There being no objection, the House adjourned until 10:00 a.m., January 18, 2018, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 18, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Claire Kang and Isaac Yi. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Tammy Stampfli, The United Churches, Olympia, Washington.

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

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

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

MESSAGE FROM THE SECRETARY OF STATE

**PROVISIONAL CERTIFICATION
INITIATIVE TO THE LEGISLATURE NO. 940**

Pursuant to Article II, Section 1, of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of December 29, 2017, the Office of the Secretary of State received signature petitions submitted in support of initiative to the Legislature No. 940 concerning law enforcement.

The Office of the Secretary of State is currently examining signatures. Article II, Section 1, of the Washington State Constitution requires 259,622 valid signatures.

I hereby attach a true and correct copy of initiative to the Legislature No. 940 and the Superior Court Order determining the ballot title wording and summary.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 16th day of January, 2018.

Kim Wyman
Secretary of state
(Greg Lane, Deputy Secretary of State)

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

INTRODUCTION & FIRST READING

HI 940 by Representative People of the State of Washington

Referred to Committee on Public Safety.

HB 2846 by Representatives Orwall, Haler, Stanford and Pollet

AN ACT Relating to removing the ability of school districts to withhold grades and transcripts of pupils responsible for certain damage or losses to school property; and amending RCW 28A.635.060.

Referred to Committee on Education.

HB 2847 by Representatives Buys and Blake

AN ACT Relating to the state building code act and recognizing nationally recognized standards for modern technical methods, devices, and improvements; amending RCW 19.27.020; and creating a new section.

Referred to Committee on Local Government.

HB 2848 by Representatives Orwall, Kilduff, Jinkins, Rodne, Goodman, Appleton, Haler, Kagi, Eslick and Slatter

AN ACT Relating to school and court processes to promote attendance and reduce truancy; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.185C RCW; and creating a new section.

Referred to Committee on Education.

HB 2849 by Representatives Doglio, Sells, Frame, Gregerson, Appleton, Valdez, Kloba, Pollet and Goodman

AN ACT Relating to protecting temporary workers; adding a new section to chapter 49.17 RCW; adding a new section to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2850 by Representatives Irwin, Ryu, Vick, Sawyer, Kirby, Condotta and Appleton

AN ACT Relating to robbery in the first or second degree of a marijuana retailer, marijuana processor, or marijuana producer; and amending RCW 9.94A.832.

Referred to Committee on Public Safety.

HB 2851 by Representatives Reeves, Rodne, Peterson, McCaslin and Haler

AN ACT Relating to clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day; and amending RCW 38.40.060.

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

HB 2852 by Representatives Graves and Haler

AN ACT Relating to attorneys' fees on public works contracts; amending RCW 39.04.240; and creating a new section.

Referred to Committee on Capital Budget.

HB 2853 by Representative Morris

AN ACT Relating to providing a retail sales and use tax exemption for qualified donations to the Washington excellence fund; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 2854 by Representatives Sells, Kloba, Lovick, Peterson, Frame, Dolan, Valdez, Robinson, Sawyer, Blake, Appleton, Haler, Kagi, Stanford, Doglio, Slatter, Pollet, Santos and Goodman

AN ACT Relating to establishing pilot programs to plan for the needs of certain college students experiencing homelessness; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.77 RCW; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2855 by Representatives Stonier, Appleton, Haler, Lovick, Orwall, Sells, Wylie, Eslick and Hayes

AN ACT Relating to the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations; and amending RCW 26.44.180.

Referred to Committee on Early Learning & Human Services.

HB 2856 by Representatives Dolan, Doglio, Appleton, Wylie and Goodman

AN ACT Relating to notification to purchasers of hearing devices about audio switch and bluetooth technology; and amending RCW 18.35.030.

Referred to Committee on Health Care & Wellness.

HB 2857 by Representatives Orwall, Kraft, Goodman, Pettigrew, Kagi, Wylie, Frame and Slatter

AN ACT Relating to therapeutic responses to commercially sexually exploited youth; amending RCW 9A.88.030, 13.40.070, and 13.40.213; adding a new section to chapter 7.68 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2858 by Representatives Johnson, Chandler, Appleton, McCabe and Haler

AN ACT Relating to allowing excess local infrastructure financing revenues to be carried forward; amending RCW 39.102.020; and repealing 2010 c 164 s 13, 2009 c 518 s 25, 2009 c 267 s 9, 2008 c 209 s 2, and 2007 c 229 s 17 (uncodified).

Referred to Committee on Technology & Economic Development.

HB 2859 by Representatives Walsh and Haler

AN ACT Relating to modifying the management of the state's fisheries by creating the department of fisheries separate from the department of wildlife; amending RCW 77.08.022, 77.08.024, 77.12.010, 77.12.275, 77.12.420, 77.12.455, 77.12.560, 77.12.760, 77.12.850, 77.12.858, 77.12.860, 77.12.865, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.370, 77.15.380, 77.15.382, 77.15.390, 77.15.500, 77.15.520, 77.15.522, 77.15.530, 77.15.540, 77.15.552, 77.15.554, 77.15.565, 77.15.570, 77.15.590, 77.15.620, 77.15.640, 77.15.803, 77.15.813, 77.15.805, 77.15.809, 77.15.811, 77.18.050, 77.18.060, 77.50.010, 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.080, 77.50.090, 77.50.100, 77.50.110, 77.50.120, 77.55.021, 77.55.041, 77.55.081, 77.55.111, 77.55.121, 77.55.131, 77.55.141, 77.55.151, 77.55.161, 77.55.181, 77.55.191, 77.55.241, 77.55.251, 77.55.261, 77.55.291, 77.55.331, 77.57.040, 77.57.060, 77.60.020, 77.60.030, 77.60.050, 77.60.100, 77.60.150, 77.60.160, 77.60.170, 77.80.030, 77.80.040, 77.80.060, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.060, 77.85.080, 77.85.090, 77.85.110, 77.85.120, 77.85.130, 77.85.140, 77.85.200, 77.85.220, 77.85.230, 77.95.020, 77.95.030, 77.95.040, 77.95.060, 77.95.070, 77.95.090, 77.95.100, 77.95.140, 77.95.160, 77.95.170, 77.95.180, 77.95.185, 77.95.210, 77.95.270, 77.95.320, 77.105.010, 77.105.020, 77.105.140, 77.105.150, 77.105.160, 77.115.010, 77.115.030, 77.135.010, 77.135.020, 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.100, 77.135.110, 77.135.120, 77.135.130, 77.135.140, 77.135.200, 77.135.210, 77.135.220, 77.135.230, 77.135.240, 77.04.012, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.150, 77.08.010, 77.12.020, 77.12.039, 77.12.045, 77.12.047, 77.12.150,

77.12.154, 77.12.184, 77.12.204, 77.12.262, 77.12.264, 77.12.320, 77.12.325, 77.12.475, 77.12.610, 77.12.620, 77.12.630, 77.15.040, 77.15.070, 77.15.075, 77.15.085, 77.15.090, 77.15.092, 77.15.094, 77.15.096, 77.15.098, 77.15.100, 77.15.110, 77.15.120, 77.15.130, 77.15.150, 77.15.180, 77.15.210, 77.15.240, 77.15.245, 77.15.250, 77.15.260, 77.15.265, 77.15.270, 77.15.280, 77.15.290, 77.15.470, 77.15.480, 77.15.670, 77.15.710, 77.15.750, 77.15.780, 77.15.790, 77.15.900, 77.32.010, 77.32.014, 77.32.050, 77.32.070, 77.32.240, 77.32.256, 77.32.440, 77.32.480, 77.32.525, 77.32.540, 77.32.565, 77.75.070, 77.75.110, 77.75.120, 77.130.010, 77.130.020, 77.130.050, 77.130.060, 43.17.010, 43.17.020, 43.300.010, 43.300.020, and 79A.80.090; reenacting and amending RCW 77.55.011, 77.120.010, 77.15.080, and 77.15.160; adding a new Title to the Revised Code of Washington to be codified as Title 75A RCW; creating new sections; recodifying RCW 77.04.120, 77.04.160, 77.04.170, 77.08.020, 77.08.022, 77.08.024, 77.12.043, 77.12.068, 77.12.275, 77.12.285, 77.12.330, 77.12.420, 77.12.451, 77.12.453, 77.12.455, 77.12.459, 77.12.465, 77.12.550, 77.12.702, 77.12.712, 77.12.714, 77.12.716, 77.12.718, 77.12.732, 77.12.734, 77.12.755, 77.12.760, 77.12.765, 77.12.850, 77.12.852, 77.12.854, 77.12.858, 77.12.860, 77.12.865, 77.12.870, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.370, 77.15.380, 77.15.382, 77.15.390, 77.15.500, 77.15.510, 77.15.520, 77.15.522, 77.15.530, 77.15.540, 77.15.550, 77.15.552, 77.15.554, 77.15.565, 77.15.568, 77.15.570, 77.15.580, 77.15.590, 77.15.620, 77.15.630, 77.15.640, 77.15.740, 77.15.770, 77.15.805, 77.15.807, 77.15.809, 77.15.811, 77.15.813, 77.18.050, 77.18.060, 77.32.410, 77.32.520, 77.44.005, 77.44.007, 77.44.010, 77.44.030, 77.44.040, 77.44.050, 77.44.060, 77.44.070, 77.50.010, 77.50.020, 77.50.030, 77.50.040, 77.50.050, 77.50.060, 77.50.070, 77.50.080, 77.50.090, 77.50.100, 77.50.110, 77.50.120, 77.55.011, 77.55.021, 77.55.031, 77.55.041, 77.55.051, 77.55.061, 77.55.081, 77.55.091, 77.55.101, 77.55.111, 77.55.121, 77.55.131, 77.55.141, 77.55.151, 77.55.161, 77.55.171, 77.55.181, 77.55.191, 77.55.201, 77.55.211, 77.55.221, 77.55.231, 77.55.241, 77.55.251, 77.55.261, 77.55.271, 77.55.281, 77.55.291, 77.55.331, 77.55.341, 77.55.351, 77.55.361, 77.55.371, 77.57.010, 77.57.020, 77.57.030, 77.57.040, 77.57.050, 77.57.060, 77.57.070, 77.57.080, 77.60.010, 77.60.020, 77.60.030, 77.60.040, 77.60.050, 77.60.060, 77.60.070, 77.60.080, 77.60.090, 77.60.100, 77.60.150, 77.60.160, 77.60.170, 77.65.010, 77.65.020, 77.65.030, 77.65.040, 77.65.050, 77.65.060, 77.65.070, 77.65.080, 77.65.090, 77.65.100, 77.65.110, 77.65.120, 77.65.130, 77.65.140, 77.65.150, 77.65.160, 77.65.170, 77.65.180, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.240, 77.65.250, 77.65.260, 77.65.270, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.370, 77.65.380, 77.65.390, 77.65.400, 77.65.410, 77.65.420, 77.65.430, 77.65.440, 77.65.450, 77.65.460, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.65.530, 77.65.550, 77.65.560, 77.65.570, 77.65.580, 77.65.590, 77.65.600, 77.65.610, 77.70.005, 77.70.010, 77.70.020, 77.70.040, 77.70.050, 77.70.060, 77.70.070, 77.70.080, 77.70.090, 77.70.100, 77.70.110, 77.70.120, 77.70.130, 77.70.140, 77.70.150, 77.70.160, 77.70.170, 77.70.180, 77.70.190, 77.70.200, 77.70.210, 77.70.220,

77.70.230, 77.70.240, 77.70.250, 77.70.260, 77.70.280, 77.70.290, 77.70.300, 77.70.310, 77.70.320, 77.70.330, 77.70.340, 77.70.350, 77.70.360, 77.70.370, 77.70.390, 77.70.400, 77.70.410, 77.70.420, 77.70.430, 77.70.440, 77.70.442, 77.70.450, 77.70.460, 77.70.470, 77.70.480, 77.70.490, 77.70.500, 77.70.510, 77.80.020, 77.80.030, 77.80.040, 77.80.050, 77.80.060, 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.050, 77.85.060, 77.85.080, 77.85.090, 77.85.110, 77.85.120, 77.85.130, 77.85.135, 77.85.140, 77.85.150, 77.85.160, 77.85.170, 77.85.180, 77.85.190, 77.85.200, 77.85.220, 77.85.230, 77.85.240, 77.95.010, 77.95.020, 77.95.030, 77.95.040, 77.95.050, 77.95.060, 77.95.070, 77.95.080, 77.95.090, 77.95.100, 77.95.130, 77.95.140, 77.95.150, 77.95.160, 77.95.170, 77.95.180, 77.95.185, 77.95.190, 77.95.200, 77.95.210, 77.95.220, 77.95.230, 77.95.240, 77.95.250, 77.95.260, 77.95.270, 77.95.280, 77.95.290, 77.95.300, 77.95.310, 77.95.320, 77.95.330, 77.95.340, 77.105.005, 77.105.010, 77.105.020, 77.105.030, 77.105.050, 77.105.140, 77.105.150, 77.105.160, 77.105.170, 77.110.010, 77.110.020, 77.110.030, 77.110.040, 77.110.900, 77.115.010, 77.115.030, 77.115.040, 77.120.005, 77.120.010, 77.120.020, 77.120.030, 77.120.040, 77.120.050, 77.120.070, 77.120.100, 77.120.110, 77.120.120, 77.120.130, 77.120.140, 77.125.010, 77.125.020, 77.125.030, 77.125.040, 77.135.010, 77.135.020, 77.135.030, 77.135.040, 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.090, 77.135.100, 77.135.110, 77.135.120, 77.135.130, 77.135.140, 77.135.150, 77.135.160, 77.135.170, 77.135.180, 77.135.200, 77.135.210, 77.135.220, 77.135.230, and 77.135.240; repealing RCW 77.15.005, 43.300.005, and 77.04.013; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2860 by Representatives Kilduff, Sawyer, Bergquist, Doglio and Goodman

AN ACT Relating to creating the Washington children's educational savings account program; amending RCW 28B.95.010, 28B.95.020, and 43.79A.040; adding new sections to chapter 28B.95 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2861 by Representatives Ortiz-Self, Lovick, Klippert, Kilduff, Kagi, Frame, Jinkins, Macri, Kloba, Pollet and Goodman

AN ACT Relating to expanding the provision of trauma-informed child care; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2862 by Representatives Harmsworth and Graves

AN ACT Relating to the use of park and ride lots by private employer transportation service vehicles; amending RCW 47.04.290; and declaring an emergency.

Referred to Committee on Transportation.

HB 2863 by Representatives Stambaugh, Kilduff, Sawyer, Wylie, Bergquist, Macri, Doglio and Pollet

AN ACT Relating to providing feminine hygiene products in community and technical colleges at no cost to students; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 2864 by Representative Eslick

AN ACT Relating to preventing fires in rental dwelling units; and creating a new section.

Referred to Committee on Local Government.

HB 2865 by Representatives Sells, McCabe, Goodman, Manweller, Griffey, Irwin, Hayes, Pettigrew, Cody, Riccelli, Appleton, Valdez, Wylie, Ormsby, Doglio and Pollet

AN ACT Relating to expanding the list of authorized provider types to treat injured workers suffering from mental health conditions caused by their industrial injury or occupational disease; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2866 by Representatives Pellicciotti, Senn, Appleton, Valdez, Bergquist, Jinkins, Slatter, Pollet and Santos

AN ACT Relating to ensuring that the rights and protections provided to students as of January 19, 2017, under Title IX of the federal Education Amendments of 1972 are preserved; amending RCW 28A.640.010, 28A.195.010, 28B.50.455, and 28B.110.030; adding a new section to chapter 28B.110 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2867 by Representatives Doglio, Graves, Orwall, Stambaugh, Pettigrew, Dent, Peterson, Senn, Macri, Kilduff, Appleton, Frame, Haler, Valdez, Eslick, Tharinger, McDonald, Slatter, Kloba, Pollet, Santos and Reeves

AN ACT Relating to helping former foster youth and youth experiencing homelessness access and complete

registered apprenticeships; and adding a new chapter to Title 28C RCW.

Referred to Committee on Higher Education.

HB 2868 by Representatives Pettigrew, Stokesbary, Muri, Johnson and Slatter

AN ACT Relating to facilitating high school success; amending RCW 28A.320.195, 28A.600.290, 28A.600.310, 28A.600.320, 28A.600.385, 28A.165.035, and 28A.175.074; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28A.175 RCW.

Referred to Committee on Education.

HB 2869 by Representatives Chandler, Taylor and Haler

AN ACT Relating to the maximum share of public employee health benefit premiums to be paid by employers participating in the public employees' benefits board; and amending RCW 41.05.065 and 41.80.020.

Referred to Committee on Appropriations.

HB 2870 by Representatives Orwall, Kagi and Slatter

AN ACT Relating to families in need of services; adding new sections to chapter 74.15 RCW; adding a new chapter to Title 13 RCW; repealing RCW 13.32A.010, 13.32A.015, 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.080, 13.32A.082, 13.32A.084, 13.32A.085, 13.32A.086, 13.32A.100, 13.32A.110, 13.32A.120, 13.32A.125, 13.32A.128, 13.32A.140, 13.32A.150, 13.32A.152, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.178, 13.32A.179, 13.32A.180, 13.32A.190, 13.32A.191, 13.32A.192, 13.32A.194, 13.32A.196, 13.32A.197, 13.32A.198, 13.32A.200, 13.32A.205, 13.32A.210, 13.32A.250, 13.32A.270, and 13.32A.300; prescribing penalties; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Early Learning & Human Services.

HCR 4413 by Representatives Tarleton, Fitzgibbon, Gregerson, Haler, Ortiz-Self, Peterson, Sells, Wylie, Stonier, Robinson, Jinkins, Frame, Stanford, Tharinger, Bergquist, Macri, Doglio, Kagi, Kilduff, Pettigrew, Pollet, Goodman, Kloba and Ormsby

Creating the Unified Table on Sexual Harassment.

There being no objection, the bills, initiative and concurrent resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT

RESOLUTION NO. 4413 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

January 16, 2018

HB 1800 Prime Sponsor, Representative Gregerson: Enacting the Washington voting rights act. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2256 Prime Sponsor, Representative Graves: Concerning the online availability of foster parent preservice training. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2321 Prime Sponsor, Representative Bergquist: Addressing the insurer corporate governance annual disclosure model act. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2322 Prime Sponsor, Representative Stanford: Allowing property insurers to assist their insureds with risk mitigation goods or services. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 15, 2018

HB 2332 Prime Sponsor, Representative Sawyer: Concerning gambling addiction. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 15, 2018

HB 2334 Prime Sponsor, Representative Sawyer: Regulating the use of cannabinoid additives in marijuana products. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby and Ryu.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

January 15, 2018

HB 2335 Prime Sponsor, Representative Sawyer: Concerning business practices by marijuana retailers that may mislead the public as to the ownership of a retailer. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2355 Prime Sponsor, Representative Cody: Addressing the establishment of an individual health insurance market claims-based reinsurance program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Graves, Assistant Ranking Minority Member and Rodne.

January 16, 2018

HB 2369 Prime Sponsor, Representative Ryu: Concerning regulation of permanent cosmetics under the Washington body art, body piercing, and tattooing act. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

MINORITY recommendation: Do not pass. Signed by Representative Vick, Ranking Minority Member.

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

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2471 Prime Sponsor, Representative Kirby: Preempting local government regulation of medical marijuana cooperatives. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair;

Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Kirby and Ryu.

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

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2474 Prime Sponsor, Representative Condotta: Modifying marijuana product labeling requirements. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2559 Prime Sponsor, Representative Blake: Allowing nonmedical home cultivation of marijuana. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Kirby and Young.

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

MINORITY recommendation: Without recommendation. Signed by Representative Ryu.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2355 which was placed on the second reading calendar.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2016, by House Committee on Health Care & Wellness (originally sponsored by Representatives DeBolt, Hayes, Stanford, Doglio and Muri)

Concerning midwifery and doula services for incarcerated women.

The bill was read the third time.

Representatives DeBolt, Cody, Klippert, Smith and Doglio spoke in favor of the passage of the bill.

MOTION

On motion of Representative Riccelli, Representatives Fey and Lytton were excused.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2016.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2016, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

SUBSTITUTE HOUSE BILL NO. 2016, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239, by House Committee on Health Care & Wellness (originally sponsored by Representative Sullivan)

Concerning requests for medical records to support an application for social security benefits.

The bill was read the third time.

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1239.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1239, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Klippert, Schmick and Taylor.

Excused: Representatives Fey and Lytton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1655, by House Committee on Appropriations (originally sponsored by Representatives Lovick, Holy, Griffey, Hayes, Sells, Doglio, Stokesbary, Frame, Irwin, Fitzgibbon, Pike, Fey, Goodman, Pollet and Stanford)

Providing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system. Revised for 1st Substitute: Allowing industrial insurance coverage for stress-caused mental disorders and disabilities of members of the law enforcement officers' and firefighters' retirement system.

The bill was read the third time.

Representatives Lovick, Griffey, McCabe and Maycumber spoke in favor of the passage of the bill.

Representatives Nealey and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kristiansen, Lovick, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Dye, Harris, Klippert, Kretz, Manweller, Nealey, Schmick, Taylor and Vick.

Excused: Representatives Fey and Lytton.

SUBSTITUTE HOUSE BILL NO. 1655, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1128, by Representatives Shea, Jinkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby and Haler

Concerning civil arbitration.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1128 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Jinkins moved the adoption of amendment (668):

On page 7, line 22, after "after" strike "January" and insert "September"

On page 7, line 23, after "effect" strike "January" and insert "September"

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

Amendment (668) was adopted.

The bill was ordered engrossed.

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

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

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1128.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1128, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Holy, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Dent, Graves, Harmsworth, Harris, Hayes, Irwin, Jenkin, Klippert, Kraft, Kristiansen, Manweller, Muri, Rodne, Stokesbary, Van Werven, Vick and Wilcox.

Excused: Representatives Fey and Lytton.

ENGROSSED HOUSE BILL NO. 1128, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1196, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Jinkins, Kilduff, McBride and Barkis)

Modifying the process for prevailing parties to recover judgments in small claims court.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1196 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Goodman moved the adoption of amendment (681):

On page 4, beginning on line 4, after "judgment with" strike "the district court" and insert "all courts in which the judgment was filed"

On page 4, line 7, after "notice with" strike "the district court" and insert "with all courts in which the judgment was filed"

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

Amendment (681) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1196.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1196, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1571, by Representatives Reeves, Muri, Ryu, Kilduff, Sawyer, Steele, Macri, Orwall, Tharinger, Chapman, Stanford, Doglio, Fey, Hudgins, Stonier, Frame, Kloba, Springer, Walsh, McBride, Ortiz-Self, Riccelli and Slatter

Creating a community care and supportive services program for veterans.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1571 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Reeves moved the adoption of amendment (683):

On page 2, line 9, after "January 1," strike "2018" and insert "2019"

On page 3, line 7, after "December 1," strike "2019" and insert "2020"

On page 3, beginning on line 23, strike all of section 3

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 3, line 26, after "July 1," strike "2020" and insert "2021"

Representatives Reeves and Barkis spoke in favor of the adoption of the amendment.

Amendment (683) was adopted.

The bill was ordered engrossed.

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

Representatives Reeves, Barkis and Muri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1571.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1571, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

ENGROSSED HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4413, by Representatives Tarleton, Fitzgibbon, Gregerson, Haler, Ortiz-Self, Peterson, Sells, Wylie, Stonier, Robinson, Jinkins, Frame, Stanford, Tharinger, Bergquist, Macri, Doglio, Kagi, Kilduff, Pettigrew, Pollet, Goodman, Kloba and Ormsby

Creating the Unified Table on Sexual Harassment.

The bill was read the second time.

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

Representatives Tarleton, Ortiz-Self, Stambaugh, Haler, Irwin and Jinkins spoke in favor of the adoption of the concurrent resolution.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted.

HOUSE BILL NO. 1080, by Representatives Tharinger and DeBolt

Concerning state general obligation bonds and related accounts.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1080 was substituted for House Bill No. 1080 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1080 was read the second time.

Representative Tharinger moved the adoption of the striking amendment (684):

Strike everything after the enacting clause and insert the following:

"PART I

CAPITAL PROJECTS BONDS

NEW SECTION. **Sec. 101.** For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2017-2019 fiscal biennium, and all costs

incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two billion nine hundred thirty million two hundred thirty thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. **Sec. 102.** (1) The proceeds from the sale of bonds authorized in section 101 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) Two billion seven hundred six million one hundred thirty-one thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(b) Two hundred twenty-four million ninety-nine thousand dollars to the state taxable building construction account. All receipts from taxable bonds issued are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(b) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. If the state finance committee determines that a portion of the amount specified in this subsection (1)(b) as taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (1)(b). The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional

transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(c) The treasurer shall transfer bond proceeds deposited in the state building construction account into the outdoor recreation account created by RCW 79A.25.060, the habitat conservation account created by RCW 79A.15.020, the farm and forest account created by RCW 79A.15.130, and the early learning facilities development account, at various times and in various amounts necessary to support authorized expenditures from those accounts.

(d) The treasurer shall transfer bond proceeds deposited in the state taxable building construction account into the early learning facilities revolving account, at various times and in various amounts necessary to support authorized expenditures from that account.

(2) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. **Sec. 103.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 101 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 101 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 102(1) (a) through (d) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. **Sec. 104.** (1) Bonds issued under section 101 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 105.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 101 of this act, and sections 102 and 103 of this act shall not be deemed to provide an exclusive method for the payment.

PART II

WATERSHED RESTORATION AND ENHANCEMENT BONDS

NEW SECTION. **Sec. 201.** For the purpose of providing funds for the watershed and fisheries restoration and enhancement program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred million dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine.

NEW SECTION. **Sec. 202.** It is the intent of the legislature that the proceeds of the new bonds authorized in section 201 of this act will be dispersed in phases of no more than twenty million dollars per year over fifteen years, beginning with the 2017-2019 biennium. This is not intended to limit the state's ability to disperse bond proceeds if the full amount authorized in section 201 of this act has not been dispersed after fifteen years. The authorization to issue bonds contained in section 201 of this act does not expire until the full authorization has been issued and dispersed.

NEW SECTION. **Sec. 203.** The proceeds from the sale of the bonds authorized in section 201 of this act must be deposited

in the watershed restoration and enhancement bond account. If the state finance committee deems it necessary to issue the bonds authorized in section 201 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds must be deposited into the watershed restoration and enhancement taxable bond account. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the watershed restoration and enhancement taxable bond account is necessary. The proceeds shall be used exclusively for the purposes specified in section 201 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management.

NEW SECTION. **Sec. 204.** The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 201 of this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date. Bonds issued under section 201 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 205.** The legislature may provide additional means for raising moneys for the payment of the

principal of and interest on the bonds authorized in section 201 of this act, and section 204 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. **Sec. 206.** The bonds authorized in section 201 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. **Sec. 207.** Sections 201 through 206 of this act constitute a new chapter in Title 43 RCW.

PART III

MISCELLANEOUS

Sec. 301. RCW 43.99G.150 and 2006 c 167 s 101 are each amended to read as follows:

(1) For the purpose of providing funds for state correctional facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fifty-nine million three hundred thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

Sec. 302. RCW 43.99G.170 and 2006 c 167 s 301 are each amended to read as follows:

(1) For the purpose of providing funds for the Hood Canal aquatic rehabilitation program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million nine hundred twenty thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

NEW SECTION. Sec. 303. A new section is added to chapter 43.99H RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

NEW SECTION. Sec. 304. A new section is added to chapter 28B.14H RCW to read as follows:

If any bonds authorized in this chapter have not been issued by June 30, 2018, the authority of the state finance committee to issue such remaining unissued bonds expires June 30, 2018.

NEW SECTION. Sec. 305. Sections 101 through 105 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 306. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Correct the title.

Representatives Tharinger and DeBolt spoke in favor of the adoption of the striking amendment.

Amendment (684) was adopted.

The bill was ordered engrossed.

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

Representatives Tharinger and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall Presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1080.

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1080, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Manweller and Taylor.
Excused: Representatives Fey and Lytton.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall Presiding) called upon Representative Fitzgibbon to preside.

There being no objection the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Fitzgibbon presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1293, by Representatives Ortiz-Self, Caldier, Stonier, Doglio, Orwall, Senn, Tarleton, McBride, Gregerson, Kagi, Jinkins, Santos, Pollet, Bergquist, Kilduff, Young and Frame

Concerning witnessing a student's college bound scholarship pledge when efforts to obtain a parent's or guardian's signature are unsuccessful. Revised for 2nd Substitute: Eliminating the parent or guardian approval requirement for the college bound scholarship pledge.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1293 was substituted for House Bill No. 1293 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1293 was read the second time.

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

ROLL CALL

Representatives Ortiz-Self and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick Presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1293.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1293, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler and Taylor.
Excused: Representatives Fey and Lytton.

SECOND SUBSTITUTE HOUSE BILL NO. 1293, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1022, by House Committee on Public Safety (originally sponsored by Representatives MacEwen, Pettigrew and Haler)

Enhancing crime victim participation in the criminal justice system process.

The bill was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1022.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1022, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives Fey and Lytton.

SUBSTITUTE HOUSE BILL NO. 1022, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1939, by Representatives Hudgins, Bergquist, Ortiz-Self, Peterson, Robinson, Jinkins, Gregerson, Stanford, Ormsby, Santos and Pollet

Recognizing the thirty-first day of March as Cesar Chavez day.

The bill was read the third time.

Representatives Hudgins, Haler and Valdez spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1939.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1939, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Klippert, Maycumber, McCaslin, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Taylor, Vick, Volz, Walsh and Young.

Excused: Representatives Fey and Lytton.

HOUSE BILL NO. 1939, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057, by House Committee on Judiciary (originally sponsored by Representative Orwall)

Concerning services and processes available when residential real property is abandoned or in foreclosure. Revised for 1st Substitute: Concerning the services and processes available when residential real property is abandoned or in foreclosure.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Orwall moved the adoption of the striking amendment (680):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

(1) Except as provided in subsections ~~((4) and)~~ (5) and (6) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ~~((two))~~ three hundred ((fifty)) twenty-five dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The

~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ~~((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section.))~~ Beginning on or before January 1, 2020, the department shall from time to time establish the amount of the fee, not to exceed three hundred twenty-five dollars, at a sufficient level to defray the costs of the program. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

~~((4))~~ (5) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.

~~((5))~~ (6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

~~((6))~~ (7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

Sec. 2. RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in (f) of this subsection in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in (f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

- (i) The borrower and grantor;
- (ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;
- (iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to

"occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in (f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in (f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in (f) of this subsection to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) (i) The notice required in this subsection must include a cover sheet on which the name of the beneficiary is clearly indicated and whether the loan is commercial or noncommercial. In addition to any other indexing requirements, the auditor shall index the notice of trustee's sale by beneficiary name.

(ii) The notice (~~shall~~) must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of,, at the hour of o'clock M. at [street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated, recorded, under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of,, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale

and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of,, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

.....
.....
.....

by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who

hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(9)]

.....
....., Trustee
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..... } Phone

[Acknowledgment]

(g) If the borrower received a letter under RCW 61.24.031, the notice specified in (f) of this subsection ((1)(f) of this section)) shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:"

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

(2) In addition to providing the borrower and grantor the notice of sale described in subsection (1)(f) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,

Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, [11 days before the sale date]. To date, these arrears and costs are as follows:

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 (11 days
 before
 the date
 set
 for
 sale)

Delinquent payments
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 fees: \$ \$
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 fee: \$ \$
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 (Itemizatio
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 report
 Recording \$ \$
 fees
 Service/Pos
 ting
 of Notices \$ \$

 Postage/Cop
 ying \$ \$
 expense
 Publication \$ \$

Telephone	\$	\$
charges	\$ . . . .	.
Inspection	\$	\$
fees	.	.
.	\$	\$
.	\$	\$
.
TOTALS	\$	\$

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$. . . . in principal, \$. . . . in interest, plus other costs and advances estimated to date in the amount of \$. . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
.....
.....
.....
.....
.....
.....

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of

course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone ()

AFTER THE DAY OF,, YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be

made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME
:
ADDRESS:
.
TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in subsection (1)(f) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class

and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection (3) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 3. RCW 61.24.163 and 2014 c 164 s 3 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded. If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's

responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within twenty-three days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial ~~((Making Home Affordable Application (HAMP) package or such other equivalent))~~ homeowner financial information worksheet as required by the department. ~~((In the event the department is required to create a worksheet,))~~ The worksheet must include, at a minimum, the following information:

(a) The borrower's current and future income;

(b) Debts and obligations;

(c) Assets;

(d) Expenses;

(e) Tax returns for the previous two years;

(f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within twenty days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

(a) An accurate statement containing the balance of the loan within thirty days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030 (7) (a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ninety days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within seventy days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7) (a) The mediator may schedule phone conferences, consultations with the parties individually, and other

communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least thirty days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income,

debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program (~~including the home affordable modification program (HAMP) as applicable to government sponsored enterprise and nongovernment sponsored enterprise loans~~) and any (~~HAMP-related~~) modification program (~~applicable~~) related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending

act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is

entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16)(a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16)(a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed four hundred dollars for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a

reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within thirty calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program."

Correct the title.

Representatives Orwall and Rodne spoke in favor of the adoption of the amendment.

The striking amendment (680) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2057.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2057, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2344, by Representatives Tharinger, Harris, Hayes, Hudgins, Reeves, Macri, Jinkins and Appleton

Concerning evacuation of adult family homes.

The bill was read the second time.

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

Representatives Tharinger and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2344, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

HOUSE BILL NO. 2344, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2346, by Representatives Tharinger, Harris, Hayes, Senn, Reeves, Macri and Jinkins

Concerning priority processing for adult family home license applications.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2346.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2346, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

HOUSE BILL NO. 2346, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1221, by Representatives Rodne, Goodman, Klippert, Kilduff, Jinkins, Barkis, Muri and Hudgins

Concerning the solemnization of marriages by commissioners of courts of limited jurisdiction.

The bill was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1221.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kristiansen, Lovick, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Haler, Harris, Kraft, Kretz, Maycumber, McCaslin, Shea and Taylor.

Excused: Representatives Fey and Lytton.

HOUSE BILL NO. 1221, having received the necessary constitutional majority, was declared passed.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561, by House Committee on Appropriations (originally sponsored by Representatives Frame, Pollet, Doglio, Kloba, Bergquist, Kilduff, Stanford, Dolan, Peterson, Stonier, Senn, Slatter, Fey, Lovick, Macri, Tarleton, Tharinger, Sawyer, Goodman and Farrell)

Concerning open educational resources.

The bill was read the third time.

Representatives Frame and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1561.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1561, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Condotta, Dent, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kretz, Kristiansen, Maycumber, McCaslin, Orcutt, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz and Walsh.

Excused: Representatives Fey and Lytton.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1640, by Representatives Graves, Jinkins and Tharinger

Allowing notaries and proof of identity for advance directives.

The bill was read the third time.

Representatives Graves and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1640.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1640, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

HOUSE BILL NO. 1640, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1742, by Representatives Stambaugh, Fey, Orcutt, Riccelli, McDonald and Jinkins

Modifying the motor vehicle transporter's license to accommodate automotive repair facilities.

The bill was read the third time.

Representatives Stambaugh and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1742.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1742, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey and Lytton.

ENGROSSED HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

January 18, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091,
and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

SUPPLEMENTAL INTRODUCTION & FIRST READING

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6091 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, Rolfes and Frockt)

Ensuring that water is available to support development.

The bill was read the second time.

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

Representatives Fitzgibbon, Taylor, Buys, Springer and Kretz spoke in favor of the passage of the bill.

Representatives Pollet, Stanford and Sawyer spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6091.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6091, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Dolan, Dye, Fitzgibbon, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Ormsby, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Schmick, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Sullivan, Taylor, Tharinger, Van Werven, Vick, Volz, Walsh and Mr. Speaker.

Voting nay: Representatives Appleton, Bergquist, Doglio, Eslick, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Irwin, Kloba, Macri, Morris, Ortiz-Self, Orwall, Pollet, Rodne, Ryu, Santos, Sawyer, Sells, Stanford, Stokesbary, Stonier, Tarleton, Valdez, Wilcox, Wylie and Young.

Excused: Representatives Fey and Lytton.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6091.

Representative Dolan, 22 District

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

January 18, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1080,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 18, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6090,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

**SECOND SUPPLEMENTAL INTRODUCTION &
FIRST READING**

There being no objection, SUBSTITUTE SENATE BILL NO. 6090 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6090, by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Honeyford, Mullet, Darneille, Liias, Palumbo, Takko, Keiser, Van De Wege, Hunt, Nelson, Dhingra, Chase, Saldaña, Rolfes, McCoy, Carlyle, Wellman, Ranker and Kuderer)

Concerning the capital budget.

The bill was read the second time.

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

Representatives Tharinger, Steele, Peterson and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6090.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6090, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives Fey and Lytton.

SUBSTITUTE SENATE BILL NO. 6090, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Community Development, Housing & Tribal Affairs was relieved of HOUSE BILL NO. 2826, and the bill was referred to the Committee on Health Care & Wellness.

There being no objection, the House adjourned until 9:55 a.m., January 19, 2018, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 19, 2018

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4656, by Representatives Jenkin, Klippert, and Nealey

WHEREAS, Dr. Ray Tolcacher, prior to coming to Washington state in 1992, served as superintendent of the Windsor Unified School District in California for three years; and

WHEREAS, Dr. Ray Tolcacher also served as President of the Association of California School Administrators, the largest umbrella organization for school leaders in the United States, serving more than 17,000 California educators; and

WHEREAS, Dr. Ray Tolcacher has held several leadership roles in Washington state, including Southeast Washington Association of School Administrators (WASA) Region 123 President, Employee Relations and Negotiations Network three-time state President, and Washington Association of School Administrators (WASA) School Information Research Cooperative Board Member; and

WHEREAS, Dr. Ray Tolcacher was named Washington State Administrator of the Year for the 2016-17 National History Day; and

WHEREAS, The University of La Verne recently recognized Dr. Ray Tolcacher as a distinguished alumnus whose significant professional achievements earned him a spot among the University's 125 Notable Leos for Life; and

WHEREAS, Dr. Ray Tolcacher created, and was the host of, an informational TV show about education in Washington state called School Scene Magazine; and

WHEREAS, Two little known facts about Dr. Ray Tolcacher include a stint as "Mr. Principal" on the children's television series Romper Room, and that his college roommate was Cheech Marin, of Cheech and Chong fame; and

WHEREAS, Dr. Ray Tolcacher was an expert in developing district policies that addressed a wide array of issues. Dr. Ray Tolcacher was also a highly effective advocate at the legislative level who testified many times in front of legislative committees to advocate for children. His

work and advocacy on levy equalization saved many districts from financial hardships; and

WHEREAS, Dr. Ray Tolcacher led the Prosser school district to numerous academic and athletic achievements, including consistently high test scores and several state championships in football; and

WHEREAS, During his final two years in Prosser, Dr. Ray Tolcacher also led a team of dedicated staff and community members to pass the first capital projects bond in 23 years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Dr. Ray Tolcacher as a visionary leader who advocated for students and teachers throughout his career; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Ray Tolcacher.

There being no objection, HOUSE RESOLUTION NO. 4656 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4657, by Representatives Volz, Eslick, Gregerson, Kraft, Nealey, Ryu, Klippert, Dent, Harris, Barkis, Jenkin, Springer, Shea, Holy, and Muri

WHEREAS, The Washington State Teacher of the Year is selected annually from ten regional finalists from across the state; and

WHEREAS, The Teacher of the Year has earned the respect and admiration of their colleagues, is an expert in their field, guides students to excellence, and collaborates with colleagues, students, and families; and

WHEREAS, The Teacher of the Year demonstrates leadership and innovation in and outside the classroom walls that embodies lifelong learning; and

WHEREAS, The Teacher of the Year represents Washington State at all required National Teacher of the Year events, serves as the Teacher-in-Residence for Washington's Teacher of the Year Program, and is a member of the Washington Teacher Advisory Council; and

WHEREAS, The Teacher of the Year responds to and fulfills Teacher of the Year speaking requests, identifies, plans, and executes one statewide initiative, designs and executes a personal communication plan, and networks with statewide, teacher preparation programs; and

WHEREAS, The honor of being named Washington State Teacher of the Year is representative of teaching excellence in Washington State schools and the dedication of the teachers, administrators, and families for student success in learning;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives demonstrate its deep respect and appreciation for the 2018 Washington State Teacher of the Year, Mandy Manning, of Spokane School District 81 for her 19 years of teaching excellence, and broader service to society as both a Peace Corps volunteer and an international school instructor; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of all Washington State educators embodied in this most prestigious award; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mandy Manning, the 2018 Washington State Teacher of the Year, and to The Office of the Superintendent of Public Instruction.

There being no objection, HOUSE RESOLUTION NO. 4657 was adopted.

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

MESSAGES FROM THE SENATE

January 18, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5375,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 18, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6091,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 18, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5991,
SUBSTITUTE SENATE BILL NO. 6021,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1080
ENGROSSED SUBSTITUTE SENATE BILL NO.
6091

The Speaker called upon Representative Lovick to preside.

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

INTRODUCTION & FIRST READING

HB 2871 by Representatives Pettigrew, Sawyer, Chapman and Buys

AN ACT Relating to changing the baseball stadium based special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; repealing RCW 46.18.215; and providing an effective date.

Referred to Committee on Transportation.

HB 2872 by Representatives Peterson, Young and Ortiz-Self

AN ACT Relating to the sustainability of the residential home heating oil program; and amending RCW 70.149.040.

Referred to Committee on Environment.

HB 2873 by Representatives Blake, Condotta and Goodman

AN ACT Relating to motorcycle profiling; and amending RCW 43.101.419.

Referred to Committee on Judiciary.

HB 2874 by Representative Caldier

AN ACT Relating to the number of board members for certain public transportation benefit areas; amending RCW 36.57A.050; and providing an effective date.

Referred to Committee on Transportation.

HB 2875 by Representatives McBride, Jinkins, Muri, Fey, Ryu, Kilduff, Sawyer, McDonald, Tharinger, Barkis, Stambaugh, Wilcox, Wylie, Kirby, Ortiz-Self, Clibborn and Chapman

AN ACT Relating to sales, use, and excise tax exemptions for self-help housing development; amending RCW 82.45.010; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2876 by Representatives Peterson and Nealey

AN ACT Relating to authorizing cities planning under the growth management act to impose certain real estate excise taxes by councilmatic action; and amending RCW 82.46.035.

Referred to Committee on Finance.

HB 2877 by Representatives Kagi, Dent, Reeves, Frame, Calder, Kilduff, Tarleton, Johnson, Eslick, Ortiz-Self, Kloba and Pollet

AN ACT Relating to equitable educational outcomes for foster children and youth from preschool to postsecondary education; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2878 by Representatives Ortiz-Self, Macri, Robinson, Valdez and Pollet

AN ACT Relating to protecting community members from pesticides; amending RCW 70.104.020, 70.104.030, 17.21.100, and 49.70.119; adding new sections to chapter 70.104 RCW; adding a new section to chapter 49.70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2879 by Representatives Fitzgibbon, Macri and Pollet

AN ACT Relating to the Washington clean air act; amending RCW 70.94.331, 70.94.850, and 70.94.151; and creating new sections.

Referred to Committee on Environment.

HB 2880 by Representatives Fey, Jinkins, Kirby, Griffey and Sawyer

AN ACT Relating to the redevelopment of an area overlapping the boundary between two adjacent cities; and amending RCW 35.10.217, 35.13.178, and 36.93.105.

Referred to Committee on Local Government.

HB 2881 by Representatives Sawyer and Vick

AN ACT Relating to creating a new crime applicable to platforms, including internet web sites, that facilitate unauthorized gambling activity; reenacting and amending RCW 9.94A.515; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2882 by Representatives Kloba, Blake, Condotta and Sawyer

AN ACT Relating to addressing the regulation of odors from agricultural activities under the state clean air act; and amending RCW 70.94.640.

Referred to Committee on Environment.

HB 2883 by Representatives Haler, Lovick, Johnson, Klippert, Jenkin, Schmick, Pettigrew and Ortiz-Self

AN ACT Relating to ensuring access to community-based services for developmentally disabled citizens currently served by the developmental disabilities administration; and amending RCW 71A.12.290.

Referred to Committee on Early Learning & Human Services.

HB 2884 by Representatives Shea, Young, Hayes, Irwin and McCaslin

AN ACT Relating to the crime of endangerment with a controlled substance; amending RCW 9A.42.100; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2885 by Representatives Shea and McCaslin

AN ACT Relating to restricting certain individuals from participating on commissions, committees, or boards related to the oversight of law enforcement; adding a new section to chapter 41.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government, Elections & Information Technology.

HB 2886 by Representatives Pollet, Graves, Frame and Kilduff

AN ACT Relating to public records of the legislative branch; amending RCW 42.56.010 and 42.56.580; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2887 by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin and Frame

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter 36.32 RCW; creating new sections; and providing an effective date.

January 17, 2018

Referred to Committee on State Government, Elections & Information Technology.

HB 2177 Prime Sponsor, Representative Chapman: Creating the rural county high employer demand jobs program. Reported by Committee on Higher Education

HJM 4017 by Representatives Condotta, Jenkin, Vick, Caldier, Walsh and Kraft

Applying to Congress for a convention to propose an amendment to the United States Constitution related to a balanced federal budget.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Sells and Tarleton.

Referred to Committee on Appropriations.

Referred to Committee on State Government, Elections & Information Technology.

January 16, 2018

SSB 5991 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Billig, Fain, Palumbo, Miloscia, Hunt, Mullet, Carlyle, Frockt, Rolfes, Ranker, Darneille, Conway, Hasegawa, Pedersen, Nelson, McCoy, Takko, Saldaña, Cleveland, Wellman, Kuderer, Liias, Hobbs, Chase, Van De Wege, Keiser and Dhingra)

HB 2261 Prime Sponsor, Representative MacEwen: Concerning housing authorities. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

AN ACT Relating to increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018; amending RCW 42.17A.235, 42.17A.240, and 42.17A.420; reenacting and amending RCW 42.17A.005; adding a new section to chapter 42.17A RCW; creating new sections; and providing an effective date.

January 16, 2018

Referred to Committee on State Government, Elections & Information Technology.

HB 2269 Prime Sponsor, Representative Kilduff: Concerning tax relief for adaptive automotive equipment for veterans and service members with disabilities. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Finance.

SSB 6021 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Kuderer, Billig, Darneille, Palumbo, Frockt, Rolfes, Liias, Keiser, Pedersen, Hunt, Wellman, Conway, Saldaña, Hasegawa, Mullet and Nelson)

AN ACT Relating to extending the period for voter registration; amending RCW 29A.08.140, 29A.08.110, 29A.08.410, 29A.40.160, and 29A.32.031; providing an effective date; and providing an expiration date.

January 17, 2018

Referred to Committee on State Government, Elections & Information Technology.

HB 2285 Prime Sponsor, Representative Chapman: Establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent,

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2320 Prime Sponsor, Representative Reeves: Concerning the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2342 Prime Sponsor, Representative Lovick: Establishing a donation program for resident disabled veterans to receive hunting and fishing licenses. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2364 Prime Sponsor, Representative Ryu: Concerning facilities financing by the housing finance commission. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Reeves and Sawyer.

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

Referred to Committee on Capital Budget.

January 16, 2018

HB 2449 Prime Sponsor, Representative Senn: Extending the timeline for completing a family assessment response. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

January 17, 2018

HB 2464 Prime Sponsor, Representative Reeves: Concerning veteran and national guard tuition waivers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Orwall; Sells and Tarleton.

MINORITY recommendation: Without recommendation. Signed by Representative Haler.

Referred to Committee on Appropriations.

January 17, 2018

HB 2513 Prime Sponsor, Representative Orwall: Concerning suicide prevention and behavioral health in higher education, with enhanced services to student veterans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Sells and Tarleton.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE SENATE BILL NO. 6090

The Speaker called upon Chief Clerk Dean to preside.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1567
 HOUSE BILL NO. 1800
 HOUSE BILL NO. 2233
 HOUSE BILL NO. 2256
 HOUSE BILL NO. 2297
 HOUSE BILL NO. 2322
 HOUSE BILL NO. 2332
 HOUSE BILL NO. 2335
 HOUSE BILL NO. 2474

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1095
 SUBSTITUTE HOUSE BILL NO. 1155
 SUBSTITUTE HOUSE BILL NO. 1434
 ENGROSSED HOUSE BILL NO. 1476
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514
 SUBSTITUTE HOUSE BILL NO. 1618
 SUBSTITUTE HOUSE BILL NO. 1782
 HOUSE BILL NO. 1790
 HOUSE BILL NO. 1828
 HOUSE BILL NO. 1855
 HOUSE BILL NO. 1859
 ENGROSSED HOUSE BILL NO. 2008
 SECOND ENGROSSED HOUSE BILL NO. 2107
 HOUSE JOINT MEMORIAL NO. 4002
 HOUSE JOINT MEMORIAL NO. 4010

There being no objection, the House adjourned until 10 a.m., January 22, 2018, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelly Hewitt and Aaron Livingston. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor James Kennington, Lake City Community Church, Washington.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized Dr. Ray Tolcacher who was honored by House Resolution 4656 and Mandy Manning, 2018 Washington State Teacher of the Year who was honored by House Resolution 4657, and asked the members to acknowledge them.

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

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

MESSAGES FROM THE SENATE

January 19, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SENATE BILL NO. 6003,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 19, 2018

MR. SPEAKER:

The Senate has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4400,

House Chamber, Olympia, Monday, January 22, 2018

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 19, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5064,
SECOND SUBSTITUTE SENATE BILL NO. 5342,
SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 5766,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 19, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 19, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1080,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 19, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6090,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 18, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6018,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 2888 by Representatives Cody, Lovick, Stambaugh, Ryu, Goodman, Peterson, Sells, Blake, Bergquist, Gregerson, Pollet, Stonier, Valdez, Tarleton, Slatter, Jinkins, Johnson, Frame and Ormsby

AN ACT Relating to addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2889 by Representatives Young, Sawyer, Kloba, Ryu, Vick, Condotta, Jenkin, Blake and Kirby

AN ACT Relating to theater seating requirements in theaters with liquor licenses; and amending RCW 66.24.655.

Referred to Committee on Commerce & Gaming.

HB 2890 by Representatives Hansen, Frame and Ormsby

AN ACT Relating to promoting successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records; amending RCW 9.94A.640; reenacting and amending RCW 9.94A.637 and 9.96.060; and creating a new section.

Referred to Committee on Public Safety.

HB 2891 by Representatives Wilcox, Barkis, Manweller, Volz, Vick, Jenkin and Muri

AN ACT Relating to simplifying taxes for operators of dump trucks for hire by uniformly and consistently applying the business and occupation tax rate applicable to public road construction; amending RCW 82.04.280; adding a new section to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2892 by Representatives Lovick, Hayes, Goodman, Klippert, Tarleton, Slatter, McDonald, Frame and Kloba

AN ACT Relating to the mental health field response teams program; adding new sections to chapter 36.28A RCW; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2893 by Representatives Hansen, Klippert and Pettigrew

AN ACT Relating to body worn cameras, but only with respect to making existing requirements and public records act provisions governing body worn cameras permanent and applicable to all law enforcement and corrections agencies deploying body worn cameras, strengthening privacy protections for intimate images in body worn camera recordings, and clarifying records retention requirements for body worn camera recordings; amending RCW 10.109.010 and 10.109.030; and reenacting and amending RCW 42.56.240.

Referred to Committee on Judiciary.

HB 2894 by Representatives Schmick and Cody

AN ACT Relating to certificate of need exemptions for certain ambulatory facilities and centers; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2895 by Representatives Frame, Goodman, Kagi, Ortiz-Self, Slatter, Jinkins and Ormsby

AN ACT Relating to revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five; amending RCW 13.04.030, 13.40.0357, 13.40.110, 13.40.193, 13.40.300, and 13.40.300; reenacting and amending RCW 13.04.030; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2896 by Representative Wylie

AN ACT Relating to transfer of moneys from transportation accounts; amending RCW 46.68.090, 46.68.325, and 46.68.320; adding a new section to chapter 47.66 RCW; adding a new section to chapter 47.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2897 by Representatives Morris and Tarleton

AN ACT Relating to electric utility plans for distributed energy resources and transportation electrification; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2898 by Representatives Kagi, Senn, Pettigrew, Sullivan, Eslick, Valdez and Pollet

AN ACT Relating to providing school districts with authority to impose an additional enrichment levy amount to fund high quality early learning programs; amending RCW 84.52.0531 and 28A.500.015; adding a new section to chapter 84.52 RCW; creating new sections; and providing effective dates.

Referred to Committee on Early Learning & Human Services.

HB 2899 by Representatives Gregerson, Doglio, Jinkins and Peterson

AN ACT Relating to establishing a vehicle maintenance improvement program; adding a new chapter to Title 46 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

HB 2900 by Representatives Kilduff, Eslick, Goodman, Dent, Kloba and McCabe

AN ACT Relating to violations of traffic laws that place vulnerable roadway users at increased risk of injury and death; amending RCW 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.195, 46.61.200, and 46.61.205; reenacting and amending RCW 43.84.092; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2901 by Representatives Kraft and Pollet

AN ACT Relating to modifying the requirements of agendas posted under the open public meetings act; amending RCW 42.30.077 and 42.30.060; and providing an effective date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2902 by Representatives Wilcox, Blake, Chandler, Barkis, Griffey, DeBolt, Tharinger, Walsh, Chapman, Orcutt and Stokesbary

AN ACT Relating to ensuring that Washington aggressively acts to open fish habitat by removing

barriers under all forms of ownership; amending RCW 77.95.160 and 43.88.090; adding a new section to chapter 77.95 RCW; creating a new section; and making an appropriation.

Referred to Committee on Agriculture & Natural Resources.

2SSB 5342 by Senate Committee on Ways & Means (originally sponsored by Senators King, Takko, Pearson and Pedersen)

AN ACT Relating to the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements; and amending RCW 7.84.100.

Referred to Committee on Appropriations.

ESB 5375 by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden, Zeiger, Ranker, Darneille, Palumbo, Pedersen, Pearson, Frockt and Hasegawa

AN ACT Relating to renaming the cancer research endowment authority to the Andy Hill cancer research endowment; and amending RCW 43.348.010, 43.348.020, 43.348.030, 43.348.040, 43.348.050, 43.348.060, 43.348.070, and 43.348.080.

Referred to Committee on Health Care & Wellness.

SB 5722 by Senators Lias, Walsh, Ranker, Pedersen, Rivers, Keiser, Fain, Frockt, Hunt and Kuderer

AN ACT Relating to restricting the practice of conversion therapy; amending RCW 18.130.020 and 18.130.180; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6002 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Lias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle and Mullet)

AN ACT Relating to establishing a voting rights act to promote equal voting opportunity in certain political subdivisions and establishing a cause of action to redress lack of voter opportunity; amending RCW 36.32.020, 36.32.040, 54.12.010, and 2.06.030; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 29A.76 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government, Elections & Information Technology.

ESB 6018 by Senators Mullet, Carlyle, Palumbo, Frockt, Rolfes, Hunt, Fain, Keiser, Van De Wege, Hasegawa, Nelson, Pedersen and Kuderer

AN ACT Relating to consumer reporting agency security freezes; and amending RCW 19.182.170 and 19.182.230.

Referred to Committee on Business & Financial Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2890 which was referred to the Committee on Public Safety, and ENGROSSED SENATE BILL NO. 5375 which was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

January 18, 2018

HB 1122 Prime Sponsor, Representative Kagi: Protecting public safety through responsible storage of firearms. Reported by Committee on Judiciary

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Haler; Klippert; Muri and Shea.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1133 Prime Sponsor, Representative Griffey: Limiting the uses of the fire protection contractor license fund. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant

Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 1177 Prime Sponsor, Representative Muri: Supporting access to state recreation lands by disabled veterans. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Appropriations.

January 17, 2018

EHB 1188 Prime Sponsor, Representative Bergquist: Concerning the use of child passenger restraint systems. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Rodne; Stambaugh; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Irwin; Shea; Van Werven and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Pike.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1254 Prime Sponsor, Representative Young: Establishing a competitive educational grant program to promote confidence, public speaking, and leadership skills in students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick;

McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

January 17, 2018

Referred to Committee on Appropriations.

January 18, 2018

HB 1263 Prime Sponsor, Representative McBride: Concerning powered automatic doors in buildings accessible to the public. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1494 Prime Sponsor, Representative Morris: Concerning private road maintenance agreements. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Haler; Klippert; Muri and Shea.

Referred to Committee on Rules for second reading.

January 17, 2018

HB 1510 Prime Sponsor, Representative Tarleton: Concerning port district worker development and occupational training programs. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Harmsworth; Hudgins; Manweller; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

HB 1584 Prime Sponsor, Representative Young: Concerning the sale of software used in the unauthorized interference of ticket sales over the internet. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Harmsworth; Hudgins; Manweller; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

January 18, 2018

ESHB 1600 Prime Sponsor, Committee on Appropriations: Increasing the career and college readiness of public school students. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Appropriations.

January 18, 2018

HB 1669 Prime Sponsor, Representative Farrell: Establishing minimum crew size on certain trains. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives Pike, Assistant Ranking Minority Member and Manweller.

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

Referred to Committee on Rules for second reading.

January 17, 2018

HB 1700 Prime Sponsor, Representative McBride: Concerning cremation by biochemical

hydrolysis. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 18, 2018

ESHB 2029 Prime Sponsor, Committee on Judiciary: Providing a referral resource for those seeking information and assistance for immigration and citizenship related matters. Reported by Committee on Judiciary

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

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

Referred to Committee on Rules for second reading.

January 17, 2018

HB 2257 Prime Sponsor, Representative McBride: Prohibiting maintenance of certification from being required for certain health professions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jenkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 17, 2018

HB 2264 Prime Sponsor, Representative Cody: Concerning hospital privileges for advanced registered nurse practitioners and physician assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves,

Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jenkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2266 Prime Sponsor, Representative Hayes: Clarifying the nature of the driver training education curriculum developed and maintained by the department of licensing and the office of the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Rules for second reading.

January 16, 2018

HB 2267 Prime Sponsor, Representative Sawyer: Recognizing indigenous peoples' day. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Reeves and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member and Jenkin.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2288 Prime Sponsor, Representative Kagi: Concerning the Washington history day program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Appropriations.

January 17, 2018

HB 2291 Prime Sponsor, Representative Kraft:
Concerning the licensure and certification
of massage therapists and reflexologists.
Reported by Committee on Health Care &
Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2292 Prime Sponsor, Representative Stonier:
Providing greater certainty in association
with selling city-owned property used for
off-street parking. Reported by Committee
on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 17, 2018

HB 2295 Prime Sponsor, Representative Slatter:
Encouraging the use of electric or hybrid-
electric aircraft for regional air travel.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Irwin; Rodne; Shea; Stambaugh and Van Werven.

MINORITY recommendation: Without
recommendation. Signed by Representatives Orcutt,

Ranking Minority Member; Harmsworth, Assistant
Ranking Minority Member; Hayes; Pike and Young.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2298 Prime Sponsor, Representative Haler:
Concerning wastewater operator
certifications. Reported by Committee on
Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye and McBride.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2311 Prime Sponsor, Representative Bergquist:
Reducing barriers to student participation
in extracurricular activities. Reported by
Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Rules for second reading.

January 17, 2018

HB 2313 Prime Sponsor, Representative Cody:
Providing the chiropractic quality
assurance commission with additional
authority over budget development,
spending, and staffing. Reported by
Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

MINORITY recommendation: Without
recommendation. Signed by Representative Jinkins.

Referred to Committee on Appropriations.

January 17, 2018

HB 2330 Prime Sponsor, Representative Fey:
Concerning expansion of extended foster
care eligibility. Reported by Committee on
Early Learning & Human Services

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Kagi, Chair; Senn, Vice
Chair; Dent, Ranking Minority Member; Eslick; Frame;
Goodman; Griffey; Kilduff; Lovick; Muri and Ortiz-
Self.

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

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

Referred to Committee on Appropriations.

January 17, 2018

HB 2356 Prime Sponsor, Representative Cody:
Concerning stem cell therapies not
approved by the United States food and
drug administration. Reported by
Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Cody, Chair; Macri, Vice
Chair; Schmick, Ranking Minority Member; Graves,
Assistant Ranking Minority Member; Caldier; Clibborn;
DeBolt; Harris; Jinkins; MacEwen; Maycumber;
Riccelli; Robinson; Rodne; Slatter; Stonier and
Tharinger.

Referred to Committee on Rules for second reading.

January 17, 2018

HB 2367 Prime Sponsor, Representative Reeves:
Establishing a child care collaborative task
force. Reported by Committee on Early
Learning & Human Services

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Kagi, Chair; Senn, Vice
Chair; Dent, Ranking Minority Member; McCaslin,
Assistant Ranking Minority Member; Frame; Goodman;
Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Without
recommendation. Signed by Representative Eslick.

Referred to Committee on Appropriations.

January 17, 2018

HB 2396 Prime Sponsor, Representative Reeves:
Establishing the working families' child
care access and affordability through
regional employers act. Reported by
Committee on Early Learning & Human
Services

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Kagi, Chair; Senn, Vice
Chair; Dent, Ranking Minority Member; McCaslin,
Assistant Ranking Minority Member; Eslick; Goodman;
Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Without
recommendation. Signed by Representative Frame.

Referred to Committee on Finance.

January 17, 2018

HB 2403 Prime Sponsor, Representative Fitzgibbon:
Concerning transit-only lane enforcement
cameras. Reported by Committee on
Transportation

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Clibborn, Chair; Wylie, Vice
Chair; Chapman; Gregerson; Kloba; Lovick; McBride;
Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton;
Valdez and Young.

MINORITY recommendation: Do not pass. Signed by
Representatives Orcutt, Ranking Minority Member;
Hargrove, Assistant Ranking Minority Member;
Harmsworth, Assistant Ranking Minority Member;
Hayes; Irwin; Rodne; Shea; Stambaugh and Van
Werven.

MINORITY recommendation: Without
recommendation. Signed by Representative Pike.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2419 Prime Sponsor, Representative Hargrove:
Regarding beer, wine, cider, and mead at
farmers markets. Reported by Committee
on Commerce & Gaming

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Sawyer, Chair; Kloba, Vice
Chair; Condotta, Ranking Minority Member; Vick,
Assistant Ranking Minority Member; Blake; Jenkin;
Kirby and Young.

MINORITY recommendation: Without
recommendation. Signed by Representative Ryu.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2425 Prime Sponsor, Representative Doglio:
Extending the validity of temporary
elevator licenses. Reported by Committee
on Labor & Workplace Standards

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

Referred to Committee on Rules for second reading.

January 17, 2018

HB 2451 Prime Sponsor, Representative Slatter:
Expanding the activities of the children's
mental health services consultation
program. Reported by Committee on Early
Learning & Human Services

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Kagi, Chair; Senn, Vice
Chair; Dent, Ranking Minority Member; McCaslin,
Assistant Ranking Minority Member; Eslick; Frame;
Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and
Ortiz-Self.

Referred to Committee on Appropriations.

January 18, 2018

HB 2453 Prime Sponsor, Representative Peterson:
Concerning the reauthorization of the
underground storage tank program.
Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by
Representatives Fitzgibbon, Chair; Peterson, Vice
Chair; Taylor, Ranking Minority Member; Maycumber,
Assistant Ranking Minority Member; Buys; Dye and
McBride.

Referred to Committee on Appropriations.

January 17, 2018

HB 2463 Prime Sponsor, Representative Sells:
Modifying the adoption provisions on the
state comprehensive plan for workforce
training and education. Reported by
Committee on Higher Education

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Hansen, Chair; Pollet, Vice
Chair; Orwall; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by
Representatives Holy, Ranking Minority Member Van
Werven, Assistant Ranking Minority Member.

MINORITY recommendation: Without
recommendation. Signed by Representative Haler.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2472 Prime Sponsor, Representative Vick:
Ensuring reasonable terms of payment are
available to marijuana retailers when
contracting with marijuana processors for
the purchase of marijuana products.
Reported by Committee on Commerce &
Gaming

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Sawyer, Chair; Kloba, Vice
Chair; Condotta, Ranking Minority Member; Vick,
Assistant Ranking Minority Member; Blake; Jenkin;
Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2479 Prime Sponsor, Representative Appleton:
Concerning Washington's property
assessment appeal procedures. Reported
by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by
Representatives Appleton, Chair; McBride, Vice Chair;
Griffey, Ranking Minority Member; Pike, Assistant
Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2507 Prime Sponsor, Representative Appleton:
Concerning employee recognition awards.
Reported by Committee on Local
Government

MAJORITY recommendation: Do pass. Signed by
Representatives Appleton, Chair; McBride, Vice Chair;
Griffey, Ranking Minority Member; Gregerson and
Peterson.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2532 Prime Sponsor, Representative Sells: Concerning fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list. Reported by Committee on Labor & Workplace Standards

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2573 Prime Sponsor, Representative Kloba: Concerning alcohol server permits. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

SUPPLEMENTAL REPORT OF STANDING COMMITTEES

January 18, 2018

HB 2382 Prime Sponsor, Representative Ryu: Promoting the use of surplus public property for public benefit. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's committee report and supplemental committee report under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 2256, by Representatives Graves, Frame, Dent, Kagi, Tarleton, Fey, Eslick, Slatter, Muri, Hargrove, Dolan, Senn, McDonald, Reeves, Young, Kloba, Ormsby, Lovick, Doglio, Stonier and Gregerson

Concerning the online availability of foster parent preservice training.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2256 was substituted for House Bill No. 2256 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2256 was read the second time.

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

Representatives Graves, Kagi and Dent spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Hayes, Representatives Holy and McCaslin were excused.

On motion of Representative Riccelli, Representative Fey was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2256.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2256, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey, Holy and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2256, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1884, by Representatives Ryu, Barkis, Goodman, Stokesbary and Pollet

Modifying who is eligible for relocation assistance for tenants of closed or converted mobile home parks. Revised for 1st Substitute: Concerning relocation assistance for mobile home park tenants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1884 was substituted for House Bill No. 1884 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1884 was read the second time.

Representative Ryu moved the adoption of the striking amendment (655):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.21.005 and 1995 c 122 s 2 are each amended to read as follows:

The legislature recognizes that it is quite costly ~~((to move a mobile home))~~ for tenants who own homes in manufactured/mobile home parks to relocate when the park in which they reside is closed or converted to another use. Many ~~((mobile home))~~ such tenants need financial assistance in order to ~~((move their mobile homes from a))~~ relocate from a manufactured/mobile home park. The purpose of this chapter is to provide a mechanism for assisting manufactured/mobile home tenants to relocate their manufactured/mobile homes to suitable alternative sites ~~((when the mobile home park in which they reside is closed or converted to another use))~~ or demolish and dispose of their homes and secure housing.

Sec. 2. RCW 59.21.010 and 2009 c 565 s 47 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

(2) "Director" means the director of the department of commerce.

(3) "Fund" means the manufactured/mobile home park relocation fund established under RCW 59.21.050.

(4) "Landlord" or "park-owner" means the owner of the manufactured/mobile home park that is being closed at the time relocation assistance is provided.

(5) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the manufactured/mobile home is located.

(6) "Manufactured/mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more manufactured/mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

~~((6))~~ (7) "Relocate" means to remove the manufactured/mobile home from the manufactured/mobile home park being closed and to ~~((either))~~ (i) reinstall it in another location or ~~((to))~~ (ii) demolish and dispose of it and either purchase another ~~((mobile/))~~ manufactured home constructed to the standards set by the department of housing and urban development or secure other housing.

~~((7))~~ (8) "Relocation assistance" means the monetary assistance provided under this chapter.

(9) "Tenant" means a person that owns a manufactured/mobile home located on a rented lot in a manufactured/mobile home park.

Sec. 3. RCW 59.21.021 and 2005 c 399 s 5 are each amended to read as follows:

(1) If a manufactured/mobile home park is closed or converted to another use ~~((after December 31, 1995))~~, eligible tenants shall be entitled to relocation assistance on a first-come, first-serve basis. The department shall give priority for distribution of relocation assistance to eligible tenants residing in parks that are closed as a result of park-owner fraud or as a result of health and safety concerns as determined by the local board of health. Payments shall be made upon the department's verification

of eligibility, subject to the availability of remaining funds.

~~(2) Eligibility for relocation assistance funds is limited to low-income households. ((As used in this section, "low income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the mobile or manufactured home is located.~~

~~(2) Assistance for closures occurring after December 31, 1995, is limited to persons who maintain ownership of and relocate their mobile home or who dispose of a home not relocatable to a new site.)~~

~~(3) ((Persons)) Eligible tenants who ((removed and disposed of their mobile home or maintained ownership of and relocated their mobile homes)) relocate are entitled to reimbursement of actual relocation expenses from the fund up to a maximum of twelve thousand dollars for a ~~((double-wide))~~ multisection home and up to a maximum of seven thousand five hundred dollars for a single-~~((wide))~~ section home.~~

~~(4) Any individual or organization may apply to receive funds from the ((mobile home park relocation)) fund, for use in combination with funds from public or private sources, toward relocation of tenants eligible under this section, with agreement from the tenant. ((Funds received from the mobile home park relocation fund shall only be used for relocation assistance expenses or other mobile/manufactured home ownership expenses, that include down payment assistance, if the owners are not planning to relocate their mobile home as long as their original home is removed from the park.))~~

Sec. 4. RCW 59.21.025 and 1998 c 124 s 3 are each amended to read as follows:

~~((1))~~ If financial assistance for relocation is obtained from sources other than the ~~((mobile home park relocation))~~ fund ~~((established under this chapter))~~, then the relocation assistance provided to any person ~~((under this chapter))~~ from the fund shall be reduced as necessary to ensure that no person receives financial assistance for relocation from all sources combined ~~((more than: (a) That person's actual cost of relocation; or (b) seven thousand dollars for a double-wide mobile home and three thousand five~~

~~hundred dollars for a single wide mobile home.~~

~~(2) When a person receives financial assistance for relocation from a source other than the mobile home park relocation assistance fund, then the assistance received from the fund will be the difference between the maximum amount to which a person is entitled under RCW 59.21.021(3) and the amount of assistance received from the outside source.~~

~~(3) If the amount of assistance received from an outside source exceeds the maximum amounts of assistance to which a person is entitled under RCW 59.21.021(3), then that person will not receive any assistance from the mobile home park relocation assistance fund)) in excess of that person's actual relocation expenses.~~

Sec. 5. RCW 59.21.050 and 2011 c 158 s 7 are each amended to read as follows:

(1) The existence of the manufactured/mobile home park relocation fund in the custody of the state treasurer is affirmed. Expenditures from the fund may be used only for relocation assistance awarded under this chapter and the department's costs as provided in subsection (3) of this section. Only the director or the director's designee may authorize expenditures from the fund. All relocation assistance payments to tenants under this chapter shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) A ~~((park))~~ tenant is eligible for relocation assistance under this chapter only after an application is submitted by that tenant or an organization acting on the tenant's account under RCW 59.21.021(4) on a form approved by the director ~~((which))~~. The application shall include: (a) ((For those persons who maintained ownership of and relocated their homes or removed their homes from the park: (i)) A copy of the notice from the park-owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use; ~~((ii))~~ (b) a copy of the rental agreement then in force, or other proof that the applicant was a tenant at the time of notice of closure; ((iii) a copy of the contract for relocating the home which includes the date of relocation, or other)) (c) proof of actual relocation expenses incurred on a

date certain; ~~((and (iv)))~~ (d) proof of ownership of the home at the time of notice of closure; and (e) a statement of any other available assistance ~~((+))~~ received.

~~((b) For those persons who sold their homes and incurred no relocation expenses: (i) A copy of the notice from the park owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use; (ii) a copy of the rental agreement then in force, or other proof that the applicant was a tenant at the time of notice of closure; and (iii) a copy of the record of title transfer issued by the department of licensing when the tenant sold the home rather than relocate it due to park closure or conversion.))~~

(3) The department may deduct a percentage amount of the fee collected under RCW 46.17.155 for administration expenses incurred by the department."

Correct the title.

Representative Schmick moved the adoption of amendment (657) to the striking amendment (655):

On page 2, line 25 of the amendment, after "health." insert "The department shall also give priority for distribution of relocation assistance to eligible tenants age fifty-five or over."

Representatives Schmick, DeBolt, Shea, Schmick (again) Stokesbary, DeBolt (again), Orcutt and Johnson spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ryu and Ryu (again) spoke against the adoption of the amendment to the striking amendment.

Amendment (657) to the striking amendment (655) was not adopted.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of the striking amendment (655).

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 54 - YEAS; 41 - NAYS.

The striking amendment (655) was adopted.

The bill was ordered engrossed.

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

Representatives Ryu and Barkis spoke in favor of the passage of the bill.

Representatives Johnson, DeBolt and Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1884.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1884, and the bill passed the House by the following vote: Yeas, 70; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Dye, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Eslick, Graves, Griffey, Haler, Hayes, Jenkin, Johnson, Klippert, MacEwen, Manweller, Nealey, Pike, Rodne, Shea, Smith, Stokesbary, Taylor, Vick, Volz and Wilcox.

Excused: Representatives Fey, Holy and McCaslin.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1782, by House Committee on Health Care & Wellness (originally sponsored by Representatives Stonier, Harris, Cody, Schmick and Caldier)

Concerning dental laboratories.

The bill was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1782.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1782, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives Fey, Holy and McCaslin.

SUBSTITUTE HOUSE BILL NO. 1782, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED HOUSE BILL NO. 2107, by Representatives Schmick, Cody and Ormsby

Concerning the addition of services for long-term placement of mental health patients in community settings that voluntarily contract to provide the services.

The bill was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed House Bill No. 2107.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 2107, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli,

Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey, Holy and McCaslin.

SECOND ENGROSSED HOUSE BILL NO. 2107, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4002, by Representatives Riccelli, Clibborn, Johnson, Ormsby, Jinkins, Fitzgibbon, Halder, Reeves, Kilduff, Manweller, Ortiz-Self, Tarleton, Hudgins, Stanford, Chapman, Dolan, Jenkin, Fey and Farrell

Requesting that state route number 395 be named the Thomas S. "Tom" Foley Memorial Highway.

The bill was read the third time.

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4002.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4002, and the bill passed the House by the following vote: Yeas, 73; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Harmsworth, Hayes, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Condotta, Dent, Dye, Hargrove, Harris, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Maycumber, Orcutt, Pike, Schmick, Shea, Taylor, Vick, Volz and Walsh.

Excused: Representatives Fey, Holy and McCaslin.

HOUSE JOINT MEMORIAL NO. 4002, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4010, by Representatives Morris and Lytton

Requesting that the Blanchard State Forest be renamed the "Harriet A. Spanel-Blanchard State Forest."

The bill was read the third time.

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4010.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4010, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, DeBolt, Klippert, Taylor, Vick, Walsh and Wilcox.

Excused: Representatives Fey, Holy and McCaslin.

HOUSE JOINT MEMORIAL NO. 4010, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SENATE BILL NO. 5375, by Senators Fain, Braun, Angel, Brown, Becker, O'Ban, Miloscia, Schoesler, Bailey, Sheldon, Warnick, King, Rivers, Fortunato, Rossi, Baumgartner, Wilson, Honeyford, Padden, Zeiger, Ranker, Darneille, Palumbo, Pedersen, Pearson, Frockt and Hasegawa

Renaming the cancer research endowment authority to the Andy Hill cancer research endowment.

The bill was read the second time.

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

Representatives Springer, Harris, Graves, Stokesbary and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5375.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5375, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Walsh.

Excused: Representatives Fey, Holy and McCaslin.

ENGROSSED SENATE BILL NO. 5375, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2322, by Representatives Stanford, Kirby, Vick, Barkis, McDonald and Ryu

Allowing property insurers to assist their insureds with risk mitigation goods or services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2322 was substituted for House Bill No. 2322 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2322 was read the second time.

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

Representatives Stanford and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2322.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2322, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Fey, Holy and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2322, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2335, by Representatives Sawyer and Condotta

Concerning business practices by marijuana retailers that may mislead the public as to the ownership of a retailer.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2335 was substituted for House Bill No. 2335 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2335 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2335.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2335, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Graves and Stokesbary.

Excused: Representatives Fey, Holy and McCaslin.

SUBSTITUTE HOUSE BILL NO. 2335, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2474, by Representatives Condotta, Sawyer and Kloba

Modifying marijuana product labeling requirements.

The bill was read the second time.

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

Representatives Condotta and Sawyer and Sawyer (again) spoke in favor of the passage of the bill.

Representative Klippert and Klippert (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2474.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2474, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet,

Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dye, Haler, Jenkin, Klippert, Kraft, Nealey and Van Werven.

Excused: Representatives Fey, Holy and McCaslin.

HOUSE BILL NO. 2474, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 23, 2018, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 23, 2018

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4658, by Representatives Eslick, Dent, Haler, Johnson, Kraft, Muri, McCabe, Smith, Jenkin, and Kilduff

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, In September of 2017, Linne Haywood received the Northwest Educational Service District's 2018 Regional Teacher of the Year award; and

WHEREAS, Linne Haywood started as a substitute teacher in 1990 before becoming a full-time teacher in 2005; and

WHEREAS, Linne Haywood serves as a director of a program helping students receive credits and complete their diploma after dropping out of high school; and

WHEREAS, In 2010, she began teaching shortly thereafter becoming ASB advisor; and

WHEREAS, In 2017, she began teaching two classes allowing her students to earn both high school and college credits; and

WHEREAS, Not only is Linne Haywood a volleyball coach in her district, and the senior advisor, but also the Harassment, Intimidation, and Bullying officer; and

WHEREAS, Linne Haywood is the building representative for her local union and she leads professional development for the high school staff; and

WHEREAS, Her dedication to children and their families have led to a job as the president of the local North Counties Family Services Board of Directors; and

WHEREAS, Never one to shy away, Linne Haywood is always quick to say "yes," and eager to help those in need; and

WHEREAS, Linne Haywood is a mother of four incredible children all of whom are alumni of Darrington High School; and

WHEREAS, Linne Haywood has always shown determination to ensure her students are successful both in the classroom and in the real world; and

WHEREAS, Passion and dedication have been prevalent throughout all of Linne Haywood's teaching career; and

WHEREAS, For the past 28 years Linne Haywood has been a strong role model to her fellow coworkers in the Darrington School District;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Linne Haywood for her dedicated service to the Darrington School District and for encouraging students and all who she encounters to better themselves and strive for greatness; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Linne Haywood.

There being no objection, HOUSE RESOLUTION NO. 4658 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4659, by Representatives Stokesbary, Irwin, Dent, Graves, Haler, Lovick, McDonald, Eslick, Fey, Muri, Nealey, Stambaugh, Johnson, and Kilduff

WHEREAS, Dave Enslow generously served the city of Sumner for 20 years, eight years as a city councilmember and the past twelve years as mayor; and

WHEREAS, Dave Enslow was the longest-serving mayor of Sumner in the city's history; and

WHEREAS, Dave Enslow was an active member of the Sumner Rotary Club and YMCA; and

WHEREAS, Dave Enslow balanced large business growth in Sumner while maintaining the city's historical character and charm through quality of service, new technology, and fiscal soundness; and

WHEREAS, Dave Enslow's support and guidance led to the construction of the Gordon Family YMCA and helped bring in twenty thousand members in its first year; and

WHEREAS, Dave Enslow improved local infrastructure with a strong passion for Sumner's citizens, surrounding communities, and the region; and

WHEREAS, Dave Enslow received numerous awards during his time as a public servant, including seven Well City Awards from Association of Washington Cities and a

Trail Builder Award from the Foothills Rails to Trails program; and

WHEREAS, Dave Enslow could almost always be seen walking along Main Street, eating at local restaurants like the Berryland Cafe, or watching Sumner Spartans games; and

WHEREAS, Dave Enslow engaged both complete strangers and well-known colleagues with the same humor, humility, and warmth; and

WHEREAS, Dave Enslow was an extraordinary ambassador for the City of Sumner in his work with state, regional, and business leaders; and

WHEREAS, Dave Enslow was a living example of depth of character and public service with his unwavering dedication to the community throughout his life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the various contributions and lasting legacy made by Mayor Dave Enslow to the City of Sumner, Pierce County, and the entire Puget Sound region; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The City of Sumner and the Enslow family.

There being no objection, HOUSE RESOLUTION NO. 4659 was adopted.

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

INTRODUCTION & FIRST READING

HB 2903 by Representatives Stanford, Valdez, Gregerson, Hudgins and Pollet

AN ACT Relating to protecting workers from work restrictions; adding new sections to chapter 49.44 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2904 by Representatives McBride and Appleton

AN ACT Relating to modifying the criteria for local designation of residential targeted areas for new and rehabilitated multiple-unit dwellings; amending RCW 84.14.010 and 84.14.040; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 2905 by Representatives Cody, Fitzgibbon, Ortiz-Self, Senn, Valdez, Irwin, Pollet and Doglio

AN ACT Relating to providing a sales and use tax exemption for diapers; adding a new section to chapter

82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2906 by Representatives McDonald, Johnson and Muri

AN ACT Relating to eligibility of a surviving spouse for the property tax exemption for senior citizens and disabled persons; amending RCW 84.36.385 and 84.69.020; adding a new section to chapter 84.36 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 2907 by Representatives Goodman, Frame, Kagi and Doglio

AN ACT Relating to confinement in juvenile rehabilitation facilities; amending RCW 72.01.410, 72.01.410, 13.40.300, and 13.40.300; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2908 by Representatives Macri, Jinkins, Robinson, Riccelli, Gregerson, Stonier, Slatter, Frame, Kagi, Ormsby, Ortiz-Self, Valdez, Goodman, Tarleton, Stanford, Pollet and Doglio

AN ACT Relating to enacting the employee reproductive choice act; amending RCW 49.60.030; reenacting and amending RCW 49.60.040; adding new sections to chapter 49.60 RCW; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2909 by Representatives Macri, Jinkins, Robinson, Frame, Riccelli, Gregerson, Stonier, Kagi, Ormsby, Ortiz-Self, Valdez, Goodman, Tarleton, Stanford and Pollet

AN ACT Relating to enacting the reproductive health access for all act; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5064 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Fain, Rolfes, Rivers, Pedersen, Ranker, Mullet, Billig, Becker, Braun, King, Darneille, Chase, Carlyle and Palumbo)

AN ACT Relating to the freedom of expression rights of students at public schools and institutions of higher education; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

E2SSB 5179 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Keiser, Palumbo, Hasegawa and Conway)

AN ACT Relating to requiring coverage for hearing instruments under public employee and medicaid programs; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5766 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Liias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer and Saldaña)

AN ACT Relating to preventing harassment, intimidation, bullying, and discrimination in public schools; amending RCW 28A.300.285; and adding a new section to chapter 28A.642 RCW.

Referred to Committee on Education.

ESB 6003 by Senators Wellman, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Liias, Keiser, Pedersen, Hunt, Conway, Chase, Saldaña and Kuderer

AN ACT Relating to breakfast after the bell programs in certain public schools; amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; adding a new section to chapter 44.28 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 18, 2018

SHB 1291 Prime Sponsor, Committee on Appropriations: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon;

Hansen; Hudgins; Jinkins; Kagi; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 17, 2018

E2SHB 1482 Prime Sponsor, Committee on Appropriations: Establishing the legislative-executive WorkFirst poverty reduction oversight task force. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Lovick; Muri and Ortiz-Self.

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

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

Referred to Committee on Rules for second reading.

January 19, 2018

ESHB 1513 Prime Sponsor, Committee on Transportation: Concerning the collection of youth voter registration sign up information. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 18, 2018

ESHB 1831 Prime Sponsor, Committee on Appropriations: Revising resource limitations for public assistance. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Haler; Manweller; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Vick.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 1999 Prime Sponsor, Representative Gregerson: Concerning elections in port districts that are coextensive with a county having a population of over one-half million. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2025 Prime Sponsor, Representative Goodman: Requiring the development and implementation of a comprehensive plan to improve offender programs. Reported by Committee on Public Safety

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member;

Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

January 18, 2018

HB 2098 Prime Sponsor, Representative Sawyer: Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Muri; Orwall; Shea and Valdez.

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

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2251 Prime Sponsor, Representative Haler: Concerning public facilities districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Capital Budget.

January 18, 2018

HB 2263 Prime Sponsor, Representative Goodman: Concerning governmental continuity during emergency periods. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member;

Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

January 18, 2018

HB 2271 Prime Sponsor, Representative Muri: Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2287 Prime Sponsor, Representative Hayes: Establishing a criminal justice system diversion center pilot project. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

January 18, 2018

HB 2318 Prime Sponsor, Representative Appleton: Addressing insurance coverage for water-sewer district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2363 Prime Sponsor, Representative Pellicciotti: Addressing the use of unmanned aircraft to

deliver contraband. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2384 Prime Sponsor, Representative Hudgins: Concerning consumer reporting agency security freeze fees. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; McCabe; Santos and Stanford.

MINORITY recommendation: Without recommendation. Signed by Representatives Vick, Ranking Minority Member and Jenkin.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2468 Prime Sponsor, Representative Vick: Allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of another corporate entity registered in Canada. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2522 Prime Sponsor, Representative Pike: Modifying qualifications for disabled veterans to receive fee exempt license plates. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Transportation.

January 18, 2018

HB 2536 Prime Sponsor, Representative Appleton: Addressing noncollection of taxes by county treasurers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2582 Prime Sponsor, Representative Reeves: Concerning the department of veterans affairs. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2642 Prime Sponsor, Representative McCaslin: Requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 18, 2018

HJR 4210 Prime Sponsor, Representative Johnson: Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 4400

The Speaker called upon Representative Orwall to preside.

There being no objection, the House adjourned until 10:00 a.m., January 24, 2018, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 24, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Grace Stickney and Mason Weideman. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend David Brown, Immanuel Presbyterian Church, Tacoma, Washington.

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

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

MESSAGE FROM THE SENATE

January 23, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO.
4400,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

MESSAGE FROM THE SECRETARY OF STATE**CERTIFICATION OF INITIATIVE TO THE
LEGISLATURE NO. 940**

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 940 to be examined in the following manner:

1. It was determined that 359,895 signatures were submitted by the sponsors of the initiative. A random sample of 10,833 signatures was taken from those submitted;

2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,100 valid signatures, 1,732

signatures that were invalid and 1 pair of duplicated signatures in the sample;

3. We calculated an allowance for the chance error of sampling (62) by multiplying the square root of the number of invalid signatures by 1.5;

4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (59,615) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;

5. We determined the maximum allowable number of duplicate pairs of signatures on the petition (40,658) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (259,622) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6. We determined the expected number of duplicate pairs of signatures in the sample (37) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7. We determined the acceptable number of duplicate pairs of signatures in the sample (27) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8. The number of duplicate pairs of signatures in the sample is less than the acceptable number of duplicate pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 940 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 23rd day of January, 2018.

KIM WYMAN
Secretary of State
(Mark Neary, Assistant Secretary of State)

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

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

INTRODUCTION & FIRST READING

HB 2910 by Representatives Sullivan and Stokesbary

AN ACT Relating to the compensation of qualified professionals appointed to a community facilities

district board of supervisors; and amending RCW 36.145.080.

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

HB 2911 by Representatives Pollet, Doglio and Stambaugh

AN ACT Relating to providing feminine hygiene products in public schools at no cost to students; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 2912 by Representatives Nealey, Hayes and Johnson

AN ACT Relating to dedicating business and occupation tax revenue generated by data processing and information services to the Washington internet crimes against children account; reenacting and amending RCW 82.04.065; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Appropriations.

HB 2913 by Representatives McBride, Barkis, Ryu, Appleton, Senn and Santos

AN ACT Relating to creating a Washington affordable housing tax credit program; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

HB 2914 by Representatives Smith, Fitzgibbon, Doglio and Senn

AN ACT Relating to Washington's economic development potential as a world leader in the responsible management of postconsumer materials; amending RCW 70.95.290; adding a new section to chapter 70.95 RCW; and creating new sections.

Referred to Committee on Environment.

HB 2915 by Representatives Pike and Shea

AN ACT Relating to excluding veterans' disability related compensation or benefits from consideration in determining child support obligations; amending RCW 26.19.045 and 26.19.055; adding a new section to chapter 26.18 RCW; and adding a new section to chapter 74.20A RCW.

Referred to Committee on Judiciary.

HB 2916 by Representatives Dye, Blake, Dent, Chapman, Pettigrew and Johnson

AN ACT Relating to limiting the application of certain civil penalties to protect landowners from incurring

penalties based on the actions of the landowner's lessee; and amending RCW 90.03.600.

Referred to Committee on Agriculture & Natural Resources.

HB 2917 by Representatives Orcutt, Johnson, Walsh, Appleton, Hargrove and Steele

AN ACT Relating to allowing leased land in a mobile home park or manufactured housing community to qualify for the senior, veteran, and persons with disabilities property tax exemption; adding a new section to chapter 84.36 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 2918 by Representatives Orcutt, Johnson, Appleton and Steele

AN ACT Relating to providing rental assistance to mobile home park tenants; amending RCW 59.22.050; reenacting and amending RCW 59.21.010; and adding new sections to chapter 59.21 RCW.

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

HB 2919 by Representative Orcutt

AN ACT Relating to family cemeteries; amending RCW 68.05.090, 68.05.400, 68.20.080, 68.20.140, 68.40.095, and 68.44.180; adding a new section to chapter 68.05 RCW; and adding a new chapter to Title 68 RCW.

Referred to Committee on Business & Financial Services.

HB 2920 by Representatives Muri, Orwall, Peterson, Smith, Van Werven and Kraft

AN ACT Relating to child sex trafficking; adding a new chapter to Title 4 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 2921 by Representatives Kloba, Kirby, McBride and Appleton

AN ACT Relating to ticket sales over the internet; amending RCW 19.345.005 and 19.345.010; adding new sections to chapter 19.345 RCW; and prescribing penalties.

Referred to Committee on Business & Financial Services.

HB 2922 by Representative Kirby

AN ACT Relating to appraisal management companies and appraisal fees; amending RCW 18.310.150 and 18.310.050; and adding new sections to chapter 18.310 RCW.

Referred to Committee on Business & Financial Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2913 which was referred to the Committee on Community Development, Housing & Tribal Affairs.

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

REPORTS OF STANDING COMMITTEES

January 18, 2018

HB 1486 Prime Sponsor, Representative Gregerson: Creating the Washington wage recovery act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 19, 2018

SHB 1532 Prime Sponsor, Committee on Finance: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dolan; Pollet; Springer; Stokesbary and Wylie.

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

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1559 Prime Sponsor, Representative Goodman: Granting binding interest arbitration rights to certain uniformed personnel. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta; Graves; Schmick; Taylor; Vick and Wilcox.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1560 Prime Sponsor, Representative Stanford: Addressing plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Taylor and Vick.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1622 Prime Sponsor, Representative Senn: Concerning the state building code council. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill

do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 1740 Prime Sponsor, Representative McBride: Using the state environmental policy act to encourage development that is consistent with forward-looking growth plans. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2208 Prime Sponsor, Representative Hudgins: Authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant

Ranking Minority Member; Appleton; Gregerson; Johnson and Pellicciotti.

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

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2004 Prime Sponsor, Representative Klippert: Concerning the retirement age for state guard members. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

January 19, 2018

HB 2358 Prime Sponsor, Representative Sawyer: Clarifying marijuana-related definitions. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary and Wylie.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2372 Prime Sponsor, Representative Kagi: Concerning the issuance of identicards to individuals released from certain juvenile rehabilitation facilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2373 Prime Sponsor, Representative Kagi: Concerning residential custody services for tribal youth. Reported by Committee on

Community Development, Housing &
Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2424 Prime Sponsor, Representative Lytton: Correcting the use tax exemption for self-produced fuel. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary and Wylie.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2448 Prime Sponsor, Representative Senn: Increasing the availability of housing for developmentally disabled persons. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary and Wylie.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2456 Prime Sponsor, Representative Kilduff: Increasing employment opportunities for spouses of military members. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

January 22, 2018

HB 2517 Prime Sponsor, Representative Stonier: Concerning penalties for alcohol manufacturers who have committed violations as part of its ancillary activities. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 18, 2018

HB 2555 Prime Sponsor, Representative Dent: Providing the director of the department of fish and wildlife the authority to issue permits to the Wanapum Indians for other freshwater food fish for ceremonial and subsistence purposes. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2667 Prime Sponsor, Representative Macri: Concerning eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

January 22, 2018

HB 2735 Prime Sponsor, Representative Young: Concerning public disclosure of certain information procured or obtained pursuant to a loan or grant application under the underground storage tank revolving loan and grant program. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice

Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Kagi and McBride.

Referred to Committee on Rules for second reading.

January 19, 2018

HB 2779 Prime Sponsor, Representative Senn: Improving access to mental health services for children and youth. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2004 and HOUSE BILL NO. 2456 which were placed on the second reading calendar.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 2008, by Representatives Kagi, Jinkins and Senn

Addressing the budgeting process for core state services for children.

The bill was read the third time.

Representatives Kagi and Senn spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Hayes was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2008.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2008, and the bill passed the

House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harris, Hudgins, Irwin, Jenkin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Harmsworth, Holy, Johnson, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Hayes.

ENGROSSED HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed House Bill No. 2008.

Representative Jenkin, 16 District

ENGROSSED HOUSE BILL NO. 2201, by Representatives Pellicciotti, Slatter, Reeves, Clibborn, Lovick, Ormsby, Pollet, Kilduff, Kloba, Orwall, Sells, Stanford, Wylie and Senn

Concerning the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016.

Representative Wilcox moved that the rules be suspended, and that Engrossed House Bill No. 2201 be returned to second reading for the purposes of amendment.

Representative Wilcox spoke in favor of the adoption of the motion.

Representative Riccelli spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of the motion to suspend the rules and return House Bill No. 2201 to Second Reading for the purposes of amendment

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and return House Bill No. 2201 to Second Reading for the purposes of amendment. The motion was not adopted by

the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Mike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Hayes.

The bill was read the third time.

Representatives Pellicciotti, Harmsworth, Hargrove, Irwin, Clibborn, Muri, Kilduff, Irwin (again) Fey, Graves, McDonald, Barkis, Harmsworth (again) and Hargrove (again) spoke in favor of the passage of the bill.

Representatives Maycumber, Steele and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2201.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2201, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Dolan, Fey, Goodman, Graves, Gregerson, Hansen, Hargrove, Harmsworth, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Doglio, Dye, Eslick, Fitzgibbon, Frame, Griffey, Haler, Harris, Holy, Jenkin, Johnson, Kraft, Kretz, Kristiansen, MacEwen, Macri, Manweller, Maycumber, McCaslin, Nealey, Pike, Schmick, Shea, Smith, Steele, Tarleton, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative Hayes.

ENGROSSED HOUSE BILL NO. 2201, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed House Bill No. 2201.

Representative McCabe, 14 District

HOUSE BILL NO. 1790, by Representatives Lovick, Dent, Kagi, Frame and Jinkins

Concerning dependency petitions where the department of social and health services is the petitioner.

The bill was read the third time.

Representatives Lovick and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1790.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1790, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

Excused: Representative Hayes.

HOUSE BILL NO. 1790, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2332, by Representatives Sawyer, Condotta, Ormsby and Appleton

Concerning gambling addiction.

The bill was read the second time.

With the consent of the house, amendment (694) was withdrawn.

Representative Condotta moved the adoption of amendment (695):

On page 3, after line 13, insert the following:

"(4) (a) The commission may not contract with a third party to administer the self-exclusion program created pursuant to this section.

(b) Any personal information collected, stored, or accessed under the self-exclusion program created pursuant to this section may not be sold, monetized, or traded by the commission or any person or business authorized to access personal information through the program.

(c) Any personal information collected, stored, or accessed under the self-exclusion program may not be used for any purpose other than the administration of the self-exclusion program."

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

Amendment (695) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2332.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2332, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey,

Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.
Voting nay: Representatives Chandler, Kraft and Taylor.
Excused: Representative Hayes.

ENGROSSED HOUSE BILL NO. 2332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1085, by Representatives Blake, Vick, Walsh, Chapman, Buys and McBride

Regulating the minimum dimensions of habitable spaces in single-family residential areas.

The bill was read the second time.

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

Representatives Blake, Barkis and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1085.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1085, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Hayes.

HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1095, by Representatives Appleton, Pollet and Peterson

Concerning antifreeze products.

The bill was read the third time.

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

MOTION

On motion of Representative Griffey, Representative Nealey was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1095.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1095, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Eslick, Haler, Holy, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Shea, Taylor, Volz and Young.

Excused: Representatives Hayes and Nealey.

HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1859, by Representatives Pellicciotti, Griffey, Pettigrew, Chapman, Goodman and Ormsby

Providing an aggravating circumstance for assault against a utility worker.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1859 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Pellicciotti moved the adoption of amendment (691):

On page 7, line 13, after ", or" strike "recoding" and insert "recording"

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

Amendment (691) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1859.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1859, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Taylor, Vick and Young.

Excused: Representatives Hayes and Nealey.

ENGROSSED HOUSE BILL NO. 1859, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1618, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Santos, Johnson, Bergquist and Kagi)

Concerning family and community engagement coordinators.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1618 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Ortiz-Self moved the adoption of amendment (651):

Beginning on page 2, line 34, strike all of section 3 and insert the following:

"Sec. 3. RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or section 2 of this act, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-

friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education	
average class size	
Grades K-3.....	17.00
Grade 4.....	27.00
Grades 5-6.....	27.00
Grades 7-8.....	28.53
Grades 9-12.....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science	
average class size	
Grades 9-12.....	19.98

(b)(i) Beginning September 1, 2018, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical	
education average	
class size	
Approved career and technical	
education offered at	
the middle school and high school	
level.....	23.00
Skill center programs meeting the	
standards established	
by the office of the superintendent of	
public	
instruction.....	20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	Ele	M	H
	menta	idd	igh
	ry	le	Sch
	Schoo	Sch	ool
	l	ool	
Principals,			
assistant principals,			
and other certificated	53	1.2	1
building-level		.35	.88
administrators.....		3	0

Teacher-librarians, a function that includes

information literacy, technology, and media to support school library media programs	0.6	0	0
	63	.51	.52
		9	3
Health and social services:			
School nurses	0.0	0	0
	76	.06	.09
		0	6
Social workers	0.0	0	0
	42	.00	.01
		6	5
Psychologists	0.0	0	0
	17	.00	.00
		2	7
Guidance counselors, a function that includes parent outreach and graduation advising..	0.4	1	2
	93	.21	.53
		6	9
Teaching assistance, including any aspect of educational instructional services provided by classified employees.	0.9	0	0
	36	.70	.65
		0	2
Office support and other noninstructional aides.....	2.0	2	3
	12	.32	.26
		5	9
Custodians	1.6	1	2
	57	.94	.96
		2	5
Classified staff providing student and staff safety.....	0.0	0	0
	79	.09	.14
		2	1
((Parent involvement)) Family and community engagement coordinators.....	0.0	0	0
	825	.00	.00

(6) (a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000	
K-12 students	
Technology.....	0.628
Facilities, maintenance, and grounds	1.813

Warehouse, laborers, and mechanics.....0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4) (a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8) (a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average	
full-time equivalent student	
in grades K-12	
Technology.....	\$130.76
Utilities and insurance.....	\$355.30
Curriculum and textbooks.....	\$140.39
Other supplies and library materials.	\$298.05
Instructional professional development for certificated and classified staff.....	\$21.71
Facilities maintenance.....	\$176.01
Security and central office administration.....	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average	
full-time equivalent student	

in grades 9-12
 Technology.....\$36.35
 Curriculum and textbooks.....\$39.02
 Other supplies and library materials\$82.84
 Instructional professional development for certificated and classified staff.....\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in schools where at least fifty percent of students are eligible for free and reduced-price meals. The minimum allocation for this additional high poverty-based allocation must provide for each level of

prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for

the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4) (a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12) (a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13) (a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget

request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 4. RCW 28A.400.007 and 2017 3rd sp.s. c 13 s 904 are each amended to read as follows:

(1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that category of staffing unit in the omnibus operating appropriations act.

(a) Additional staffing units for each level of prototypical school in RCW 28A.150.260:

	Ele	M	H
	menta	idd	igh
	ry	le	Sch
	Schoo	Sch	ool
	l	ool	
Principals, assistant principals, and other certificated building-level administrators	470	70	00
Teacher- librarians, a function that includes information literacy, technology, and media to support school library media programs	370	10	70
Health and social services:			
School nurses	090	80	80
Social workers	690	20	20

Psychologists	0.0	0	0
	870	.02	.04
		20	20
Guidance			
counselors, a			
function that			
includes parent		0	0
outreach and	0.0	.78	.96
graduation advising..	070	40	10
Teaching			
assistance, including			
any aspect of			
educational			
instructional		0	0
services provided by	1.0	.30	.34
classified employees.	640	00	80
Office support and	0.9	1	0
other	880	.17	.23
noninstructional		50	10
aides.....			
Custodians	0.0	0	0
	430	.05	.03
		80	50
Classified staff	0.0	0	1
providing student and	000	.60	.15
staff safety.....		80	90
(Parent	0.9	1	1
involvement))	175	.00	.00
Family		00	00
and community			
engagement			
coordinators.....			

(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:

General education			
certificated instructional			
staff units sufficient to			
achieve class size reduction of:			
Grades K-3 class size.....	0.00		
Grade 4.....	2.00		
Grades 5-6.....	2.00		
Grades 7-8.....	3.53		
Grades 9-12.....	3.74		
CTE.....	4.00		
Skills.....	4.00		
High poverty			
certificated instructional			
staff units sufficient to			

achieve class size reduction of:	
Grades K-3 class size.....	2.00
Grade 4.....	5.00
Grades 5-6.....	4.00
Grades 7-8.....	5.53
Grades 9-12.....	5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution."

Renumber the remaining sections consecutively.

On page 12, beginning on line 1, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. Sections 3 and 4 of this act take effect September 1, 2018."

Correct the title.

Representatives Ortiz-Self and Harris spoke in favor of the adoption of the amendment.

Amendment (651) was adopted.

The bill was ordered engrossed.

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

Representative Ortiz-Self spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1618.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1618, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives Hayes and Nealey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1058, by Representative MacEwen

Changing provisions relating to court-ordered restitution in certain criminal cases.

The bill was read the third time.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1058.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Hayes and Nealey.

HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Blake, Walsh, Pellicciotti, Chapman, Stambaugh and Ormsby)

Concerning enforcement of the electrical laws.

The bill was read the third time.

Representatives Blake and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1952.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1952, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Hayes and Nealey.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1075 was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., January 25, 2018, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4660, by Representative Steele

WHEREAS, Gary Lee Knowlton was born on September 9, 1965, and passed away on July 16, 2016; and

WHEREAS, While attending Brewster High School in Brewster, Washington, Gary participated in football, basketball, and track. He and his teammates represented Brewster at the State Championships several years in a row, taking home the first place trophy in 1984. Gary also excelled at track and went to State competitions in track for most of his high school career; and

WHEREAS, Gary loved competing in the Decathlon and continued his track career at Spokane Falls Community College and later at Whitworth College. In 1987, Gary placed 7th at Nationals in track, one place out of being All-American, after improving his high jump from 5'9" to 6'5" and his long jump nearly 2'; and

WHEREAS, Gary met his wife, Deana, while working at the Brewster pool during summer break from college. Gary and Deana married on September 3, 1988, in Twisp, Washington, and made their home in Brewster where Gary worked as a teacher at the Brewster School District for 19 years; and

WHEREAS, Gary and Deana coached the swim team for almost 4 years at the Brewster pool where Gary also served as a lifeguard for 24 years and later served as a lifeguard for the Manson Bay Park for the last 8 years of his life. Manson Bay Park has since been renamed Gary Knowlton Memorial Park; and

WHEREAS, Gary's love of sports continued through his life. He refereed football, volleyball, and basketball in Okanogan County and refereed at State volleyball competitions in 2014 and 2015. During the summer, Gary would put over 6,000 miles on his bike, riding across the state and over the North Cascades Highway; and

WHEREAS, Gary and Deana enjoyed spending time with each other and with their daughters, Kari Lynn Knowlton and Krysta Lee Knowlton. The family went hiking and swimming, watched movies, and took the time to watch the sunset. Family time was important to Gary and

House Chamber, Olympia, Thursday, January 25, 2018

Deana and involved games and Gary's mean air guitar. It also involved completely supporting their children in sports, plays, and in life in general and teaching them to always treat others as you would like to be treated, a skill that Gary excelled at; and

WHEREAS, Gary will be fondly remembered for his involvement in the community as a husband, father, educator, youth coach, sports official, and bicyclist. His many activities caused one friend to comment that his life was a daily Decathlon;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the life of Gary Lee Knowlton; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Deana Knowlton.

There being no objection, HOUSE RESOLUTION NO. 4660 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4661, by Representative Klippert

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Richland High School Bombers completed their undefeated season and displayed extraordinary excellence in winning the 2017 Washington State 4A football championship for the third time in their school's history; and

WHEREAS, Under the leadership of Mike Neidhold, the Bombers finished with the exceptional record of 14-0; and

WHEREAS, In the first round of the 4A Playoff Tournament, held on November 10, 2017, the Richland Bombers defeated the West Valley Rams 62-28; and

WHEREAS, In the quarterfinals of the 4A Playoff Tournament, held on November 18, 2017, the Richland Bombers edged out a 28-21 victory over the Gonzaga Prep Bullpups; and

WHEREAS, In the semifinals of the 4A Playoff Tournament, held on November 25, 2017, the Richland Bombers offense led the team to a 42-10 victory over the Central Valley Bears; and

WHEREAS, On December 2, 2017, in front of hundreds of fans at the Tacoma Dome in Tacoma, Washington, the

Richland Bombers defeated the Woodinville Falcons by a score of 28-21 to win the 4A State Championship; and

January 24, 2018

WHEREAS, Richland Bombers' Adam Weissenfels intercepted the Falcons leaving only 1:23 in the game; and

MR. SPEAKER:

WHEREAS, For the first time in school history, the Bombers have appeared in the 4A State Championship game in back-to-back years; and

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5610,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

WHEREAS, The Richland Bombers have had the best three-year stretch in Bomber history, finishing in third place in 2015, second place in 2016, and now first place in 2017; and

January 24, 2018

WHEREAS, With a final record of 14-0, the Richland Bombers had their first undefeated season since 1914 when they finished 2-0; and

MR. SPEAKER:

WHEREAS, For their season, the Bombers boast thirty-two senior players: Christian Mathesen, Casey Perryman, Trey Zorich, Adam Weissenfels, Connor Faucheux, Cade Jensen, Tsega McDuff, Tyler Fishback, Steel Roberts, Jarred Whitby, Brandon Extrom, Conner Smith, Ryan Piper, Parker McCary, Josh Mendoza, Sammy Cervantes, Alex Yehle, Colton Roney, A.J. Storms, Caleb Chapman, Jax Lee, Mason Bautista, Santos Gallegos, Rene Marin, Ben Dezember, Sydney Bryan, Braden Powell, Jacob Stansfield, Max Hunnago;

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5074,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 2923 by Representatives Kilduff, Chapman, Macri and Reeves

AN ACT Relating to the training and monitoring of guardians; adding a new section to chapter 11.88 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2924 by Representative Ryu

AN ACT Relating to tourism marketing; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.08 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

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

HB 2925 by Representative Fey

AN ACT Relating to the disposal of recreational vehicles abandoned on public property; amending RCW 46.79.110 and 46.80.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.68 RCW; adding a new chapter to Title 46 RCW; creating new sections; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Richland High School Bombers for winning the 2017 4A football championship; applaud the team's historic accomplishments and contributions to student athletics and the community; commend the team's players, coaches, and staff for their hard work and dedication; and recognize students, alumni, and loyal fans for supporting the Bombers on their successful quest to capture the team's third championship trophy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Richland High School Bombers' football team and to Head Coach Mike Neidhold.

There being no objection, HOUSE RESOLUTION NO. 4661 was adopted.

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

MESSAGES FROM THE SENATE

January 24, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5553,
SENATE BILL NO. 5841,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

HB 2926 by Representatives Stokesbary, MacEwen, Graves, Irwin, Vick, Volz, Taylor and Manweller

AN ACT Relating to disclosure of state employment funded by certain private sources; adding new sections to chapter 42.17A RCW; and creating new sections.

Referred to Committee on State Government, Elections & Information Technology.

HB 2927 by Representatives Vick, Harris and Senn

AN ACT Relating to highly capable students; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2928 by Representative Lytton

AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2929 by Representative Lytton

AN ACT Relating to providing that the department of revenue is the secretary of state's agent for specified legal entity renewals; and amending RCW 43.07.200.

Referred to Committee on Finance.

HB 2930 by Representatives Stanford, Hansen, McBride, Macri, Goodman and Jinkins

AN ACT Relating to limiting defenses based on victim identity; adding a new section to chapter 9A.08 RCW; and adding a new section to chapter 9A.16 RCW.

Referred to Committee on Judiciary.

HB 2931 by Representatives Doglio, Fey and Tarleton

AN ACT Relating to the state energy code for residential structures; amending RCW 19.27A.020; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2932 by Representative Frame

AN ACT Relating to juvenile offenses; amending RCW 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.075, 13.40.070, and 9.94A.030; adding a new section to chapter 13.40 RCW; adding a new section to chapter

9.68A RCW; adding a new section to chapter 9A.86 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2933 by Representatives Peterson and Nealey

AN ACT Relating to authorizing counties and cities planning under the growth management act to impose certain real estate excise taxes by councilmanic action; and amending RCW 82.46.035.

Referred to Committee on Finance.

HB 2934 by Representative Orcutt

AN ACT Relating to the use of wheeled all-terrain vehicles on state routes; and amending RCW 46.09.455.

Referred to Committee on Transportation.

HB 2935 by Representative Orcutt

AN ACT Relating to allowing an additional property tax exemption for seniors, veterans, and persons with disabilities leasing land in a mobile home park or manufactured housing community; adding a new section to chapter 84.36 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HJM 4018 by Representative Muri

Requesting that the Brown Farm Road Northeast bridge at exit 114 over I-5 be named the "Afghanistan and Iraq Veterans Bridge."

Referred to Committee on Transportation.

HJM 4019 by Representative Muri

Requesting that the South Tacoma Way bridge at exit 127 over I-5 be named the "World War I Veterans Memorial Bridge."

Referred to Committee on Transportation.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 22, 2018

2SHB 1169 Prime Sponsor, Committee on Appropriations: Enacting the student opportunity, assistance, and relief act. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2028 Prime Sponsor, Representative Hudgins: Concerning legislative technology. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2314 Prime Sponsor, Representative Muri: Concerning marriage licensing and solemnization by county auditors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert and Shea.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2375 Prime Sponsor, Representative McDonald: Addressing state reimbursement of election costs in even-numbered years. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 23, 2018

HB 2381 Prime Sponsor, Representative Macri: Allowing certain adult family homes to increase capacity to eight beds. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

January 23, 2018

HB 2387 Prime Sponsor, Representative Hudgins: Concerning mandatory election audits of ballot counting equipment. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2406 Prime Sponsor, Representative Hudgins: Concerning election security practices around auditing and equipment. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice

Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2435 Prime Sponsor, Representative Kilduff: Reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2539 Prime Sponsor, Representative Peterson: Concerning public hospital district health and wellness promotion activities and superintendent appointment and removal. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2576 Prime Sponsor, Representative Griffey: Allowing fire protection district annexations and mergers within a reasonable geographic proximity. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike,

Assistant Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 22, 2018

HB 2624 Prime Sponsor, Representative Chapman: Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Appropriations.

January 23, 2018

HB 2702 Prime Sponsor, Representative Robinson: Making technical corrections to the family and medical leave program. Reported by Committee on Labor & Workplace Standards

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

Referred to Committee on Rules for second reading.

January 22, 2018

HB 2751 Prime Sponsor, Representative Stonier: Concerning the deduction of union dues and fees. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Appropriations.

January 23, 2018

HB 2752 Prime Sponsor, Representative Stanford:
Concerning issuance of search warrants by
district and municipal court judges.
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2342
HOUSE BILL NO. 2582

There being no objection, the House adjourned until 10:00 a.m., January 26, 2018, the 19th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 26, 2018

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

The flags were escorted to the rostrum by the Washington Army and Air National Guard Color Guard, Comprised of: Sergeant First Class Brandy Potter, Staff Sergeant Germaine Pombo, Specialist Zachary Flynn and Specialist William Goodwin. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Donald Brewer, Lieutenant Colonel, Washington Army National Guard.

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4663, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, More than eight thousand men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts to protect lives and property, and recently mobilized more than 500 Guardsmen to serve at multiple wildfires in Washington and Oregon and

supported hurricane relief efforts in Puerto Rico and the Virgin Islands; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security, including cyber threats; and

WHEREAS, The Guard continues to improve the lives of Washington's young adults, many on the brink of dropping out of school, through its Washington Youth Academy; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for community and youth activities, and uses these facilities to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Washington National Guard soldiers and airmen continue to provide critical support to federal missions around the world and are willing to make the ultimate sacrifice to protect our freedoms and enhance our safety;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen and airwomen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Kilduff moved adoption of HOUSE RESOLUTION NO. 4663

Representatives Kilduff, Young, Peterson and Muri spoke in favor of the adoption of the resolution.

The Speaker (Representative Orwall presiding) stated the question before the House to be the adoption of House Resolution No. 4663.

HOUSE RESOLUTION NO. 4663 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized the National Guard delegation seated at the Rostrum comprised of Assistant Adjutant General Brigadier General Wallace Turner; Brigadier General Jeremy Horn, and Colonel Kevin McMahan and asked the members to acknowledge them.

The speaker further recognized members of the Washington National Guard seated in South gallery and asked them to stand and be recognized.

The Speaker (Representative Orwall presiding) called upon Chief Clerk Dean to preside.

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

INTRODUCTION & FIRST READING

HB 2936 by Representative Pollet

AN ACT Relating to estimating tax rates and regressivity for voter, legislative process, and joint legislative audit and review committee consideration; amending RCW 29A.32.070, 29A.72.025, 29A.72.283, and 43.136.055; adding a new section to chapter 29A.72 RCW; adding a new section to chapter 43.88A RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2937 by Representatives Taylor, Blake, Springer, Hayes, Smith and Buys

AN ACT Relating to ensuring water is available to support development in water resource inventory areas 3 and 4 through implementation of the 1996 memorandum of agreement; adding a new section to chapter 90.54 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2938 by Representative Hudgins

AN ACT Relating to campaign finance law enforcement and reporting; amending RCW 42.17A.110, 42.17A.755, 42.17A.765, 42.17A.235, 42.17A.255, 42.17A.240, and 42.17A.450; adding new sections to chapter 42.17A RCW; adding a new section to chapter 43.09 RCW; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

HB 2939 by Representatives Graves and Rodne

AN ACT Relating to park models; amending RCW 19.27.060, 35.63.080, 35A.63.100, and 36.70.750; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government.

HB 2940 by Representatives Lytton and Chapman

AN ACT Relating to making the business and occupation tax more progressive; amending RCW 82.32.045; reenacting and amending RCW 34.05.328; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.4451; and providing an effective date.

Referred to Committee on Finance.

HB 2941 by Representative Stambaugh

AN ACT Relating to reporting to ethics boards licensing agreements for public use of certain state resources produced by state agencies; amending RCW 42.52.320 and 42.52.360; reenacting and amending RCW 42.52.010; adding a new section to chapter 42.52 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2942 by Representatives Walsh and Taylor

AN ACT Relating to planning for the availability of mineral resources; and amending RCW 36.70A.020 and 36.70A.131.

Referred to Committee on Environment.

HB 2943 by Representative Ryu

AN ACT Relating to community economic revitalization board administered broadband infrastructure; and amending 2018 c 2 s 1021 (uncodified).

Referred to Committee on Capital Budget.

HB 2944 by Representatives Chapman, Muri, Gregerson, Stokesbary, McBride, Rodne, Ryu, Young, Kilduff, Harris, Sells, Holy, Peterson, Volz, Valdez, Haler, Stonier, Stambaugh, Fitzgibbon, Walsh, Robinson, Irwin and Blake

AN ACT Relating to safeguarding the public safety by protecting railroad workers; amending RCW 50A.04.010, 50A.04.020, 50A.04.025, and 50A.04.035; adding new sections to chapter 81.40 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2945 by Representatives Fey, Chapman, Stonier and Riccelli

AN ACT Relating to transportation network companies; amending RCW 46.72.010, 46.72.030, 43.79A.040, 46.72.040, 48.177.010, 46.72.110, and 46.72.160; adding new sections to chapter 46.72 RCW; recodifying RCW 48.177.010; repealing RCW 48.177.005 and 46.72.039; and prescribing penalties.

Referred to Committee on Transportation.

HJM 4020 by Representative Muri

Concerning federal recognition of the Steilacoom tribe.

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

SSB 5074 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Frockt, Hasegawa, Carlyle, McCoy, Rolfes, Mullet and Palumbo)

AN ACT Relating to eligibility for state financial aid programs; and amending RCW 28B.118.010, 28B.97.020, 28B.145.030, 28B.50.272, 28B.92.060, and 28B.15.012.

Referred to Committee on Higher Education.

SB 5141 by Senators Palumbo and Wilson

AN ACT Relating to regulation of programs of yoga practice or instruction as private vocational schools; and amending RCW 28C.10.030.

Referred to Committee on Higher Education.

SSB 5553 by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Fain, Frockt, Takko, Hobbs, Zeiger, Kuderer and Darneille)

AN ACT Relating to preventing suicide by permitting the voluntary waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

2SSB 5610 by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Hasegawa and Saldaña)

AN ACT Relating to the sentencing of persons under the age of twenty-one years at the time of the

commission of a crime; and amending RCW 9.94A.533 and 9.94A.535.

Referred to Committee on Public Safety.

SB 5841 by Senators Cleveland and Conway

AN ACT Relating to worker safety on roadways and roadsides; amending RCW 46.61.100, 46.61.212, 46.61.215, and 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 24, 2018

HB 1031 Prime Sponsor, Representative Lytton: Concerning the use of unmanned aerial systems near certain protected marine species. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Hudgins; McDonald; Santos; Slatter; Steele and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller and Nealey.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth and Young.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 1039 Prime Sponsor, Representative Wylie: Allowing sales of growlers of wine. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby and Young.

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

Referred to Committee on Rules for second reading.

January 23, 2018

HB 1054 Prime Sponsor, Representative Harris: Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Condotta and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 1469 Prime Sponsor, Representative Hudgins: Modifying presidential primary provisions. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Appleton; Gregerson; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives Kraft, Assistant Ranking Minority Member and Irwin.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 1488 Prime Sponsor, Representative Hansen: Expanding higher education opportunities for certain students. Reported by Committee on Higher Education

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler; Orwall; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member Van Werven, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 22, 2018

E2SHB 1512 Prime Sponsor, Committee on Appropriations: Expanding college bound scholarship eligibility. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Graves; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Assistant Ranking Minority Member; Haler and Harris.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 1603 Prime Sponsor, Representative Kilduff: Updating the child support economic table based on recommendations of the child support work group. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Appropriations.

January 23, 2018

HB 1835 Prime Sponsor, Representative Dolan: Updating inflationary amounts in campaign finance laws. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 22, 2018

HB 1873 Prime Sponsor, Representative Hudgins: Concerning lead-based paint certification fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 1904 Prime Sponsor, Representative Smith: Concerning the sale and taxation of Washingtonians' personal information and related data. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Appropriations.

January 23, 2018

EHB 1927 Prime Sponsor, Representative Hudgins: Concerning government efficiency by eliminating, revising or decodifying obsolete or inactive statutory provisions that concern the office of financial management. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft,

Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 24, 2018

EHB 1958 Prime Sponsor, Representative Harmsworth: Prohibiting the imposition of regional transit authority property taxes on less than a whole parcel. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2035 Prime Sponsor, Representative Harmsworth: Concerning information on civil traffic infractions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2165 Prime Sponsor, Representative Harris: Concerning vapor products, e-cigarettes, and nicotine products taxation. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Condotta; Stokesbary and Wilcox.

Referred to Committee on Appropriations.

January 23, 2018

HB 2175 Prime Sponsor, Representative Maycumber: Concerning natural resource management activities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Kretz.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2208 Prime Sponsor, Representative Hudgins: Authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Johnson and Pellicciotti.

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

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2258 Prime Sponsor, Representative Macri: Concerning health care provider and health care facility whistleblower protections. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2273 Prime Sponsor, Representative Goodman: Concerning the medicaid fraud control unit. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Appropriations.

January 23, 2018

HB 2276 Prime Sponsor, Representative Eslick: Concerning notification of wildlife transfer, relocation, or introduction into a new location. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2278 Prime Sponsor, Representative Morris: Concerning personal information privacy protections in government entities. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson and Pellicciotti.

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

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Referred to Committee on Transportation.

January 24, 2018

HB 2279 Prime Sponsor, Representative Morris: Concerning the fair servicing and repair of digital electronic products. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Hudgins; Manweller; Santos; Slatter; Steele; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth; McDonald and Nealey.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2281 Prime Sponsor, Representative Morris: Recertifying renewable energy systems eligible for a renewable energy system production incentive. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Appropriations.

January 24, 2018

HB 2289 Prime Sponsor, Representative Kilduff: Concerning the release and commitment of persons involuntarily committed after the dismissal of a felony. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Goodman and Shea.

Referred to Committee on Appropriations.

January 24, 2018

HB 2307 Prime Sponsor, Representative Van Werven: Requiring confidentiality in the release of sensitive fish and wildlife data. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2308 Prime Sponsor, Representative Jinkins: Concerning civil legal aid. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

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

Referred to Committee on Appropriations.

January 24, 2018

HB 2312 Prime Sponsor, Representative DeBolt: Providing urban levels of internet speed and access in rural areas to secure a brighter more equitable economic future for all Washingtonians without increasing taxes or fees. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Appropriations.

January 23, 2018

HB 2326 Prime Sponsor, Representative Ryu: Concerning medicaid fraud false claims civil penalties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2336 Prime Sponsor, Representative Sawyer: Permitting cities, towns, and counties to prohibit the production, processing, or sale of marijuana only by an ordinance enacted through a public vote. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Kirby and Ryu.

MINORITY recommendation: Without recommendation. Signed by Representatives Jenkin and Young.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2338 Prime Sponsor, Representative Fitzgibbon: Reducing the greenhouse gas emissions associated with transportation fuels. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

Referred to Committee on Transportation.

January 23, 2018

HB 2343 Prime Sponsor, Representative Valdez: Defining "willful" in the chapter regarding abuse of vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2368 Prime Sponsor, Representative Goodman: Making technical corrections and removing obsolete language from the Revised Code

of Washington pursuant to RCW 1.08.025.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2371 Prime Sponsor, Representative Sawyer: Implementing child support pass-through payments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Appropriations.

January 24, 2018

HB 2391 Prime Sponsor, Representative Orcutt: Concerning the Washington plane coordinate system. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2398 Prime Sponsor, Representative Kilduff: Concerning jury selection. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2417 Prime Sponsor, Representative Blake: Concerning southern resident orca recovery. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Appropriations.

January 23, 2018

HB 2436 Prime Sponsor, Representative Robinson: Defining community health workers and their roles. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Harris; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; MacEwen; Maycumber and Rodne.

MINORITY recommendation: Without recommendation. Signed by Representative DeBolt.

Referred to Committee on Appropriations.

January 23, 2018

HB 2445 Prime Sponsor, Representative Macri: Concerning online access to health care resources via HEALWA. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

January 23, 2018

HB 2446 Prime Sponsor, Representative Graves: Concerning physical therapist supervision of assistive personnel. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

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

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2458 Prime Sponsor, Representative Hayes: Requiring the department of health to adopt rules establishing an abbreviated death certificate. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2485 Prime Sponsor, Representative Orwall: Encouraging low-water landscaping practices as a drought alleviation tool. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Capital Budget.

January 23, 2018

HB 2497 Prime Sponsor, Representative Pellicciotti: Concerning aircraft noise abatement. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

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

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

Referred to Committee on Rules for second reading.

January 23, 2018

HB 2502 Prime Sponsor, Representative Calder: Regulating explanation of benefits forms for stand-alone dental plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Calder; Clibborn; Jinkins; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; MacEwen and Rodne.

MINORITY recommendation: Without recommendation. Signed by Representatives DeBolt and Harris.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2505 Prime Sponsor, Representative Blake: Increasing participation in recreational fishing and hunting. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Appropriations.

January 24, 2018

HB 2514 Prime Sponsor, Representative Kilduff: Regarding discriminatory provisions found in written instruments related to real property. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2527 Prime Sponsor, Representative Hudgins: Evaluating random check procedures for ballot counting equipment. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2529 Prime Sponsor, Representative Kraft: Concerning the costs of election administration. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Appropriations.

January 24, 2018

HB 2538 Prime Sponsor, Representative McBride: Exempting impact fees for low-income housing development. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2540 Prime Sponsor, Representative McBride: Clarifying the authority of port districts to offer programs relating to air quality

improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

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

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

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2542 Prime Sponsor, Representative Nealey: Concerning ex parte temporary orders outside of normal court hours. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2606 Prime Sponsor, Representative Valdez: Bringing the state into compliance with the federal FAST act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2626 Prime Sponsor, Representative Blake: Increasing commercial fishing license fees for nonresidents. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Appropriations.

January 23, 2018

HB 2633 Prime Sponsor, Representative Doglio: Addressing the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Pike, Assistant Ranking Minority Member; Doglio and Frame.

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

Referred to Committee on Appropriations.

January 24, 2018

HB 2649 Prime Sponsor, Representative Barkis: Enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2669 Prime Sponsor, Representative Doglio: Adding part-time employees to state civil service. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member Kraft, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Irwin.

Referred to Committee on Appropriations.

January 24, 2018

HB 2690 Prime Sponsor, Representative Peterson: Clarifying the authority and procedures for contracting by public port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Capital Budget.

January 24, 2018

HB 2691 Prime Sponsor, Representative Appleton: Clarifying the authority and procedures for unit priced contracting by public port districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Capital Budget.

January 24, 2018

HB 2710 Prime Sponsor, Representative Reeves: Adding proximity to working forests to the residential real estate disclosure statement. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh,

Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2718 Prime Sponsor, Representative Shea: Concerning seizure and forfeiture procedures and reporting. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall; Shea and Valdez.

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

Referred to Committee on Appropriations.

January 24, 2018

HB 2745 Prime Sponsor, Representative Kirby: Concerning lost or destroyed state warrants, bonds, and other instruments. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Appropriations.

January 24, 2018

HB 2808 Prime Sponsor, Representative Kirby: Concerning vehicle dealer licensing. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2816 Prime Sponsor, Representative Senn: Transferring the working connections and seasonal child care programs to the department of children, youth, and

families. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

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

Referred to Committee on Appropriations.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 22, 2018

ESHB 1570 Prime Sponsor, Committee on Community Development, Housing & Tribal Affairs: Concerning access to homeless housing and assistance. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jenkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1570 which was placed on the second reading calendar.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1133
SECOND SUBSTITUTE HOUSE BILL NO. 1169
ENGROSSED HOUSE BILL NO. 1188

HOUSE BILL NO. 1263
SUBSTITUTE HOUSE BILL NO. 1291
HOUSE BILL NO. 1483
SUBSTITUTE HOUSE BILL NO. 1532
HOUSE BILL NO. 1559
HOUSE BILL NO. 1560
HOUSE BILL NO. 1584
HOUSE BILL NO. 1622
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831
HOUSE BILL NO. 2098
HOUSE BILL NO. 2257
HOUSE BILL NO. 2261
HOUSE BILL NO. 2266
HOUSE BILL NO. 2271
HOUSE BILL NO. 2285
HOUSE BILL NO. 2295
HOUSE BILL NO. 2298
HOUSE BILL NO. 2311
HOUSE BILL NO. 2320
HOUSE BILL NO. 2363
HOUSE BILL NO. 2384
HOUSE BILL NO. 2419
HOUSE BILL NO. 2424
HOUSE BILL NO. 2435
HOUSE BILL NO. 2448
HOUSE BILL NO. 2468
HOUSE BILL NO. 2472
HOUSE BILL NO. 2555
HOUSE BILL NO. 2576
HOUSE BILL NO. 2642
HOUSE BILL NO. 2702
HOUSE BILL NO. 2735
HOUSE BILL NO. 2752

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1060
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824

There being no objection, the House adjourned until 10:00 a.m., January 29, 2018, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker
BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, January 29, 2018

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

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 25, 2018

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Malia Fletcher and Richard Kesterson. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Amy Hessel, The Lutheran Church of the Good Shepherd, Olympia, Washington.

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
ENGROSSED SENATE BILL NO. 6211,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 25, 2018

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized the family of educator and youth coach Gary Knowlton, seated in the North Gallery, who was honored by House Resolution No. 4660 and asked the family to stand and be recognized.

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5598,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

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

MESSAGES FROM THE SENATE

January 26, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5992,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

January 25, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5028,
SUBSTITUTE SENATE BILL NO. 5989,
SENATE BILL NO. 6040,
SENATE BILL NO. 6057,
SENATE BILL NO. 6059,
SENATE BILL NO. 6073,
SUBSTITUTE SENATE BILL NO. 6126,
SUBSTITUTE SENATE BILL NO. 6183,

INTRODUCTION & FIRST READINGHB 2946 by Representatives Chapman and Maycumber

AN ACT Relating to providing tax relief to small businesses located in rural counties; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2947 by Representatives Chapman and Maycumber

AN ACT Relating to providing business and occupation tax relief to rural manufacturers; amending RCW 82.04.240, 82.04.240, 82.04.440, 82.04.433, and 82.32.790; creating a new section; providing an effective date; providing a contingent effective date; providing an expiration date; and providing contingent expiration dates.

Referred to Committee on Finance.

HB 2948 by Representatives Graves and Sullivan

AN ACT Relating to the responsibilities for state routes in cities or towns; and amending RCW 47.24.020.

Referred to Committee on Transportation.

HB 2949 by Representative Kilduff

AN ACT Relating to establishing a commission on persons with disabilities; amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2950 by Representative Maycumber

AN ACT Relating to changes in the operation of public contracting to address proven disparities; and amending RCW 49.60.400.

Referred to Committee on Capital Budget.

HB 2951 by Representatives McCabe, Gregerson, Stambaugh, Stanford, Walsh, Reeves, Dye and Barkis

AN ACT Relating to increasing services to report and investigate missing Native American women; creating new sections; and providing an expiration date.

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

HB 2952 by Representatives Shea and DeBolt

AN ACT Relating to officially naming a recreational trail; and creating a new section.

Referred to Committee on Environment.

HB 2953 by Representative Pollet

AN ACT Relating to the school construction assistance program; amending RCW 28A.525.166; and providing an effective date.

Referred to Committee on Capital Budget.

HB 2954 by Representatives Dent and Kilduff

AN ACT Relating to regulatory relief for licensed child care providers; amending RCW 43.216.015, 43.216.065, and 19.85.020; adding a new section to chapter 43.216 RCW; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2955 by Representative Springer

AN ACT Relating to craft distillers; and amending RCW 66.24.140.

Referred to Committee on Commerce & Gaming.

SB 5028 by Senators McCoy, Billig, Carlyle, Hasegawa, Chase, Rolfes, Saldaña, Pedersen and Keiser

AN ACT Relating to requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements; amending RCW 28B.10.710; and creating a new section.

Referred to Committee on Education.

ESSB 5143 by Senate Committee on Ways & Means (originally sponsored by Senators Zeiger, Rolfes and Darneille)

AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.049; amending 2016 c 217 s 1 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SB 5598 by Senators Pedersen, Angel, Rolfes, King, Darneille, Bailey, Brown, Mullet, Carlyle, Braun, Hobbs, Palumbo, Wellman, Keiser, Honeyford, Ranker, Nelson, Lias, McCoy, Billig, Cleveland, Hasegawa, Frockt, Conway, Rivers, Saldaña, Kuderer, Chase, Hunt, Fain, Walsh, Van De Wege, Rossi, Zeiger, Warnick, Becker, Takko, Wilson, Schoesler and Hawkins

AN ACT Relating to granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts; adding a new chapter to Title 26 RCW; and repealing RCW 26.09.240.

Referred to Committee on Judiciary.

SSB 5989 by Senate Committee on Law & Justice (originally sponsored by Senator Padden)

AN ACT Relating to small claims court; and amending RCW 12.40.010.

Referred to Committee on Judiciary.

ESB 5992 by Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Lias, Nelson, Billig, Darneille, Palumbo, Carlyle, Frockt, Rolfes, Keiser, Hunt, Wellman, Chase, Ranker, Saldaña, Kuderer and Mullet

AN ACT Relating to trigger modification devices; amending RCW 9.41.190, 9.41.190, 9.41.220, 9.41.225, 9.94A.475, 9.94A.533, and 13.40.193; reenacting and amending RCW 9.41.010 and 9.94A.515; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Judiciary.

SB 6040 by Senators Pedersen and Padden

AN ACT Relating to meetings under the business corporations act; and amending RCW 23B.07.010, 23B.07.020, and 23B.07.080.

Referred to Committee on Judiciary.

SB 6057 by Senators Kuderer, Hunt, Zeiger and Takko

AN ACT Relating to the recording standards commission; amending RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24 RCW; creating a new section; and repealing RCW 65.24.900.

Referred to Committee on State Government, Elections & Information Technology.

SB 6059 by Senators Angel and Mullet

AN ACT Relating to the insurer corporate governance annual disclosure model act; reenacting and amending RCW 42.56.400; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Business & Financial Services.

SB 6073 by Senator Takko

AN ACT Relating to adjusting assessments levied on hardwood processors; amending RCW 15.74.060; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

SSB 6126 by Senate Committee on Labor & Commerce (originally sponsored by Senators Saldaña, Hasegawa, Chase, Conway, Zeiger, Keiser and Kuderer)

AN ACT Relating to requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency; amending RCW 19.28.191, 19.28.161, and 19.28.205; adding a new section to chapter 19.28 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

SSB 6183 by Senate Committee on Local Government (originally sponsored by Senators Takko and Angel)

AN ACT Relating to sales of manufactured/mobile or park model homes at county treasurer's foreclosure or distraint sales; and amending RCW 46.12.700.

Referred to Committee on Judiciary.

ESB 6211 by Senators Hawkins, Rolfes, Van De Wege and Takko

AN ACT Relating to the federal lands revolving account; amending RCW 43.79A.040; reenacting and amending RCW 79.02.010; and adding a new section to chapter 79.64 RCW.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 24, 2018

HB 1144 Prime Sponsor, Representative Fitzgibbon: Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jenkins; Kagi; Lytton; Pettigrew; Pollet; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Volz.

Referred to Committee on Rules for second reading.

January 25, 2018

SHB 1347 Prime Sponsor, Committee on Local Government: Concerning the creation of a

countywide port district within a county containing no port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

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

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

Referred to Committee on Rules for second reading.

January 24, 2018

SHB 1433 Prime Sponsor, Committee on Higher Education: Decoupling services and activities fees from tuition. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Schmick; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

January 24, 2018

SHB 1673 Prime Sponsor, Committee on Labor & Workplace Standards: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys;

Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 1703 Prime Sponsor, Representative Pollet: Concerning comprehensive school safety planning for public and private K-12 schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Referred to Committee on Capital Budget.

January 25, 2018

HB 2001 Prime Sponsor, Representative Nealey: Concerning taxes on in-state broadcasters. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

January 24, 2018

SHB 2006 Prime Sponsor, Committee on Appropriations: Providing cities and counties flexibility with existing resources. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Manweller; Taylor and Wilcox.

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

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2034 Prime Sponsor, Representative Lovick: Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; McCaslin and Volz.

Referred to Committee on Appropriations.

January 24, 2018

HB 2259 Prime Sponsor, Representative Dolan: Addressing the state auditor's duties and procedures. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Appropriations.

January 25, 2018

HB 2284 Prime Sponsor, Representative Smith: Protecting consumers by prohibiting blocking, throttling, or paid prioritization in the provision of internet service in Washington state. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; McDonald; Nealey; Santos; Slatter; Steele and Wylie.

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

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

January 25, 2018

HB 2290 Prime Sponsor, Representative Wylie: Simplifying the process for donating low-value surplus property owned by a city-owned utility. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2319 Prime Sponsor, Representative Doglio: Concerning energy conservation programs under the energy independence act. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Hudgins; Nealey; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Harmsworth; Manweller; McDonald; Steele and Young.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2345 Prime Sponsor, Representative Kilduff: Concerning group training homes. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame;

Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2362 Prime Sponsor, Representative Pellicciotti: Concerning crime committed by business entities. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

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

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2390 Prime Sponsor, Representative Pollet: Regulating opioid medications at educational institutions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Appropriations.

January 25, 2018

HB 2415 Prime Sponsor, Representative Chapman: Concerning access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2450 Prime Sponsor, Representative Senn: Supporting the business of child care. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

January 25, 2018

HB 2457 Prime Sponsor, Representative Goodman: Concerning timelines in criminal cases involving domestic violence. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2459 Prime Sponsor, Representative Reeves: Modifying gender references pertaining to major political party committees. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member and Irwin.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2461 Prime Sponsor, Representative Kagi: Concerning the drug offense sentencing grid. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Appleton; Chapman; Orwall and Pettigrew.

January 24, 2018

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey; Holy and Van Werven.

Referred to Committee on Appropriations.

January 25, 2018

HB 2465 Prime Sponsor, Representative Orwall: Modifying the offense of rape in the third degree. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2466 Prime Sponsor, Representative Orwall: Authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2512 Prime Sponsor, Representative Kagi: Making technical changes regarding the department of children, youth, and families. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

HB 2548 Prime Sponsor, Representative Muri: Providing for railroad community notice requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Pike; Shea and Van Werven.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2558 Prime Sponsor, Representative Kirby: Preventing public identification or stigmatization of public school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; McCaslin and Volz.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2567 Prime Sponsor, Representative Shea: Prohibiting the names of county auditors and the secretary of state in their official capacity on election materials. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2601 Prime Sponsor, Representative Fey:
Reducing air emissions associated with
certain port trucking operations. Reported
by Committee on Environment

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Fitzgibbon, Chair; Peterson,
Vice Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by
Representatives Taylor, Ranking Minority Member;
Maycumber, Assistant Ranking Minority Member; Buys
and Dye.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2602 Prime Sponsor, Representative Fey:
Updating certain standards applicable to
toxic air pollutants. Reported by
Committee on Environment

MAJORITY recommendation: Do pass. Signed by
Representatives Fitzgibbon, Chair; Peterson, Vice
Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by
Representatives Taylor, Ranking Minority Member;
Maycumber, Assistant Ranking Minority Member; Buys
and Dye.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2603 Prime Sponsor, Representative Fey:
Distinguishing emissions sources that
degrade air quality adjacent to certain port
operations. Reported by Committee on
Environment

MAJORITY recommendation: Do pass. Signed by
Representatives Fitzgibbon, Chair; Peterson, Vice
Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by
Representatives Taylor, Ranking Minority Member;
Maycumber, Assistant Ranking Minority Member; Buys
and Dye.

Referred to Committee on Appropriations.

January 25, 2018

HB 2610 Prime Sponsor, Representative Peterson:
Creating the hunger-free students' bill of
rights act. Reported by Committee on
Education

MAJORITY recommendation: Do pass. Signed by
Representatives Santos, Chair; Dolan, Vice Chair;
Stonier, Vice Chair; Muri, Assistant Ranking Minority
Member; Bergquist; Johnson; Kilduff; Lovick; Ortiz-
Self; Senn; Slatter and Valdez.

MINORITY recommendation: Do not pass. Signed by
Representatives Harris, Ranking Minority Member;
Caldier; Hargrove; McCaslin; Steele and Volz.

MINORITY recommendation: Without
recommendation. Signed by Representative Stokesbary.

Referred to Committee on Appropriations.

January 25, 2018

HB 2628 Prime Sponsor, Representative Fey:
Concerning the compensation of
commissioners of certain metropolitan park
districts. Reported by Committee on Local
Government

MAJORITY recommendation: Do pass. Signed by
Representatives Appleton, Chair; McBride, Vice Chair;
Gregerson and Peterson.

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

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

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2635 Prime Sponsor, Representative Kilduff:
Creating a military benefit zone program.
Reported by Committee on Community
Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Ryu, Chair; Macri, Vice
Chair; Barkis, Ranking Minority Member; McCabe,
Assistant Ranking Minority Member; Jenkin and
Reeves.

Referred to Committee on Finance.

January 25, 2018

HB 2641 Prime Sponsor, Representative McCaslin:
Promoting the use of expert volunteers in
career and technical education courses
offered in grades seven and eight.
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Calder; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2647 Prime Sponsor, Representative Wylie: Applying campaign contribution limits to candidates for all special purpose districts authorized to provide freight and passenger transfer and terminal facilities. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2652 Prime Sponsor, Representative Fitzgibbon: Concerning the initial implementation of recommendations from the collaborative process carried out to implement the state parks operating budget proviso on recreational access fee systems. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Maycumber, Assistant Ranking Minority Member; Dye; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and Buys.

Referred to Committee on Appropriations.

January 25, 2018

HB 2851 Prime Sponsor, Representative Reeves: Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis,

Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 2702, by Representatives Robinson, McCabe and Springer

Making technical corrections to the family and medical leave program.

The bill was read the second time.

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

Representatives Robinson and McCabe spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Hayes, Representatives Rodne and Volz were excused.

On motion of Representative Riccelli, Representative Kilduff was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2702.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2702, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

HOUSE BILL NO. 2702, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1133, by Representatives Griffey and Appleton

Limiting the uses of the fire protection contractor license fund.

The bill was read the second time.

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

Representatives Griffey and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1133.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1133, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

HOUSE BILL NO. 1133, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1559, by Representatives Goodman, Hayes, Bergquist, Dolan, Doglio, Griffey, Ryu, Lovick, Fitzgibbon, Sells and Ormsby

Granting binding interest arbitration rights to certain uniformed personnel.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1559 was substituted for House Bill No. 1559 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1559 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1559.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1559, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Graves, Jenkin, McCaslin, Nealey, Orcutt, Pike, Shea, Taylor, Vick and Wilcox.

Excused: Representatives Kilduff, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 1559, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1560, by Representatives Stanford, Chandler, Ormsby, Harris, Bergquist, Fey, Stonier, Peterson and Doglio

Addressing plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1560 was substituted for House Bill No. 1560 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1560 was read the second time.

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

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

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1560.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1560, and the bill passed the House by the following vote: Yeas, 66; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hudgins, Jinkins, Johnson, Kagi, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Eslick, Graves, Haler, Hargrove, Hayes, Holy, Irwin, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Vick, Walsh and Wilcox.

Excused: Representatives Kilduff, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 1560, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1584, by Representatives Young, Shea, Taylor and Condotta

Concerning the sale of software used in the unauthorized interference of ticket sales over the internet.

The bill was read the second time.

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

Representatives Young and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1584.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1584, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

HOUSE BILL NO. 1584, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2257, by Representatives McBride, Stokesbary, Graves, Rodne, Macri, Jinkins and Doglio

Prohibiting maintenance of certification from being required for certain health professions.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2257.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2257, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins,

Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

HOUSE BILL NO. 2257, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2320, by Representatives Reeves, Stanford, Bergquist, Tarleton, Slatter, Shea, Barkis, Senn and Ryu

Concerning the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2320 was substituted for House Bill No. 2320 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2320 was read the second time.

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

Representatives Reeves and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2320.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2320, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford,

Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 2320, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2363, by Representatives Pellicciotti and McDonald

Addressing the use of unmanned aircraft to deliver contraband.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2363.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2363, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

HOUSE BILL NO. 2363, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2384, by Representatives Hudgins, Valdez, Macri, Ormsby, Pollet and Appleton

Concerning consumer reporting agency security freeze fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2384 was substituted for House Bill No. 2384 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2384 was read the second time.

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

Representatives Hudgins and Vick spoke in favor of the passage of the bill.

There being no objection, the House deferred action on. SUBSTITUTE HOUSE BILL NO. 2384, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2419, by Representatives Hargrove, Muri and Haler

Regarding beer, wine, cider, and mead at farmers markets.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2419 was substituted for House Bill No. 2419 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2419 was read the second time.

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

Representatives Hargrove and Sawyer spoke in favor of the passage of the bill.

Representatives Ryu and Jenkin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2419.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2419, and the bill passed the House by the following vote: Yeas, 78; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Irwin, Johnson, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike,

Pollet, Reeves, Riccelli, Santos, Sawyer, Schmick, Sells, Shea, Slatter, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dent, Goodman, Harris, Hudgins, Jenkin, Jinkins, Kagi, Klippert, Nealey, Orcutt, Ormsby, Robinson, Ryu, Senn, Smith, Stanford and Taylor.

Excused: Representatives Kilduff, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 2419, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2424, by Representatives Lytton and Nealey

Correcting the use tax exemption for self-produced fuel.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2424 was substituted for House Bill No. 2424 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2424 was read the second time.

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

Representatives Lytton and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2424.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2424, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 2424, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2642, by Representatives McCaslin, Pettigrew, Harmsworth, Shea, Dolan, Dent, Bergquist, Holy and Young

Requiring the department of children, youth, and families to provide a written explanation for a determination of unsuitability for unsupervised access to children in care.

The bill was read the second time.

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

Representatives McCaslin, Kagi and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2642.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2642, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

HOUSE BILL NO. 2642, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2752, by Representatives Stanford and Kloba

Concerning issuance of search warrants by district and municipal court judges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2752 was substituted for House Bill No. 2752 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2752 was read the second time.

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

Representatives Stanford and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2752.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2752, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 2752, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., January 30, 2018, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, January 30, 2018

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

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

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

MESSAGE FROM THE SENATE

January 29, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 5375,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2018-4662, by Representatives Muri, Kilduff, Holy, Klippert, Morris, Orwall, Sawyer, Stambaugh, Ryu, Barkis, McDonald, and Dye

WHEREAS, On December 18, 2017, Amtrak train No. 501 derailed near DuPont in southern Pierce County at 7:33 a.m. on its inaugural trip of the new stretch of track known as the Point Defiance bypass, with seventy-seven passengers and six crew on board; and

WHEREAS, Eighty-five people were injured and three lost their lives; and

WHEREAS, Second Lieutenant Robert McCoy, an Army medic, was driving on Interstate 5 just as the train derailed and without thought to his welfare, immediately jumped out of his truck and began carrying the wounded out of harm's way and off the road to safety, and then climbed into a suspended train car to help those trapped inside; and

WHEREAS, Eagle Scout Daniel Konzelman and Alicia Hoverson, also came upon the scene just after the derailment and quickly helped extricate passengers from the damaged train and were a calming presence to the injured; and

WHEREAS, DuPont Mayor Mike Courts and his team just happened to be at City Hall that morning to begin a planned emergency training, and began coordination of the emergency response, opening up City Hall for emergency

workers, taking in those affected, providing food, water, and triage services; and

WHEREAS, Many other pedestrians, police officers, firefighters, nurses, and doctors jumped into action to help those in need; and

WHEREAS, Governor Jay Inslee immediately declared a state of emergency, activated the State Emergency Operations Center to coordinate resources to support state and local officials, and mobilized the state National Guard to help as needed; and

WHEREAS, Pierce County Executive Bruce Dammeier and the Pierce County Incident Management Team (IMT), led by Captain Jerry Lawrence from the Pierce County Sheriff's Department and Captain Scott Engle of Puyallup Police, spearheaded a multiagency response; and

WHEREAS, West Pierce Fire District, Joint Base Lewis-McChord, the City of DuPont, the Pierce County Medical Examiner, the Governor's Office, the Washington State Department of Transportation, the State Patrol, the Federal Bureau of Investigation, the National Transportation Safety Board, Amtrak, the Red Cross, and other agencies showed exemplary coordination to help the injured and address the myriad of issues of a catastrophe of this magnitude with remarkable effectiveness and sensitivity to the injured and their families; and

WHEREAS, Madigan Army Medical Center at Joint Base Lewis-McChord, St. Peter Hospital in Olympia, Harborview Medical Center in Seattle, St. Joseph Medical Center in Tacoma, Good Samaritan Hospital in Puyallup, and Allenmore Hospital in Tacoma all treated victims of the train crash; and

WHEREAS, Joint Base Lewis-McChord quickly opened up its facility to the general public to accommodate traffic from the impassable southbound lanes of I-5;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby honors the men and women who acted so promptly, efficiently, and effectively in a time of extraordinary confusion and emotional stress to aid the injured and their families and console those who lost loved ones; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to those mentioned in this resolution.

There being no objection, HOUSE RESOLUTION NO. 4662 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4664, by
Representative Hudgins

WHEREAS, 2018 marks the twenty-third anniversary of the senseless murders of three Filipina-Americans, Susana Remerata Blackwell, a mail order bride, victim of domestic violence and forced servitude, and her two friends Phoebe Dizon, and Veronica Laureta inside the King County Courthouse; and

WHEREAS, In 2000 Anastasia Solovieva-King from Kyrgyzstan was murdered by her husband in Washington state in a separate incident of human trafficking that resulted in domestic violence; and

WHEREAS, The tragic deaths of these women brought widespread national media attention that elevated knowledge about the insidious nature of forced servitude, fraud and coercion and highlighted the fact that forced servitude is a form of human trafficking that often ends in violence; and

WHEREAS, In 2001, the University of Washington Women's Center under the leadership of Dr. Sutapa Basu began convening a conference on human trafficking in Washington State and, in 2002, led the efforts in creating the nation's first state task force against the trafficking of persons, and in 2003 in creating the crime of trafficking on state level, the first of its kind in the United States; and

WHEREAS, Early awareness of the problems around trafficking in Washington state was brought to light due to the tireless efforts under the leadership of Emma Catague and former State Representative Velma Veloria, along with organizations working with the immigrants, refugees and communities of color; and

WHEREAS, In 2011 President Obama proclaimed January "National Slavery and Human Trafficking Prevention month," and in recognition that trafficking of persons is now the world's second-largest and fastest-growing underground economy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize those people and organizations that fight daily against the scourge of human trafficking, and encourage others to observe the National Slavery and Human Trafficking Prevention month with appropriate ceremonies and activities to combat human trafficking.

There being no objection, HOUSE RESOLUTION NO. 4664 was adopted.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SENATE BILL NO. 5375

The Speaker called upon Representative Riccelli to preside.

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

INTRODUCTION & FIRST READING

HB 2956 by Representative Blake

AN ACT Relating to protecting Washington waters from negative impacts of nonnative finfish by requiring nonnative finfish cultivated in Washington to be single-sex; amending RCW 77.12.047, 77.125.030, and 90.48.220; adding a new section to chapter 79.105 RCW; adding a new section to chapter 77.125 RCW; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2957 by Representative Lytton

AN ACT Relating to reducing escape of nonnative finfish from marine finfish aquaculture facilities; amending RCW 77.115.010, 77.115.030, 77.115.040, 77.125.030, 77.12.047, 90.48.220, and 50.04.075; adding a new section to chapter 79.105 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2958 by Representatives Young and Muri

AN ACT Relating to veteran diversion from involuntary commitment; amending RCW 71.05.153 and 71.05.153; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2959 by Representatives Chandler and Taylor

AN ACT Relating to surf pools; amending RCW 70.90.110, 70.90.120, and 70.90.160; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2960 by Representative Klippert

AN ACT Relating to authorizing local governments to enact ordinances requiring that all marijuana be cultivated indoors in a fully enclosed and secure structure; adding a new section to chapter 69.50 RCW; and adding a new section to chapter 69.51A RCW.

Referred to Committee on Commerce & Gaming.

HB 2961 by Representatives Kraft and Hudgins

AN ACT Relating to election year restrictions on email updates from state legislators; and amending RCW 42.52.185.

Referred to Committee on State Government, Elections & Information Technology.

HB 2962 by Representative Hudgins

AN ACT Relating to statutory deadlines for redistricting plans; and amending RCW 44.05.100.

Referred to Committee on State Government, Elections & Information Technology.

HB 2963 by Representative Cody

AN ACT Relating to the consumer directed employer program; amending RCW 74.39A.030, 74.39A.051, 74.39A.056, 74.39A.060, 74.39A.086, 74.39A.090, 74.39A.095, 74.39A.155, 74.39A.210, 74.39A.250, 74.39A.261, 74.39A.270, 74.39A.275, 74.39A.300, 74.39A.310, 74.39A.351, 74.39A.360, 41.56.026, and 41.56.113; reenacting and amending RCW 74.39A.009; adding new sections to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.220 and 74.39A.240.

Referred to Committee on Health Care & Wellness.

HB 2964 by Representatives Pollet and Senn

AN ACT Relating to special education funding; amending RCW 28A.150.390, 28A.150.392, and 28A.150.276; and creating new sections.

Referred to Committee on Appropriations.

HB 2965 by Representative Appleton

AN ACT Relating to dedicated funding for animal shelter capital projects; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Capital Budget.

HB 2966 by Representatives Irwin, Barkis, Graves, Young, Wilcox, Stambaugh, Walsh, Maycumber, Kraft, Muri, Griffey and Manweller

AN ACT Relating to establishing a special allegation and sentencing enhancement for wearing body armor during the commission of any violent offense; amending RCW 9.94A.030, 9.94A.533, and 9.94A.729; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

HB 2967 by Representative Lytton

AN ACT Relating to assisting Washington families by improving the fairness of the state's tax system by enacting a capital gains tax and providing property tax relief; amending RCW 84.55.010, 84.36.381, 84.36.383, 84.36.385, and 84.38.020; reenacting and amending RCW 84.38.030; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2968 by Representative Irwin

AN ACT Relating to body armor; amending RCW 9.94A.030 and 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 25, 2018

HB 1233 Prime Sponsor, Representative Morris: Enabling electric utilities to prepare for the distributed energy future. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Nealey; Santos; Slatter; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative McDonald.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2133 Prime Sponsor, Representative Walsh: Encouraging the economic vitality of rural food and forest product businesses.

Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Appropriations.

January 25, 2018

HB 2282 Prime Sponsor, Representative Hansen: Protecting an open internet in Washington state. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; McDonald; Nealey; Santos; Slatter; Steele and Wylie.

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

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Appropriations.

January 26, 2018

HB 2309 Prime Sponsor, Representative Kirby: Concerning service contract providers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2327 Prime Sponsor, Representative Morris: Concerning appliance efficiency standards. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority

Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; McDonald; Nealey; Santos; Slatter; Steele and Wylie.

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

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2353 Prime Sponsor, Representative Orwall: Supporting sexual assault survivors. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

January 25, 2018

HB 2374 Prime Sponsor, Representative Hayes: Concerning donation of unclaimed property by law enforcement agencies. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2439 Prime Sponsor, Representative Kirby: Clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2443 Prime Sponsor, Representative Riccelli: Adding the Washington State University college of medicine to the family medicine residency network. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2476 Prime Sponsor, Representative Fey: Clarifying the collection process for existing vehicle service transactions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2480 Prime Sponsor, Representative McBride: Providing local governments with options to preserve affordable housing in single-family neighborhoods. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Assistant Ranking Minority Member and Jenkin.

Referred to Committee on Finance.

January 26, 2018

HB 2509 Prime Sponsor, Representative Hayes: Concerning mandatory reporting of child

abuse and neglect. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Lovick; Muri and Ortiz-Self.

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

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2510 Prime Sponsor, Representative Morris: Concerning net metering. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Manweller; McDonald; Nealey and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2545 Prime Sponsor, Representative Stonier: Concerning mosquito control districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

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

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

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2557 Prime Sponsor, Representative Maycumber: Concerning bone marrow

donation information provided to driver's license and identicaid applicants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2594 Prime Sponsor, Representative Morris: Studying the feasibility of a statewide infrastructure authority. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Capital Budget.

January 24, 2018

HB 2612 Prime Sponsor, Representative Condotta: Concerning tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2614 Prime Sponsor, Representative Bergquist: Concerning electronic ballot return. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2688 Prime Sponsor, Representative Slatter: Concerning nonresident pharmacies. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Macri, Vice Chair; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member and Maycumber.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2689 Prime Sponsor, Representative Slatter: Concerning electronic communication of prescription information. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2693 Prime Sponsor, Representative Volz: Increasing the mandatory retirement age for Washington state patrol officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2701 Prime Sponsor, Representative Bergquist:
Addressing the definition of veteran.
Reported by Committee on Community
Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

Referred to Committee on Appropriations.

January 26, 2018

HB 2704 Prime Sponsor, Representative Hudgins:
Concerning election ballot space and voter
informations. Reported by Committee on
State Government, Elections &
Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 24, 2018

HB 2709 Prime Sponsor, Representative Holy:
Concerning the authority of the law
enforcement officers' and firefighters' plan
2 retirement board to set the salary of the
executive director. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Senn; Springer; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Manweller; Schmick; Taylor and Vick.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2737 Prime Sponsor, Representative Appleton:
Studying the constitutional and statutory
obligations and tax revenue capacity of
local government entities. Reported by
Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

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

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

Referred to Committee on Appropriations.

January 24, 2018

HB 2762 Prime Sponsor, Representative Sells:
Allowing the department to use a different
assumption for annual investment returns
for the reserve funds for self-insured and
state fund pension claims. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

January 25, 2018

HB 2773 Prime Sponsor, Representative
Maycumber: Creating the veterans service
officer program. Reported by Committee
on Community Development, Housing &
Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

Referred to Committee on Appropriations.

January 26, 2018

HB 2843 Prime Sponsor, Representative Kirby:
Addressing joint self-insurance programs

for property and liability risks. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Appropriations.

January 25, 2018

HJM 4012 Prime Sponsor, Representative Dent: Requesting Congress to reform the harbor maintenance tax. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., January 31, 2018, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, January 31, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alex Tinnon and Dreysan Shubert. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Joe Beal, Christ the Servant Lutheran Church, Lacey, Washington.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized responders to the Amtrak derailment, who were honored by House Resolution 4662 and asked the members to acknowledge them.

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

INTRODUCTION & FIRST READING

HB 2969 by Representative Van Werven

AN ACT Relating to extending the business and occupation tax return filing due date for annual filers; amending RCW 82.32.045; and creating a new section.

Referred to Committee on Finance.

HB 2970 by Representatives Hudgins and Morris

AN ACT Relating to the establishment of an autonomous vehicle work group; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 2971 by Representatives Hudgins, Shea and Morris

AN ACT Relating to the development of a report by the governor's autonomous vehicle work group concerning the testing of autonomous commercial motor vehicles on public roadways in the state; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

HB 2972 by Representatives Sawyer and Condotta

AN ACT Relating to enhancing state resources in an effort to ensure the revenue to the operating budget pursuant to Washington state's regulation of marijuana-related products as prescribed by the laws of the state of Washington is not negatively impacted by illicit marijuana production in Washington; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Public Safety.

HB 2973 by Representatives Barkis, Haler and Dolan

AN ACT Relating to modifying provisions related to surveys and maps in chapter 58.24 RCW; and amending RCW 58.24.020, 58.24.030, 58.24.040, 58.24.050, 58.24.060, 58.24.070, and 82.45.060.

Referred to Committee on Agriculture & Natural Resources.

HB 2974 by Representatives Young, Sawyer and Condotta

AN ACT Relating to authorizing spirits, beer, and wine theater licensees to have one additional screen, but with no more than three hundred seats, at which alcohol may be served under the terms of the license; and amending RCW 66.24.655.

Referred to Committee on Commerce & Gaming.

HB 2975 by Representatives McCabe, Wylie, Orcutt and Irwin

AN ACT Relating to snow bikes; amending RCW 46.04.546; adding a new section to chapter 46.16A RCW; adding a new section to chapter 46.10 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2976 by Representative Peterson

AN ACT Relating to recognizing the fourth Saturday of September as public lands day; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 2977 by Representatives Shea and McCabe

January 25, 2018

AN ACT Relating to unemployment insurance benefits for individuals required by law to be terminated from employment and the unemployment insurance experience rating for affected employers; and amending RCW 50.04.294, 50.20.066, and 50.29.021.

Referred to Committee on Labor & Workplace Standards.

HB 2978 by Representatives Harmsworth, Griffey, Muri, Walsh, Graves, Manweller, Stambaugh, McDonald, Kraft, Stokesbary, Taylor and Eslick

AN ACT Relating to reducing the state retail sales and use tax rate; amending RCW 82.08.020; and providing an effective date.

Referred to Committee on Finance.

HCR 4414 by Representatives Hudgins, Shea and Morris

Establishing a joint select committee on autonomous vehicle technology policy.

Referred to Committee on Transportation.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 25, 2018

HB 1897 Prime Sponsor, Representative Gregerson: Concerning ensuring fairness and compliance with public works and procurement practices. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member; Manweller; McDonald; Steele and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Referred to Committee on Rules for second reading.

HB 1987 Prime Sponsor, Representative McBride: Concerning allowing affordable housing development on religious organization property. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Assistant Ranking Minority Member and Jenkin.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2423 Prime Sponsor, Representative DeBolt: Concerning the state universal communications services program. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2473 Prime Sponsor, Representative Vick: Concerning private label marijuana. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Kirby and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Jenkin and Ryu.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2523 Prime Sponsor, Representative Hudgins: Concerning the annual reporting requirements for regulated utility and

transportation companies. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Hudgins; McDonald; Nealey; Santos; Slatter; Steele and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth; Manweller and Young.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2543 Prime Sponsor, Representative Lovick: Establishing regional school safety centers in educational service districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2563 Prime Sponsor, Representative Condotta: Requiring retailers to post the total sale price of spirits for sale. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2574 Prime Sponsor, Representative Kloba: Permitting marijuana delivery to medical marijuana patients. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick,

Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2581 Prime Sponsor, Representative Kilduff: Concerning the Washington achieving a better life experience program account. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2592 Prime Sponsor, Representative Morris: Concerning the efficient deployment of small cell network infrastructure. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Hudgins; Santos; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Fey; Manweller; McDonald and Slatter.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2654 Prime Sponsor, Representative Blake: Concerning certificates of veterinary inspection for animals brought into the state. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2673 Prime Sponsor, Representative Springer: Providing a tax preference for nonrural data centers. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Slatter; Steele; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Kloba, Vice Chair; Doglio and Santos.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2694 Prime Sponsor, Representative Volz: Authorizing county treasurers to contract with other treasurers for services. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2695 Prime Sponsor, Representative Stonier: Concerning student access to school libraries and information technology. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Calder; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2699 Prime Sponsor, Representative Stanford: Exempting alcohol manufacturers from the food storage warehouse license. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon;

Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Kretz.

Referred to Committee on Rules for second reading.

January 26, 2018

HB 2700 Prime Sponsor, Representative Valdez: Concerning the handling of child forensic interview and child interview digital recordings. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Lovick; Muri and Ortiz-Self.

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

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

THIRD READING

The House resumed consideration of SUBSTITUTE HOUSE BILL NO. 2384 on third reading. (see Journal Day 23, January 30, 2018 for previous floor action).

SUBSTITUTE HOUSE BILL NO. 2384 House Committee on Business & Financial Services (originally sponsored by Representatives Hudgins, Valdez, Macri, Ormsby, Pollet and Appleton)

Concerning consumer reporting agency security freeze fees.

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

Representative Vick spoke against the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representatives Kilduff and Ryu were excused.

On motion of Representative Hayes, Representatives Rodne and Volz were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2384.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2384, and the bill passed the House by the following vote: Yeas, 81; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kirby, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Eslick, Jenkin, Klippert, Kristiansen, Manweller, Schmick, Taylor and Vick.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

SUBSTITUTE HOUSE BILL NO. 2384, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1280, by House Committee on Appropriations (originally sponsored by Representatives Kagi and Fey)

Including referred and diverted youth in establishing community juvenile accountability program guidelines.

The bill was read the third time.

Representatives Kagi and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1280, and the bill passed the House by the following vote: Yeas, 71; Nays, 23; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman,

Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kirby, Kloba, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dye, Haler, Holy, Jenkin, Klippert, Kraft, Kretz, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Shea, Steele, Taylor, Vick, Walsh and Young.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1606, by Representatives Pike, Tarleton, Orcutt, Stambaugh, Harmsworth, Gregerson and Hargrove

Requiring transportation benefit districts to hold public hearings prior to imposing fees or charges by a vote of the governing board.

The bill was read the third time.

Representatives Pike and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1606.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1606, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

HOUSE BILL NO. 1606, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1434, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Robinson, Ormsby, Jinkins, Appleton, Senn, Kilduff, Stanford, Slatter, Kagi and Pollet)

Adding the use of shared leave for employees who are sick or temporarily disabled because of pregnancy disability or for the purposes of parental leave to bond with the employee's newborn, adoptive, or foster child.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1434 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Robinson moved the adoption of amendment (698):

On page 7, beginning on line 35, strike all of section 5, and insert the following:

"NEW SECTION. Sec. 5. This act takes effect July 1, 2018."

Correct the title.

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

Amendment (698) was adopted.

The bill was ordered engrossed.

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

Representatives Robinson and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1434.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1434, and the bill passed the House by the following vote: Yeas, 73; Nays, 21; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Orcutt,

Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Condotta, Dye, Eslick, Haler, Harris, Holy, Jenkin, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Pike, Schmick, Shea, Taylor and Vick.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1828, by Representatives Irwin, Hudgins and Stanford

Concerning more efficient use of state facilities through aligning the functions of the department of enterprise services and the office of financial management, collecting additional space use data, and making technical corrections.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1828 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Hudgins moved the adoption of amendment (693):

On page 4, line 23, after "state agencies" insert "with input from state agencies, including the department of enterprise services. The office of financial management shall seek input from real estate trade organizations and other stakeholders when preparing these standards"

On page 6, line 16, after "services." Insert "The office of financial management shall consult with the affected state agencies and the department of enterprise services when evaluating these opportunities."

Representatives Hudgins and McDonald spoke in favor of the adoption of the amendment.

Amendment (693) was adopted.

The bill was ordered engrossed.

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

Representatives Irwin and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1828.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1828, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

ENGROSSED HOUSE BILL NO. 1828, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1060, by House Committee on Health Care & Wellness (originally sponsored by Representatives Blake, Walsh, Appleton and Chapman)

Concerning the administration of marijuana to students for medical purposes.

The bill was read the third time.

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

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1060.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1060, and the bill passed the

House by the following vote: Yeas, 67; Nays, 27; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Kagi, Kirby, Kloba, Kretz, Lovick, Lytton, Macri, Maycumber, McBride, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, McDonald, Nealey, Pike, Smith, Steele, Stokesbary and Van Werven.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

SUBSTITUTE HOUSE BILL NO. 1060, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523, by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Johnson, Cody, Harris, Pollet, Doglio, Appleton, Fitzgibbon, Tharinger, Farrell, McBride, Fey and Macri)

Requiring health plans to cover, with no cost sharing, all preventive services required to be covered under federal law as of December 31, 2016.

The bill was read the third time.

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

Representatives Schmick, Shea and Shea (again) spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1523.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1523, and the bill passed the House by the following vote: Yeas, 56; Nays, 38; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos,

Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Wilcox and Young.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2233, by Representative McDonald

Concerning temporary registration cards for private investigators.

The bill was read the second time.

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

Representatives McDonald and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2233.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2233, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

HOUSE BILL NO. 2233, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1169, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Pollet, Appleton, Goodman, Tarleton, Bergquist, Stanford, Fitzgibbon, Doglio and Wylie)

Enacting the student opportunity, assistance, and relief act.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1169 was substituted for Second Substitute House Bill No. 1169 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

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

Representatives Orwall and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1169.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1169, and the bill passed the House by the following vote: Yeas, 79; Nays, 15; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, DeBolt, Dent, Dye, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Orcutt, Pike, Shea, Taylor and Vick.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

THIRD SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1188, by Representatives Bergquist, Harmsworth, Fey, Hayes, Jinkins and Hudgins

Concerning the use of child passenger restraint systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1188 was substituted for Engrossed House Bill No. 1188 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1188 was read the second time.

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

Representatives Bergquist, Orcutt, and Bergquist (again) spoke in favor of the passage of the bill.

Representatives Hargrove, Irwin and Young spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1188.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1188, and the bill passed the House by the following vote: Yeas, 64; Nays, 30; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris, Hayes, Hudgins, Jinkins, Johnson, Kagi, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh and Young.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

SUBSTITUTE HOUSE BILL NO. 1188, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2098, by Representatives Sawyer, Vick, Kirby and Condotta

Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW. Revised for 1st Substitute: Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2098 was substituted for House Bill No. 2098 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2098 was read the second time.

Representative Graves moved the adoption of amendment (707):

On page 2, after line 3, insert the following:

"(3) A certified public accountant or certified public accounting firm, which practices public accounting as defined in RCW 18.04.025, does not commit a crime solely for providing professional accounting services as specified in RCW 18.04.025 for a marijuana producer, marijuana processor, or marijuana retailer authorized under chapter 69.50 RCW."

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

Amendment (707) was adopted.

The bill was ordered engrossed.

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

Representatives Sawyer and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2098.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2098, and the bill passed the House by the following vote: Yeas, 82; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Kagi, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Dye, Hargrove, Hayes, Johnson, Klippert, Kraft, McCabe, McDonald, Pike and Smith.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2098, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2266, by Representatives Hayes, Kilduff, Muri, Young, Appleton and Harris

Clarifying the nature of the driver training education curriculum developed and maintained by the department of licensing and the office of the superintendent of public instruction.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2266.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2266, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller,

Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

HOUSE BILL NO. 2266, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2311, by Representatives Bergquist, Harris, Hudgins, Tarleton, Slatter, Haler, Reeves, Doglio, Muri, Graves and Young

Reducing barriers to student participation in extracurricular activities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2311 was substituted for House Bill No. 2311 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2311 was read the second time.

Representative Bergquist moved the adoption of the striking amendment (704):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** INTENT. (1) (a) According to the Washington interscholastic activities association, interscholastic athletics and activities are a vital part of enriching students' educational experiences and developing students into responsible adults. The legislature finds that research compiled by the association demonstrates that students who participate in extracurricular activities have:

(i) Better grades and higher standardized test scores;

(ii) Increased school attendance; and

(iii) Improved health and wellness.

(b) In addition, the legislature finds that this research shows that participation in extracurricular activities develops lifelong skills and relationship building; has long-term economic benefits; increases the odds of attending and graduating from college; decreases the likelihood of juvenile crimes, drug, alcohol, and cigarette use, and sexual activities; and positively

enhances a student's educational experience.

(2) Thus, the legislature intends to reduce barriers to participation in extracurricular activities by:

(a) Capping fees for low-income students who participate in these activities, including career and technical student organizations, and sports and other activities governed by the Washington interscholastic activities association;

(b) Requiring that the process for charging and collecting fees be identical for all students; and

(c) Reducing the frequency of required physical examinations.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

FEE LIMITATIONS.

(1)(a) The maximum fee charged to a public or private high school student eligible to participate in the federal free and reduced-price meals program for an associated student body or other student identification card is five dollars per school year.

(b) The maximum fee charged to a public or private high school student eligible to participate in the federal free and reduced-price meals program to participate in an extracurricular activity is five dollars per extracurricular activity per school year. This subsection (1)(b) applies only to high school students who are enrolled in a school district that is a member of the Washington interscholastic activities association.

(c) The maximum fee charged to a public or private high school student eligible to participate in the federal free and reduced-price meals program to participate in career and technical student organizations is five dollars per organization per year.

(2) The maximum fee limitations described in this section do not apply to admission fees for events, such as competition events, artistic exhibits or performances, or dances or other student gatherings, nor for the purchase of clothing, supplies, gear, or equipment required to participate in extracurricular activities or career and technical student organizations.

(3) The process for charging and collecting fees from public and private high school students eligible to participate in the federal free and reduced-price meals program, as required by subsection (1) of this section, must be identical to the process for charging and collecting fees from other students.

(4) The legislature recommends, but does not require, that the provisions of this section are made applicable to public and private junior and middle schools.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

COMMUNICATING FEE LIMITS.

School districts must widely, effectively, and frequently communicate the fee limits on the purchase of student identification cards, participation in extracurricular activities, and participation in career and technical student organizations for students eligible to participate in the federal free and reduced-price meals program, described in section 2 of this act. Information about the fee limits must be included on the high school's web site and the school district's web site, registration forms related to school enrollment and participation in extracurricular activities or career and technical student organizations, annual information packets to students and families, and newsletters.

Sec. 4. RCW 28A.195.010 and 2009 c 548 s 303 are each amended to read as follows:

(1) The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

(2) Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the

statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

~~((1))~~ (a) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

~~((2))~~ (b) The school day shall be the same as defined in RCW 28A.150.203.

~~((3))~~ (c) All classroom teachers shall hold appropriate Washington state certification except as follows:

~~((a))~~ (i) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

~~((b))~~ (ii) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

~~((4))~~ (d) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach

children in their custody. The extension program shall require at a minimum that:

~~((a))~~ (i) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

~~((b))~~ (ii) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection (2)(d) and ((subsections (1), (2), (5), (6), and (7) of this section)) (a), (b), (e), (f), and (g) of this subsection;

~~((c))~~ (iii) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

~~((d))~~ (iv) Each student's progress be evaluated by the certified person; and

~~((e))~~ (v) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

~~((5))~~ (e) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

~~((6))~~ (f) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under (d) of this subsection ((4) of this section)).

~~((7))~~ (g) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

~~((8))~~ (h) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

(3) All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection ((47)) (2)(g) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

(4) Each school or school district shall comply with the requirements of sections 2 and 3 of this act relating to fee limits on the purchase of student identification cards, participation in extracurricular activities, and participation in career and technical student organizations for students eligible to participate in the federal free and reduced-price meals program.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

PROMOTING LIVELY ACTIVITIES FOR YOUTH (PLAY) GRANT PROGRAM.

(1) (a) The promoting lively activities for youth (PLAY) grant program is created to subsidize small school districts unduly impacted by section 2(1)(a) of this act, which limits the associated student body or other student identification card fee charged to public high school students eligible to participate in the federal free and reduced-price meals program.

(b) The office of financial management must contract with the Washington interscholastic activities association to administer the program.

(2) (a) Subject to the availability of amounts appropriated for this specific purpose and beginning in the 2018-19 school year, the Washington interscholastic activities association must allocate, on a first come basis, up to fifty thousand dollars per school year for the purposes of the PLAY grant program.

(b) The Washington interscholastic activities association may not retain any of the appropriated amounts for administrative purposes.

(3) To qualify for a PLAY grant, a school district must:

(a) Have fewer than two thousand students;

(b) Have fifty percent or more of their high school students eligible to participate in the federal free and reduced-price meals program; and

(c) Be impacted by the maximum student identification card fee limitations described in section 2(1)(a) of this act.

(4) Applications for a PLAY grant must include the number and overall percentage of high school students eligible to participate in the federal free and reduced-price meals program who purchased a student identification card in the prior school year, and an estimate of the number of student identification card fees subject to the maximum described in section 2(1)(a) of this act.

(5) The maximum grant award per school district is two thousand dollars per year.

(6) By November 1, 2019, and in compliance with RCW 43.01.036, and by November 1st annually thereafter, the Washington interscholastic activities association must report to the appropriate policy and fiscal committees of the legislature the following data: The number of applications, a summary of the information submitted with applications as required under subsection (4) of this section, and the number and amount of PLAY grants awarded.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.600 RCW to read as follows:

PHYSICAL EXAMINATION FREQUENCY.

Students may not be required to complete a physical examination to participate in extracurricular activities more often than every twenty-four months, unless recommended by a medical authority licensed to perform a physical examination."

Correct the title.

Representative Bergquist spoke in favor of the adoption of the striking amendment.

The striking amendment (704) was adopted.

The bill was ordered engrossed.

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

Representatives Bergquist, Harris, Johnson, Santos and Walsh spoke in favor of the passage of the bill.

Representatives Van Werven, Steele, Klippert and Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2311.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2311, and the bill passed the House by the following vote: Yeas, 62; Nays, 32; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hargrove, Harris, Holy, Hudgins, Jinkins, Johnson, Kagi, Kirby, Kloba, Kristiansen, Lovick, Lytton, Macri, McBride, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, Dent, Dye, Eslick, Griffey, Haler, Harmsworth, Hayes, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Schmick, Shea, Smith, Stambaugh, Steele, Taylor, Van Werven, Vick and Wilcox.

Excused: Representatives Kilduff, Rodne, Ryu and Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2311, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., February 1, 2018, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 1, 2018

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Madeline Swaney and Rachel Simmons. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Tanikka Watford, Northstar Church of God, Tumwater, Washington.

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

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

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

MESSAGES FROM THE SENATE

January 31, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5912,
SENATE BILL NO. 6070,
SUBSTITUTE SENATE BILL NO. 6219,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

January 31, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 2979 by Representative Appleton

AN ACT Relating to adopting new requirements for locating underground facilities, including positive response, minimum marking standards, adopting a new process for coordinating large projects, and requiring new and replacement facilities to be locatable; amending RCW 19.122.030, 19.122.035, 19.122.040, 19.122.050, 19.122.055, and 19.122.130; reenacting and amending RCW 19.122.020; adding a new section to chapter 19.122 RCW; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2980 by Representatives Chandler, Springer, Nealey and Taylor

AN ACT Relating to creating tax incentives for mushroom farming; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 2981 by Representative Fey

AN ACT Relating to incentivizing the development of commercial office space in cities in a county with a population of less than one million five hundred thousand; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 2982 by Representative Haler

AN ACT Relating to the Kennewick and Pasco school district regionalization factors used for compensation; amending 2017 3rd sp.s. c 1 s 503 (uncodified); and creating a new section.

Referred to Committee on Appropriations.

SB 5912 by Senators Kuderer, Rivers, Cleveland, Walsh, Conway, Mullet, Keiser and Hasegawa

AN ACT Relating to insurance coverage of tomosynthesis or three-dimensional mammography; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SB 6070 by Senators Fortunato and Hasegawa

AN ACT Relating to establishing permissible methods of parking a motorcycle; and amending RCW 46.61.575.

Referred to Committee on Transportation.

SSB 6219 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Hobbs, Saldaña, Dhingra, Ranker, Carlyle, Takko, Kuderer, Hasegawa, Palumbo, Chase, Nelson, Frockt, Keiser, Wellman, Darneille, Mullet, Billig, Pedersen, Rolfes, Hunt and Liias)

AN ACT Relating to improving access to reproductive health; adding new sections to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 30, 2018

HB 1154 Prime Sponsor, Representative Tarleton: Ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Frame, Vice Chair.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 1357 Prime Sponsor, Representative Sawyer: Concerning tribal-state relations. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 1851 Prime Sponsor, Committee on Transportation: Protecting taxpayers by providing for accountability and transparency in government contracting. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member and Irwin.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Referred to Committee on Appropriations.

January 30, 2018

HB 1901 Prime Sponsor, Representative Griffey: Recognizing the month of September as the month of the kindergartener. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 30, 2018

ESHB 2200 Prime Sponsor, Committee on Technology & Economic Development: Protecting the privacy and security of internet users. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Harmsworth; Hudgins; McDonald; Santos; Slatter; Steele; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member; Manweller and Nealey.

Referred to Committee on Appropriations.

January 30, 2018

HB 2280 Prime Sponsor, Representative Morris: Concerning community solar gardens. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member; Manweller; McDonald; Nealey; Steele and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Harmsworth.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2377 Prime Sponsor, Representative Hansen: Eliminating certain postsecondary institutions' eligibility for state financial aid programs. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Orwall; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler and Stambaugh.

Referred to Committee on Appropriations.

January 30, 2018

HB 2410 Prime Sponsor, Representative Doglio: Allowing the energy savings associated with on-bill repayment programs to count toward a qualifying utility's energy conservation targets under the energy independence act. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member; Manweller; McDonald; Nealey; Steele and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Harmsworth.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2413 Prime Sponsor, Representative Doglio: Concerning the voluntary option to purchase qualified alternative energy resources. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member; Manweller; McDonald; Nealey; Steele and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Harmsworth.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2430 Prime Sponsor, Representative Hudgins: Eliminating the joint legislative oversight committee on trade policy. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2580 Prime Sponsor, Representative Morris:
Promoting renewable natural gas.
Reported by Committee on Technology &
Economic Development

Referred to Committee on Appropriations.

January 30, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Hudgins; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

HB 2674 Prime Sponsor, Representative Gregerson:
Requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government. Reported by Committee on Local Government

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

Referred to Committee on Finance.

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

January 29, 2018

HB 2616 Prime Sponsor, Representative Santos:
Expanding the definition of eligible pupil for purposes of the transitional bilingual instruction program. Reported by Committee on Education

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

Referred to Committee on Rules for second reading.

January 30, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

HB 2681 Prime Sponsor, Representative Springer:
Implementing the federal produce safety rule. Reported by Committee on Agriculture & Natural Resources

Referred to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

January 30, 2018

HB 2634 Prime Sponsor, Representative Chapman:
Concerning the use of antifouling paints on recreational water vessels. Reported by Committee on Environment

Referred to Committee on Appropriations.

January 30, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

HB 2682 Prime Sponsor, Representative Buys:
Exempting hop grower lot information used in the state department of agriculture export document from public disclosure. Reported by Committee on Agriculture & Natural Resources

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2645 Prime Sponsor, Representative Muri:
Addressing the definition of veterans of armed conflicts. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 29, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

HB 2685 Prime Sponsor, Representative Ortiz-Self: Promoting preapprenticeship opportunities for high school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2686 Prime Sponsor, Representative Ortiz-Self: Concerning high school and beyond plans. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Johnson; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and McCaslin.

Referred to Committee on Appropriations.

January 29, 2018

HB 2698 Prime Sponsor, Representative Bergquist: Concerning paraeducators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Appropriations.

January 29, 2018

HB 2703 Prime Sponsor, Representative Sells: Clarifying hours and wages for education employee compensation claims. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

MINORITY recommendation: Do not pass. Signed by Representative Pike, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 29, 2018

HB 2724 Prime Sponsor, Representative Sells: Concerning unemployment compensation for musicians. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives Pike, Assistant Ranking Minority Member and Manweller.

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

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2725 Prime Sponsor, Representative Blake: Updating laws concerning agricultural fairs, youth shows, and exhibitions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2734 Prime Sponsor, Representative Lytton: Eliminating certain tax preferences not being used and recommended for repeal as determined by the joint legislative audit and review committee. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice

Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2739 Prime Sponsor, Representative Chapman: Concerning veterans' assistance levies. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Reeves and Sawyer.

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

Referred to Committee on Finance.

January 30, 2018

HB 2742 Prime Sponsor, Representative Doglio: Establishing maritime Puget Sound regional prevailing wages. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representative Pike, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2757 Prime Sponsor, Representative Doglio: Modernizing fuel content standards and references. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Harmsworth; Manweller; McDonald; Nealey; Steele and Young.

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

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2813 Prime Sponsor, Representative Fey: Incentivizing the development of commercial office space in cities with a population of greater than thirty-five thousand and located in a county with a population of less than one million five hundred thousand. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

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

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

Referred to Committee on Finance.

January 30, 2018

HB 2820 Prime Sponsor, Representative McCabe: Concerning the healthy relationships campaign. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

MINORITY recommendation: Do not pass. Signed by Representative Pike, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 29, 2018

HB 2824 Prime Sponsor, Representative Harris: Exchanging and aligning specific powers, duties, and functions of the superintendent of public instruction and the state board of

education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2829 Prime Sponsor, Representative Eslick: Deannexing from a park and recreation district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2833 Prime Sponsor, Representative Morris: Transferring duties of the life sciences discovery fund. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Appropriations.

January 30, 2018

HB 2848 Prime Sponsor, Representative Orwall: Modifying school and court processes to promote attendance and reduce truancy. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Without recommendation. Signed by Representatives Stonier, Vice Chair and Johnson.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2864 Prime Sponsor, Representative Eslick: Preventing fires in rental dwelling units. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

THIRD READING

HOUSE BILL NO. 1437, by Representatives Pollet, Stambaugh, Orwall, Tarleton, Macri, Bergquist, Stanford and Dolan

Adding a faculty member to the board of regents at the research universities.

The bill was read the third time.

Representatives Pollet and Holy spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Hayes, Representatives Pike, Rodne and Volz were excused.

On motion of Representative Stonier, Representative Kilduff was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1437.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1437, and the bill passed the House by the following vote: Yeas, 84; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon,

Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, DeBolt, Fey, Jinkins, Johnson, Manweller, Taylor, Walsh and Wilcox.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

HOUSE BILL NO. 1437, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1476, by Representatives Peterson, Buys, Van Werven and Short

Ensuring the ongoing viability of safe, reliable, on-site sewage systems in marine counties by identifying best management practices with accountability in on-site program management plans without creating or newly authorizing a fee or other program funding source.

The bill was read the third time.

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

Representatives Taylor and Griffey spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1476.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1476, and the bill passed the House by the following vote: Yeas, 62; Nays, 32; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Harmsworth, Hudgins, Kagi, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Eslick, Graves, Griffey, Haler, Harris, Hayes, Holy, Irwin, Jenkin, Jinkins, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe,

McCaslin, Nealey, Schmick, Shea, Smith, Stokesbary, Taylor, Vick and Walsh.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

ENGROSSED HOUSE BILL NO. 1476, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1532, by Representatives Lytton and Hayes

Concerning the exemption of property taxes for nonprofit homeownership development.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1532 was substituted for House Bill No. 1532 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1532 was read the second time.

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

Representatives Lytton, Nealey and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1532.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1532, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dent, Klippert and Taylor.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

SECOND SUBSTITUTE HOUSE BILL NO. 1532, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2261, by Representatives MacEwen, Santos, Young and Griffey

Concerning housing authorities.

The bill was read the second time.

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

Representatives MacEwen and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2261.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2261, and the bill passed the House by the following vote: Yeas, 91; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives DeBolt, Taylor and Wilcox.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

HOUSE BILL NO. 2261, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2448, by Representatives Senn, Tharinger, Chapman, Kilduff, Macri, Robinson, Appleton, Kloba, Pollet, Santos and Tarleton

Increasing the availability of housing for developmentally disabled persons.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2448 was substituted for House Bill No. 2448 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2448 was read the second time.

With the consent of the House, amendment (702) withdrawn.

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

Representatives Senn, Nealey, Hayes, Macri, Barkis, Dent, Muri and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2448.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2448, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 2448, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2298, by Representatives Haler, Fitzgibbon, Dolan, Fey, Hudgins, McBride, Stanford and Ormsby

Concerning wastewater operator certifications.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2298 was substituted for House Bill No. 2298 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2298 was read the second time.

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

Representatives Haler, Fitzgibbon, Dye and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2298.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2298, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

SUBSTITUTE HOUSE BILL NO. 2298, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2468, by Representatives Vick and Kirby

Allowing firms in the Canadian province of British Columbia to perform attest or compilation services for companies in Washington state that are the consolidated, subsidiary, or component entity of another corporate entity registered in Canada.

The bill was read the second time.

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

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2468.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2468, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Kilduff, Pike, Rodne and Volz.

HOUSE BILL NO. 2468, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 2, 2018, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 2, 2018

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4665, by Representative Vick

WHEREAS, The Washington State Legislature recognizes excellence in all fields of endeavor; and

WHEREAS, It is established that Union High School is the 2017 Large Percussion Ensemble Category State Champion for the State of Washington; and

WHEREAS, Union's percussion ensembles are highly decorated at the state and regional levels; and

WHEREAS, It is recognized Union's consistent success is attributed to their work ethic and willingness to go the extra mile; and

WHEREAS, The students meet before school, after school, and over the weekend to pursue excellence and master their parts for the ensemble; and

WHEREAS, Their skill and dedication are a reflection of their Director of Bands Mark Claassen;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate the Union High School Percussion Ensemble; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Union High School.

There being no objection, HOUSE RESOLUTION NO. 4665 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4666, by Representative Vick

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, For the first time in school history, the Hockinson High School Hawks are the 2017 2A Football State Champions; and

WHEREAS, The Hockinson Hawks completed an undefeated season with a record of 14-0; and

WHEREAS, The Hockinson Hawks overcame Tumwater High School in the state championship at the Tacoma Dome on December 2, 2017, by a final score of 35 to 22; and

WHEREAS, The Hockinson Hawks beat West Valley High School in the semifinals 53 to 30; and

WHEREAS, The Hockinson Hawks scored an astonishing 633 points throughout the season; and

WHEREAS, The Hockinson Hawks defense dominated the season by only allowing 13 points per game; and

WHEREAS, The Hockinson Hawks Head Coach Rick Steele mentored and coached these young men; and

WHEREAS, The Hockinson Hawks starting quarterback Canon Racanelli was named the 2A Football Player of the Year; and

WHEREAS, The Hockinson Hawks wide receiver Sawyer Racanelli, offensive lineman Kordell Johnson, defensive lineman Kyle Brabec, and linebacker Colton Wheeler were named members of the 2A First Team for football in the state of Washington; and

WHEREAS, The Hockinson Hawks defensive back Matt Henry was named Honorable Mention for football in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That on this day the Washington State House of Representatives congratulate the Hockinson High School football team on their state championship and their fans, supportive alumni, and the entire Hockinson community for this remarkable accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Hockinson High School Hawks football team and to Head Coach Rick Steele.

There being no objection, HOUSE RESOLUTION NO. 4666 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4667, by Representative Vick

WHEREAS, Achievements of any kind by Washington state students should be honored by the Washington State House of Representatives; and

WHEREAS, The Ridgefield High School Spudders are the 2017 2A Track and Field State Champions for the State of Washington; and

WHEREAS, Ridgefield High School's Track and Field team has developed a supportive, determined, family-like atmosphere that enables them to pursue excellence; and

WHEREAS, Their superior Track and Field program required a cohesive coaching staff and a team of talented students that prevailed over many challenges; and

WHEREAS, The Ridgefield High School Spudders scored forty-eight team points in the state finals; and

WHEREAS, The leadership exhibited by many students contributed to the teams discipline and dedication to greatness; and

WHEREAS, Silas Griffith, Conner Bell, Kole McQuivey, Bryan Tavera, Mackenzie Sparks, Zachariah Vasilas, Trey Knight, and Nick Jenkins were major contributors to the team's success; and

WHEREAS, Ridgefield High School's State Championship title came down to the last event in the state finals at Mt. Tahoma High School;

NOW, THEREFORE, BE IT RESOLVED, That on this day the Washington State House of Representatives congratulate Ridgefield High School's Track and Field team for their prestigious accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the Washington State House of Representatives to Ridgefield High School.

There being no objection, HOUSE RESOLUTION NO. 4667 was adopted.

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

INTRODUCTION & FIRST READING

HB 2983 by Representative Clibborn

AN ACT Relating to the establishment of a new marine pilotage tariff setting process; amending RCW 88.16.035, 88.16.070, 88.16.120, and 88.16.130; reenacting and amending RCW 43.84.092; adding a new section to chapter 88.16 RCW; adding a new chapter to Title 81 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5084 by Senate Committee on Health Care (originally sponsored by Senators Rolfes, Angel, Hasegawa, Nelson, Honeyford, Darneille, Billig, Keiser, Wilson, Saldaña, Warnick and Kuderer)

AN ACT Relating to providing women with timely information regarding their breast health; adding a new

section to chapter 70.54 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

January 30, 2018

HB 1151 Prime Sponsor, Representative Wylie: Clarifying residency requirements for licensed marijuana businesses. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Ryu and Young.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 1246 Prime Sponsor, Representative McCabe: Concerning school bus safety. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Lovick; Ortiz-Self; Senn; Slatter; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Hargrove; McCaslin and Steele.

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

Referred to Committee on Appropriations.

January 30, 2018

HB 1325 Prime Sponsor, Representative Tharinger: Concerning the evaluation and prioritization of capital budget projects at the public two-year and four-year

institutions of higher education. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Dye; Eslick; Kraft; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier and Walsh.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 1487 Prime Sponsor, Representative Condotta: Authorizing marijuana retailers to sell marijuana merchandise. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby; Ryu and Young.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 1539 Prime Sponsor, Representative McCabe: Regarding a curriculum for the prevention of sexual abuse of students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Calder; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Appropriations.

January 30, 2018

HB 1759 Prime Sponsor, Representative Ortiz-Self: Addressing procedures for communicating with crime victims and survivors of crime victims. Reported by Committee on Public Safety

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2214 Prime Sponsor, Representative Muri: Removing the prohibition on planning for a nuclear attack in emergency management plans. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2227 Prime Sponsor, Representative Sawyer: Concerning the laboratory testing of marijuana products. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Blake; Jenkin; Kirby and Ryu.

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

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

Referred to Committee on Appropriations.

January 30, 2018

HB 2254 Prime Sponsor, Representative Graves: Addressing the crimes of harassment. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2386 Prime Sponsor, Representative Hudgins: Providing room and board for certain

college bound scholarship students.
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Orwall; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member Van Werven, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Haler and Stambaugh.

Referred to Committee on Appropriations.

January 30, 2018

HB 2389 Prime Sponsor, Representative Sawyer: Concerning a tax levied and collected on the retail sale of wireless devices used to access the internet. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Stokesbary and Wilcox.

Referred to Committee on Appropriations.

January 30, 2018

HB 2411 Prime Sponsor, Representative Doglio: Reducing wasted food in order to fight hunger and reduce environmental impacts. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

Referred to Committee on Appropriations.

January 30, 2018

HB 2420 Prime Sponsor, Representative Hargrove: Concerning state board of health rules

regarding on-site sewage systems.
Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Maycumber, Assistant Ranking Minority Member; Buys; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and Dye.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2442 Prime Sponsor, Representative Manweller: Creating a students protecting students program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Appropriations.

January 30, 2018

HB 2487 Prime Sponsor, Representative Dye: Increasing the public disclosure of registered sex offenders. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

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

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2508 Prime Sponsor, Representative Goodman: Repealing an expiration date that affects state fire service mobilization. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton;

Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

January 30, 2018

HB 2528 Prime Sponsor, Representative Hudgins: Providing for the coordination of continuity of operations efforts for elections. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representatives Hayes, Assistant Ranking Minority Member and Van Werven.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2534 Prime Sponsor, Representative Gregerson: Concerning dates and timelines associated with the operation of the state primary and elections. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2553 Prime Sponsor, Representative Blake: Adjusting assessments levied on hardwood processors. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Springer and Walsh.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2590 Prime Sponsor, Representative Ortiz-Self: Regarding the transitional bilingual instruction program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Johnson; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove and McCaslin.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2595 Prime Sponsor, Representative Hudgins: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member and Johnson.

MINORITY recommendation: Without recommendation. Signed by Representative Irwin.

Referred to Committee on Transportation.

January 31, 2018

HB 2625 Prime Sponsor, Representative Hudgins: Concerning technical changes by the department of enterprise services. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2659 Prime Sponsor, Representative Goodman: Expanding eligibility for the early childhood education and assistance program. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Frame; Goodman; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member; Eslick; Griffey and Klippert.

Referred to Committee on Appropriations.

January 30, 2018

HB 2661 Prime Sponsor, Representative Doglio: Protecting survivors of domestic assault from employment discrimination. Reported by Committee on Labor & Workplace Standards

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

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2679 Prime Sponsor, Representative Klippert: Concerning pretrial release programs. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2684 Prime Sponsor, Representative Caldier: Defining the process for best interest determinations of students in out-of-home care. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member;

Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2748 Prime Sponsor, Representative Santos: Modifying the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Appropriations.

January 31, 2018

HB 2759 Prime Sponsor, Representative Doglio: Establishing the Washington state women's commission. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member and Irwin.

Referred to Committee on Appropriations.

January 31, 2018

HB 2764 Prime Sponsor, Representative Pollet: Concerning child care for student parents in public institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

January 31, 2018

HB 2778 Prime Sponsor, Representative Jinkins: Protecting personal information regarding

sexual harassment claims. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2795 Prime Sponsor, Representative Kagi: Concerning private case management of child welfare services. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

January 31, 2018

HB 2801 Prime Sponsor, Representative Stambaugh: Implementing a tracking and early alert system to improve student success at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

January 30, 2018

HB 2802 Prime Sponsor, Representative Kloba: Concerning expanded learning opportunities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member;

Bergquist; Caldier; Lovick; Ortiz-Self; Senn; Slatter; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; McCaslin and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2809 Prime Sponsor, Representative Tharinger: Concerning efficiency updates for capital budget appropriations allocated for public art. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Eslick; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Dye and Kraft.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2818 Prime Sponsor, Representative Frame: Concerning the appointment of religious coordinators. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

January 30, 2018

HB 2821 Prime Sponsor, Representative McCabe: Concerning delegation of inspection duties. Reported by Committee on Labor & Workplace Standards

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

Ranking Minority Member; Doglio; Frame and Manweller.

January 31, 2018

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2832 Prime Sponsor, Representative Kilduff: Ensuring the passport to college promise program is available to certain populations of foster youth. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

January 31, 2018

HB 2854 Prime Sponsor, Representative Sells: Establishing pilot programs to plan for the needs of certain college students experiencing homelessness. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Orwall; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member Van Werven, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Haler.

Referred to Committee on Appropriations.

January 31, 2018

HB 2858 Prime Sponsor, Representative Johnson: Allowing excess local infrastructure financing revenues to be carried forward. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Slatter; Steele; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Referred to Committee on Finance.

HB 2863 Prime Sponsor, Representative Stambaugh: Providing feminine hygiene products in community and technical colleges at no cost to students. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

January 31, 2018

HB 2921 Prime Sponsor, Representative Kloba: Concerning ticket sales over the internet. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Bergquist; Blake; Santos and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Jenkin and McCabe.

Referred to Committee on Appropriations.

January 30, 2018

HB 2927 Prime Sponsor, Representative Vick: Concerning highly capable students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

1st SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 31, 2018

January 31, 2018

HB 1332 Prime Sponsor, Representative Fey: Concerning dangerous objects on county roads and bridges. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Stambaugh; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Shea; Van Werven and Young.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 1651 Prime Sponsor, Representative Pollet: Supporting students' success by increasing retention and graduation rates with evidence-based programs. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Orwall; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member Van Werven, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Haler.

Referred to Committee on Appropriations.

January 31, 2018

HB 2101 Prime Sponsor, Representative McCabe: Concerning the availability of sexual assault nurse examiners. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

HB 2229 Prime Sponsor, Representative Macri: Concerning the applicability of dental practice laws to integrated care delivery systems. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2296 Prime Sponsor, Representative Slatter: Protecting consumers from excess charges for prescription medications. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2516 Prime Sponsor, Representative Cody: Updating health benefit exchange statutes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

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

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2530 Prime Sponsor, Representative Senn: Concerning foster youth health care benefits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

January 31, 2018

HB 2533 Prime Sponsor, Representative Jinkins: Concerning long-term care services and supports. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member and Maycumber.

Referred to Committee on Appropriations.

January 31, 2018

HB 2554 Prime Sponsor, Representative Blake: Establishing compassionate care renewals for medical marijuana qualifying patients. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

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

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2568 Prime Sponsor, Representative Eslick: Establishing an on-premises retail alcohol license for a business at which customers participate in an art activity such as painting, pottery, or sculpting. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby and Young.

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

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2570 Prime Sponsor, Representative Stambaugh: Concerning a database of pharmacies offering vaccines and self-administered hormonal contraceptives through collaborative drug therapy agreements. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt; MacEwen and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2639 Prime Sponsor, Representative Buys: Exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2653 Prime Sponsor, Representative Fey: Modifying the alternative fuel vehicle sales and use tax exemptions for the purposes of expanding the exemptions and amending

related provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Stambaugh; Tarleton; Valdez; Van Werven and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Irwin and Shea.

Referred to Committee on Finance.

February 1, 2018

HB 2658 Prime Sponsor, Representative McBride: Concerning the use of perfluorinated chemicals in food packaging. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2671 Prime Sponsor, Representative Wilcox: Improving the behavioral health of people in the agricultural industry. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

January 31, 2018

HB 2696 Prime Sponsor, Representative Valdez: Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2750 Prime Sponsor, Representative Tharinger: Concerning quality in assisted living facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Harris; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; DeBolt; MacEwen and Maycumber.

Referred to Committee on Appropriations.

January 31, 2018

HB 2758 Prime Sponsor, Representative Doglio: Concerning diaper changing stations at restaurants. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Bergquist; Blake; Santos and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Jenkin and McCabe.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2792 Prime Sponsor, Representative Chapman: Modifying provisions on spirits retailers. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Condotta,

Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby and Young.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representatives Kloba, Vice Chair and Ryu.

January 31, 2018

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2793 Prime Sponsor, Representative Peterson: Reducing the use of certain toxic chemicals in firefighting activities. Reported by Committee on Environment

HB 2894 Prime Sponsor, Representative Schmick: Concerning certificate of need exemptions for certain ambulatory facilities and centers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey; Kagi and McBride.

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jenkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 1, 2018

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

HB 2910 Prime Sponsor, Representative Sullivan: Concerning the compensation of qualified professionals appointed to a community facilities district board of supervisors. Reported by Committee on Community Development, Housing & Tribal Affairs

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2836 Prime Sponsor, Representative Jenkins: Delineating charity care and notice requirements without restricting charity care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Reeves and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member and Jenkin.

Referred to Committee on Rules for second reading.

February 1, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier; Clibborn; Jenkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; DeBolt; Harris; MacEwen and Maycumber.

HB 2918 Prime Sponsor, Representative Orcutt: Providing rental assistance to mobile home park tenants. Reported by Committee on Community Development, Housing & Tribal Affairs

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2887 Prime Sponsor, Representative Riccelli: Addressing county commissioner elections. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Appropriations.

February 1, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

HB 2942 Prime Sponsor, Representative Walsh: Requiring planning for the availability of

mineral resources. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2963 Prime Sponsor, Representative Cody: Concerning the consumer directed employer program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; MacEwen and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations.

February 1, 2018

HB 2974 Prime Sponsor, Representative Young: Authorizing spirits, beer, and wine theater licensees to have one additional screen. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Jenkin; Kirby and Young.

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

Referred to Committee on Rules for second reading.

January 31, 2018

HJM 4015 Prime Sponsor, Representative Senn: Concerning census funding. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

January 31, 2018

ESB 6018 Prime Sponsor, Senator Mullet: Concerning security freeze fees charged by consumer reporting agencies. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; McCabe; Santos and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Vick, Ranking Minority Member and Jenkin.

Referred to Committee on Rules for second reading.

2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 31, 2018

HB 1860 Prime Sponsor, Representative Fey: Concerning population-based representation on the governing body of public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Shea; Van Werven and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Stambaugh.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 1889 Prime Sponsor, Representative Pettigrew:
Creating an office of the corrections
ombuds. Reported by Committee on
Public Safety

MAJORITY recommendation: The second substitute
bill be substituted therefor and the second substitute bill
do pass. Signed by Representatives Goodman, Chair;
Pellicciotti, Vice Chair; Hayes, Assistant Ranking
Minority Member; Appleton; Chapman; Griffey; Holy;
Orwall and Pettigrew.

MINORITY recommendation: Do not pass. Signed by
Representatives Klippert, Ranking Minority Member
and Van Werven.

Referred to Committee on Appropriations.

February 1, 2018

HB 2253 Prime Sponsor, Representative Graves:
Concerning the right to control disposition
of the remains of a deceased minor child.
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Jinkins, Chair; Graves,
Assistant Ranking Minority Member; Goodman; Haler;
Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by
Representatives Klippert; Muri and Shea.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2283 Prime Sponsor, Representative DeBolt:
Encouraging investment in and reducing
the costs of transitioning to the clean
energy future. Reported by Committee on
Technology & Economic Development

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Morris, Chair; Tarleton, Vice
Chair; Smith, Ranking Minority Member; DeBolt,
Assistant Ranking Minority Member; Doglio; Fey;
Harmsworth; Manweller; McDonald; Nealey; Steele;
Wylie and Young.

MINORITY recommendation: Do not pass. Signed by
Representatives Kloba, Vice Chair; Hudgins; Santos and
Slatter.

Referred to Committee on Finance.

February 1, 2018

HB 2328 Prime Sponsor, Representative Morris:
Reducing emissions by making changes to

the clean car standards and clean car
program. Reported by Committee on
Environment

MAJORITY recommendation: Do pass. Signed by
Representatives Fitzgibbon, Chair; Peterson, Vice
Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by
Representatives Taylor, Ranking Minority Member;
Maycumber, Assistant Ranking Minority Member; Buys
and Dye.

Referred to Committee on Appropriations.

February 1, 2018

HB 2331 Prime Sponsor, Representative Orwall:
Addressing collection of DNA biological
samples. Reported by Committee on
Public Safety

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Goodman, Chair; Pellicciotti,
Vice Chair; Klippert, Ranking Minority Member;
Hayes, Assistant Ranking Minority Member; Appleton;
Chapman; Griffey; Holy; Orwall; Pettigrew and Van
Werven.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2360 Prime Sponsor, Representative Pellicciotti:
Increasing penalties for the crime of
patronizing a prostitute. Reported by
Committee on Public Safety

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Goodman, Chair; Pellicciotti,
Vice Chair; Klippert, Ranking Minority Member;
Hayes, Assistant Ranking Minority Member; Chapman;
Griffey; Holy; Orwall; Pettigrew and Van Werven.

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

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2361 Prime Sponsor, Representative Pellicciotti:
Increasing access to emergency assistance
for victims by providing immunity from
prosecution for prostitution offenses in
some circumstances. Reported by
Committee on Public Safety

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Orwall and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes, Assistant Ranking Minority Member; Holy and Van Werven.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2385 Prime Sponsor, Representative Hudgins: Concerning solemnization of marriage by elected officials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert and Shea.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2402 Prime Sponsor, Representative Tarleton: Concerning the energy independence act. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Harmsworth; Manweller; McDonald; Nealey; Steele and Young.

Referred to Committee on Appropriations.

February 1, 2018

HB 2405 Prime Sponsor, Representative Goodman: Concerning implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

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

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2541 Prime Sponsor, Representative Kilduff: Expanding the classes of persons who may provide informed consent for certain patients who are not competent to consent. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert and Shea.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2544 Prime Sponsor, Representative Stonier: Requiring property sold in tax lien foreclosure proceedings to be sold as is. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2605 Prime Sponsor, Representative Irwin: Addressing misdemeanor supervision services by limited jurisdiction courts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2607 Prime Sponsor, Representative Irwin: Promoting redevelopment of certain areas to encourage transit supportive densities and efficient land use. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

Referred to Committee on Finance.

February 1, 2018

HB 2619 Prime Sponsor, Representative Irwin: Increasing penalties for certain repeat offenders who engage in lurid criminal contact. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

February 1, 2018

HB 2638 Prime Sponsor, Representative Goodman: Creating a graduated reentry program of partial confinement for certain offenders. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

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

Referred to Committee on Appropriations.

January 31, 2018

HB 2656 Prime Sponsor, Representative Orwall: Concerning concurrent enrollment programs and college preparatory with examination programs. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler; Orwall; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member Van Werven, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 1, 2018

HB 2664 Prime Sponsor, Representative Dye: Extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2665 Prime Sponsor, Representative Macri: Eliminating certain requirements for the annexation of an unincorporated island of territory. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey, Ranking Minority Member and Taylor.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2670 Prime Sponsor, Representative Kilduff: Providing services and supports to pregnant and parenting minors to improve educational attainment. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

February 1, 2018

HB 2687 Prime Sponsor, Representative Frame: Increasing appropriated funding for public defense services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

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

Referred to Committee on Appropriations.

February 1, 2018

HB 2791 Prime Sponsor, Representative Kilduff: Concerning faith-based exemptions regarding criminal mistreatment of children and vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2814 Prime Sponsor, Representative Smith: Studying state policies and programs that impact the affordability of retail electric bills in Washington state. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Appropriations.

February 1, 2018

HB 2817 Prime Sponsor, Representative Frame: Limiting overtime for correctional officers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2822 Prime Sponsor, Representative Steele: Concerning service animals. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall; Shea and Valdez.

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

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2839 Prime Sponsor, Representative Morris: Authorizing an alternative form of regulation of electrical and natural gas companies. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Manweller; McDonald; Nealey and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth and Young.

Referred to Committee on Appropriations.

February 1, 2018

HB 2872 Prime Sponsor, Representative Peterson: Concerning pollution liability insurance for heating oil tanks. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Hayes, Assistant Ranking Minority Member; Griffey and Van Werven.

Referred to Committee on Rules for second reading.

February 1, 2018

Referred to Committee on Appropriations.

February 1, 2018

HB 2880 Prime Sponsor, Representative Fey: Concerning the redevelopment of an area overlapping the boundary between two adjacent cities. Reported by Committee on Local Government

HB 2892 Prime Sponsor, Representative Lovick: Establishing the mental health field response teams program. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall and Pettigrew.

Referred to Committee on Appropriations.

February 1, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson; Peterson and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Griffey, Ranking Minority Member.

HB 2903 Prime Sponsor, Representative Stanford: Concerning work restrictions. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Rules for second reading.

February 1, 2018

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2888 Prime Sponsor, Representative Cody: Addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Appropriations.

February 1, 2018

HB 2914 Prime Sponsor, Representative Smith: Concerning Washington's economic development potential as a world leader in the responsible management of postconsumer materials. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Appropriations.

February 1, 2018

HB 2890 Prime Sponsor, Representative Hansen: Promoting successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Appleton; Chapman; Holy; Orwall and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member;

HB 2944 Prime Sponsor, Representative Chapman: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

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

Referred to Committee on Appropriations.

February 1, 2018

HB 2951 Prime Sponsor, Representative McCabe: Ordering a study to determine how to increase reporting and investigation of missing Native American women. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2952 Prime Sponsor, Representative Shea: Concerning officially naming a recreational trail. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey and McBride.

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

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2957 Prime Sponsor, Representative Lytton: Reducing escape of nonnative finfish from marine finfish aquaculture facilities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Orcutt; Pettigrew; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chapman, Vice Chair; Lytton; Robinson; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2981 Prime Sponsor, Representative Fey: Incentivizing the development of commercial office space in cities in a county with a population of less than one million five hundred thousand. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Finance.

February 1, 2018

HJM 4016 Prime Sponsor, Representative Ortiz-Self: Concerning the deferred action for childhood arrivals (DACA) program. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

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

Referred to Committee on Rules for second reading.

3rd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 1, 2018

HB 1063 Prime Sponsor, Representative Morris: Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Ryu, Chair; Macri, Vice Chair; Reeves and Sawyer.

February 1, 2018

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member and Jenkin.

HB 2262 Prime Sponsor, Representative Santos: Concerning actions for wrongful injury or death. Reported by Committee on Judiciary

Referred to Committee on Transportation.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Goodman; Hansen; Kirby; Orwall; Shea and Valdez.

February 1, 2018

HB 1590 Prime Sponsor, Representative Blake: Concerning the protection of composting from nuisance lawsuits. Reported by Committee on Agriculture & Natural Resources

MINORITY recommendation: Do not pass. Signed by Representatives Graves, Assistant Ranking Minority Member; Haler; Klippert and Muri.

Referred to Committee on Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

February 1, 2018

Referred to Committee on Rules for second reading.

HB 2519 Prime Sponsor, Representative Lovick: Concerning concealed pistol license eligibility requirements. Reported by Committee on Judiciary

February 1, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

2SHB 1789 Prime Sponsor, Committee on Appropriations: Concerning sentencing laws and practices. Reported by Committee on Public Safety

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

Referred to Committee on Rules for second reading.

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

February 1, 2018

Referred to Committee on Appropriations.

HB 2561 Prime Sponsor, Representative Dent: Concerning temporary duties for the wildland fire advisory committee. Reported by Committee on Agriculture & Natural Resources

February 1, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

HB 1798 Prime Sponsor, Representative McBride: Concerning the sale of manufactured/mobile home communities. Reported by Committee on Judiciary

Referred to Committee on Appropriations.

February 1, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

HB 2609 Prime Sponsor, Representative Tarleton: Modernizing and clarifying in-state distilled spirits production licenses and fees. Reported by Committee on Commerce & Gaming

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

Referred to Committee on Finance.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Vick, Assistant Ranking Minority Member; Blake; Kirby; Ryu and Young.

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

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

Referred to Committee on Appropriations.

February 1, 2018

HB 2611 Prime Sponsor, Representative Barkis: Concerning the privilege for peer support group counselors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

January 31, 2018

HB 2646 Prime Sponsor, Representative Wylie: Facilitating transportation projects of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Shea; Van Werven and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member and Stambaugh.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2675 Prime Sponsor, Representative Haler: Modifying the irrigation district election process to correspond with general election laws. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey, Ranking Minority Member and Taylor.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2678 Prime Sponsor, Representative Tarleton: Modifying cybercrime provisions. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2715 Prime Sponsor, Representative Klippert: Concerning impaired driving. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall and Pettigrew.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2731 Prime Sponsor, Representative Jinkins: Concerning collection of medical debt. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

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

Referred to Committee on Appropriations.

February 1, 2018

HB 2790 Prime Sponsor, Representative Kraft: Concerning the condominium and

homeowners' association dispute resolution program. Reported by Committee on Judiciary

Referred to Committee on Rules for second reading.

February 1, 2018

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

HB 1811 Prime Sponsor, Representative Jinkins: Concerning notice of material changes to the operations or governance structure of a health care provider or provider organization. Reported by Committee on Judiciary

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

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Orwall and Valdez.

Referred to Committee on Appropriations.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert; Muri and Shea.

4th SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 2, 2018

Referred to Committee on Rules for second reading.

February 2, 2018

HB 1410 Prime Sponsor, Representative Doglio: Authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters. Reported by Committee on Finance

HB 2137 Prime Sponsor, Representative Kraft: Modifying the veterans' scoring criteria in competitive examinations. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Condotta and Wilcox.

Referred to Committee on Rules for second reading.

February 2, 2018

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey, Ranking Minority Member and Stokesbary.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2364 Prime Sponsor, Representative Ryu: Concerning facilities financing by the housing finance commission. Reported by Committee on Capital Budget

HB 1537 Prime Sponsor, Representative Haler: Requiring disclosure by entities that compensate for petition signatures. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; MacEwen; Macri; Morris; Riccelli; Ryu; Sells; Steele; Stonier and Walsh.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

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

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 2, 2018

MINORITY recommendation: Without recommendation. Signed by Representative Irwin.

HB 2365 Prime Sponsor, Representative Dolan: Designating the pine mushroom as the official state fungus. Reported by

Committee on State Government, Elections
& Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2382 Prime Sponsor, Representative Ryu: Promoting the use of surplus public property for public benefit. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; Smith, Assistant Ranking Minority Member; Macri; Morris; Riccelli; Ryu; Sells and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Steele and Walsh.

Referred to Committee on Transportation.

February 2, 2018

HB 2408 Prime Sponsor, Representative Cody: Preserving access to individual market health care coverage throughout Washington state. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member and Calder.

MINORITY recommendation: Without recommendation. Signed by Representatives DeBolt and Harris.

Referred to Committee on Appropriations.

February 2, 2018

HB 2444 Prime Sponsor, Representative Slatter: Providing a real estate excise tax exemption for certain transfers of low-

income housing. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2475 Prime Sponsor, Representative Ryu: Concerning the tolling of construction defect claims. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert; Muri and Shea.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2485 Prime Sponsor, Representative Orwall: Encouraging low-water landscaping practices as a drought alleviation tool. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Riccelli; Ryu; Sells; Steele; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2486 Prime Sponsor, Representative Graves: Enacting the revised uniform unclaimed property act. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Appropriations.

February 2, 2018

HB 2489 Prime Sponsor, Representative Cody: Concerning opioid use disorder treatment, prevention, and related services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

February 2, 2018

HB 2550 Prime Sponsor, Representative Muri: Providing tax exemptions for the assistance of disabled veterans and members of the armed forces of the United States of America. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Springer; Stokesbary; Wilcox and Wylie.

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

MINORITY recommendation: Without recommendation. Signed by Representative Frame, Vice Chair.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2562 Prime Sponsor, Representative Dent: Concerning rangeland fire protection associations. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Appropriations.

February 2, 2018

HB 2565 Prime Sponsor, Representative Schmick: Concerning drug and gene therapy payment for medicaid managed care organizations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2572 Prime Sponsor, Representative Cody: Removing health coverage barriers to accessing substance use disorder treatment services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

February 1, 2018

HB 2578 Prime Sponsor, Representative Riccelli: Preserving and expanding rental housing options for persons whose source of income is derived from or includes sources other than employment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

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

Referred to Committee on Appropriations.

February 2, 2018

HB 2585 Prime Sponsor, Representative Caldier: Concerning hospital notification of availability of sexual assault evidence kit collection. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2587 Prime Sponsor, Representative Valdez: Concerning required disclosures for special prosecuting attorneys. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert; Muri and Shea.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2627 Prime Sponsor, Representative Springer: Concerning authorizations of proposals for emergency medical care and service levies. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member and Condotta.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2640 Prime Sponsor, Representative Buys: Limiting liability for registered apiarists. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2643 Prime Sponsor, Representative Muri: Repealing the electronic authentication act. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2690 Prime Sponsor, Representative Peterson: Clarifying the authority and procedures for contracting by public port districts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Riccelli; Ryu; Sells; Steele; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2719 Prime Sponsor, Representative Vick: Concerning the size of cities that must establish a law enforcement officers' and firefighters' retirement system plan 1 disability board. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

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

Referred to Committee on Appropriations.

February 1, 2018

HB 2733 Prime Sponsor, Representative Orcutt: Establishing a prescribed burn certification program at the department of natural resources. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Appropriations.

February 1, 2018

HB 2743 Prime Sponsor, Representative Springer: Concerning the integration of reclaimed water, water system planning, and groundwater source protection. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2771 Prime Sponsor, Representative Kretz: Managing wolves using translocation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Pettigrew; Robinson; Schmick; Springer and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Blake, Chair.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2774 Prime Sponsor, Representative Condotta: Exempting information relating to the regulation of explosives from public disclosure. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2777 Prime Sponsor, Representative Jinkins: Improving and updating administrative provisions related to the board of tax appeals. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

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

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

Referred to Committee on Appropriations.

February 2, 2018

HB 2785 Prime Sponsor, Representative Dent: Providing the list of foster parent rights and responsibilities to prospective and current foster parents. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2787 Prime Sponsor, Representative Caldier: Concerning creation of the select committee on supported employment services for individuals with developmental disabilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame;

Goodman; Griffey; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2798 Prime Sponsor, Representative Kagi:
Concerning the baby court initiative.
Reported by Committee on Early Learning
& Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

February 1, 2018

HB 2831 Prime Sponsor, Representative Senn:
Concerning construction defect actions.
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2838 Prime Sponsor, Representative Dent:
Concerning publicly owned industrial
wastewater treatment facilities. Reported
by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; Macri; Morris; Riccelli; Ryu; Sells; Steele; Stonier and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2855 Prime Sponsor, Representative Stonier:
Concerning the sharing of information
between participants in multidisciplinary
coordination of child sexual abuse

investigations. Reported by Committee on
Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2857 Prime Sponsor, Representative Orwall:
Concerning therapeutic responses to
commercially sexually exploited youth.
Reported by Committee on Early Learning
& Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Lovick; Muri and Ortiz-Self.

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

Referred to Committee on Appropriations.

February 2, 2018

HB 2861 Prime Sponsor, Representative Ortiz-Self:
Expanding the provision of trauma-
informed child care. Reported by
Committee on Early Learning & Human
Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Eslick; Frame; Goodman; Griffey; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member McCaslin, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2895 Prime Sponsor, Representative Frame:
Revising conditions under which a person
is subject to exclusive adult jurisdiction and
extending juvenile court jurisdiction over
serious cases to age twenty-five. Reported
by Committee on Early Learning & Human
Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member; Klippert and Lovick.

Referred to Committee on Appropriations.

February 1, 2018

HB 2897 Prime Sponsor, Representative Morris: Concerning electric utility plans for distributed energy resources and transportation electrification. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Harmsworth; Hudgins; McDonald; Santos; Slatter; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Manweller; Nealey and Steele.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2902 Prime Sponsor, Representative Wilcox: Ensuring that Washington aggressively acts to open fish habitat by removing barriers under all forms of ownership. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Orcutt; Pettigrew; Schmick; Springer; Stanford and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Lytton and Robinson.

Referred to Committee on Appropriations.

February 2, 2018

HB 2907 Prime Sponsor, Representative Goodman: Concerning confinement in juvenile rehabilitation facilities. Reported by

Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations for second reading.

February 2, 2018

HB 2928 Prime Sponsor, Representative Lytton: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 1, 2018

HB 2931 Prime Sponsor, Representative Doglio: Increasing energy efficiency. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Harmsworth; Manweller; McDonald; Nealey; Steele and Young.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2938 Prime Sponsor, Representative Hudgins: Concerning campaign finance law enforcement and reporting. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Without recommendation. Signed by Representatives McDonald, Ranking Minority Member and Irwin.

Referred to Committee on Appropriations.

February 2, 2018

HB 2961 Prime Sponsor, Representative Kraft: Concerning election year restrictions on email updates from state legislators. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2962 Prime Sponsor, Representative Hudgins: Revising statutory deadlines for redistricting plans. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

Referred to Committee on Rules for second reading.

February 2, 2018

HB 2976 Prime Sponsor, Representative Peterson: Recognizing the fourth Saturday of September as public lands day. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Appleton; Gregerson; Irwin and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 1, 2018

HJM 4014 Prime Sponsor, Representative Shea: Supporting the continued research, development, production, and application of biochar from our forests and agricultural lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Kretz; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first, second, third and fourth supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 5, 2018, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 5, 2018

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

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

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

INTRODUCTION & FIRST READING

HB 2984 by Representative Sawyer

AN ACT Relating to Atlantic salmon; amending RCW 82.04.213, 82.27.020, 82.27.030, and 82.27.070; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

The Speaker (Representative Lovick presiding) called upon Representative Slatter to preside.

There being no objection, the House adjourned until 9:55 a.m., February 6, 2018, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 6, 2018

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4668, by Representative Klippert

WHEREAS, National Missing Children's Day was first observed in 1983, following a proclamation by President Ronald Reagan; and

WHEREAS, May 25, 2018, will be the 35th National Missing Children's Day; and

WHEREAS, National Missing Children's Day honors our nation's obligation to locate and recover missing children by prompting parents, guardians, and other trusted adult role models to make child safety an utmost priority; and

WHEREAS, In the United States, nearly 800,000 children are reported missing each year, more than 58,000 children are abducted by nonfamily members each year, and more than 2,000 children are reported missing every day; and

WHEREAS, Congress' efforts to provide resources, training, and technical assistance has increased the capability of state and local law enforcement to find children and return them home safely; and

WHEREAS, The 1979 disappearance of 6 year old Etan Patz served as the impetus for the first proclamation of National Missing Children's Day in 1983; and

WHEREAS, Etan's photo was distributed nationwide and appeared in media globally, and the powerful image came to represent the anguish of thousands of searching families;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the observation of National Missing Children's Day and encourage all Americans to join together to plan events in communities across America to raise public awareness about the issue of missing children and the need to address this national problem; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize that one of the most important tools for law enforcement to use in the case of a missing child is an up-to-date, good quality photograph and urge all parents and guardians to take this important precaution; and

BE IT FURTHER RESOLVED, That the House of Representatives acknowledge that National Missing Children's Day should remind Americans not to forget the children who are still missing and not to waver in the effort to reunite them with their families.

There being no objection, HOUSE RESOLUTION NO. 4668 was adopted.

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

INTRODUCTION & FIRST READING

HB 2985 by Representative Kagi

AN ACT Relating to enhancing educational opportunities for vulnerable youth using funding distributed from the Puget Sound taxpayer accountability account; and amending RCW 43.79.520.

Referred to Committee on Appropriations.

HB 2986 by Representative Lytton

AN ACT Relating to fees collected by the secretary of state; amending RCW 43.07.120 and 43.07.170; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2987 by Representative Gregerson

AN ACT Relating to making unemployment benefits accessible to persons with family responsibilities and other availability issues and making clarifying changes; amending RCW 50.20.010, 50.20.080, 50.20.100, 50.20.240, 50.29.021, and 50.20.119; reenacting and amending RCW 50.20.050; adding a new section to chapter 50.04 RCW; creating new sections; and repealing RCW 50.29.020.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

REPORTS OF STANDING COMMITTEES

February 5, 2018

HB 2396 Prime Sponsor, Representative Reeves: Establishing the working families' child care access and affordability through regional employers act. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Appropriations.

February 5, 2018

HB 2730 Prime Sponsor, Representative Jinkins: Encouraging employers to promote and support workers' educational attainment. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Appropriations.

February 5, 2018

HB 2853 Prime Sponsor, Representative Morris: Providing a retail sales and use tax exemption for qualified donations to the Washington excellence fund. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Orcutt, Assistant Ranking Minority Member; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey, Ranking Minority Member; Condotta; Stokesbary and Wilcox.

Referred to Committee on Appropriations.

February 5, 2018

HB 2940 Prime Sponsor, Representative Lytton: Making the business and occupation tax more progressive. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Stokesbary and Wilcox.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

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

MOTION

There being no objection, the Committee on Appropriations was relieved of SECOND SUBSTITUTE HOUSE BILL NO. 2009 and HOUSE BILL NO. 2839 and the bills were referred to the Committee on Rules.

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

1st SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 5, 2018

HB 2015 Prime Sponsor, Representative Pettigrew: Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Frame, Vice Chair; Nealey, Ranking Minority Member; Dolan; Pollet; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Lytton, Chair; Orcutt, Assistant Ranking Minority Member and Condotta.

MINORITY recommendation: Without recommendation. Signed by Representative Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2269 Prime Sponsor, Representative Kilduff:
Concerning tax relief for adaptive
automotive equipment for veterans and
service members with disabilities.
Reported by Committee on Finance

MAJORITY recommendation: The second substitute
bill be substituted therefor and the second substitute bill
do pass and do not pass the substitute bill by Committee
on Community Development, Housing & Tribal Affairs.
Signed by Representatives Lytton, Chair; Frame, Vice
Chair; Nealey, Ranking Minority Member; Orcutt,
Assistant Ranking Minority Member; Condotta; Dolan;
Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2350 Prime Sponsor, Representative Kraft:
Relieving burdens on small businesses by
updating the tax return filing thresholds to
reflect inflation. Reported by Committee
on Finance

MAJORITY recommendation: Do pass. Signed by
Representatives Lytton, Chair; Frame, Vice Chair;
Nealey, Ranking Minority Member; Orcutt, Assistant
Ranking Minority Member; Condotta; Dolan; Pollet;
Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2412 Prime Sponsor, Representative Doglio:
Creating the buy clean Washington act.
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Tharinger, Chair; Doglio,
Vice Chair; Peterson, Vice Chair; Macri; Morris;
Reeves; Riccelli; Ryu; Sells and Stonier.

MINORITY recommendation: Do not pass. Signed by
Representatives DeBolt, Ranking Minority Member;
Smith, Assistant Ranking Minority Member; Dye;
Eslick; MacEwen; Steele and Walsh.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2437 Prime Sponsor, Representative Robinson:
Encouraging investments in affordable and
supportive housing. Reported by
Committee on Finance

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Lytton, Chair; Frame, Vice
Chair; Nealey, Ranking Minority Member; Orcutt,
Assistant Ranking Minority Member; Condotta; Dolan;
Pollet; Springer; Wilcox and Wylie.

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

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2580 Prime Sponsor, Representative Morris:
Promoting renewable natural gas.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by
Committee on Technology & Economic Development
be substituted therefor and the substitute bill do pass.
Signed by Representatives Lytton, Chair; Frame, Vice
Chair; Nealey, Ranking Minority Member; Orcutt,
Assistant Ranking Minority Member; Dolan; Pollet;
Springer and Wylie.

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

MINORITY recommendation: Without
recommendation. Signed by Representatives
Stokesbary and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2597 Prime Sponsor, Representative Sullivan:
Extending the existing state property tax
exemption for residences of senior citizens
and disabled persons to local regular
property taxes. Reported by Committee on
Finance

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass.
Signed by Representatives Lytton, Chair; Frame, Vice
Chair; Orcutt, Assistant Ranking Minority Member;
Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

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

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

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2635 Prime Sponsor, Representative Kilduff:
Creating a military benefit zone program.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Community Development, Housing & Tribal Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Orcutt, Assistant Ranking Minority Member; Dolan; Pollet; Springer; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey, Ranking Minority Member; Condotta and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Frame, Vice Chair.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2747 Prime Sponsor, Representative Wylie:
Allowing a deduction for out-of-pocket medical expenses from the calculation of disposable income for senior property tax programs. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Orcutt, Assistant Ranking Minority Member; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

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

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

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2799 Prime Sponsor, Representative Kagi:
Providing that certain local sales and use taxes may be used for prevention and outreach programs. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2875 Prime Sponsor, Representative McBride:
Concerning sales, use, and excise tax exemptions for self-help housing development. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary and Wylie.

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

MINORITY recommendation: Without recommendation. Signed by Representative Frame, Vice Chair.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2906 Prime Sponsor, Representative McDonald:
Concerning eligibility of a surviving spouse for the property tax exemption for senior citizens and disabled persons. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2933 Prime Sponsor, Representative Peterson:
Authorizing counties and cities planning under the growth management act to impose certain real estate excise taxes by councilmanic action. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Dolan; Pollet; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Condotta and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2969 Prime Sponsor, Representative Van Werven: Extending the business and occupation tax return filing due date for

annual filers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 6, 2018

HB 1063 Prime Sponsor, Representative Morris: Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Development, Housing & Tribal Affairs. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Hayes; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton; Valdez and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Irwin; Pike; Rodne; Shea and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Stambaugh.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1377 Prime Sponsor, Committee on Education: Improving students' mental health by enhancing nonacademic professional services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Education be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton;

Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 1488 Prime Sponsor, Representative Hansen: Expanding higher education opportunities for certain students. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill by Committee on Higher Education be substituted therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Harris; Manweller; Schmick; Taylor; Vick and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1539 Prime Sponsor, Representative McCabe: Regarding a curriculum for the prevention of sexual abuse of students. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1558 Prime Sponsor, Representative Kilduff: Authorizing membership in the Washington public safety employees'

retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Graves; Manweller; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1562 Prime Sponsor, Committee on Appropriations: Continuing the work of the Washington food policy forum. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Condotta; Graves; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1600 Prime Sponsor, Committee on Appropriations: Increasing the career and college readiness of public school students. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Education be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton;

Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta and Taylor.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 1603 Prime Sponsor, Representative Kilduff: Updating the child support economic table based on recommendations of the child support work group. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Condotta; Haler; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1656 Prime Sponsor, Representative Dent: Establishing a community aviation revitalization loan program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1679 Prime Sponsor, Representative Goodman: Issuing a two-year identicaid for offenders released from prison facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Buys; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Caldier; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

2SHB 1789 Prime Sponsor, Committee on Appropriations: Concerning sentencing laws and practices. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1827 Prime Sponsor, Representative Santos: Relating to expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority

Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta and Taylor.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1851 Prime Sponsor, Committee on Transportation: Protecting taxpayers by providing for accountability and transparency in government contracting. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on State Government, Elections & Information Technology be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1889 Prime Sponsor, Representative Pettigrew: Creating an office of the corrections ombuds. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Public Safety be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Schmick; Taylor; Vick; Volz and Wilcox.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 1896 Prime Sponsor, Representative Dolan: Expanding civics education in public schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Stanford.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2177 Prime Sponsor, Representative Chapman: Creating the rural county high employer demand jobs program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Bergquist; Calder; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2227 Prime Sponsor, Representative Sawyer: Concerning the laboratory testing of

marijuana products. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

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

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2259 Prime Sponsor, Representative Dolan: Addressing the state auditor's duties and procedures. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Calder; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Manweller; Schmick; Taylor; Vick and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2262 Prime Sponsor, Representative Santos: Concerning actions for wrongful injury or death. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick and Volz.

February 6, 2018

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2263 Prime Sponsor, Representative Goodman: Concerning governmental continuity during emergency periods. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Taylor and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2273 Prime Sponsor, Representative Goodman: Concerning the medicaid fraud control unit. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Manweller; Taylor and Vick.

Referred to Committee on Rules for second reading.

HB 2278 Prime Sponsor, Representative Morris: Concerning personal information privacy protections in government entities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Stambaugh; Tarleton; Valdez and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Pike; Shea and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Hayes; Irwin and Rodne.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2281 Prime Sponsor, Representative Morris: Recertifying renewable energy systems eligible for a renewable energy system production incentive. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2282 Prime Sponsor, Representative Hansen: Protecting an open internet in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Haler;

Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

February 6, 2018

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2286 Prime Sponsor, Representative Kirby: Addressing the disposition of certain fees collected by the department of financial institutions for the securities division. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2287 Prime Sponsor, Representative Hayes: Establishing a criminal justice system diversion center pilot project. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick and Wilcox.

Referred to Committee on Rules for second reading.

HB 2288 Prime Sponsor, Representative Kagi: Concerning the Washington history day program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

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

MINORITY recommendation: Without recommendation. Signed by Representative Hansen.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2289 Prime Sponsor, Representative Kilduff: Concerning the release and commitment of persons involuntarily committed after the dismissal of a felony. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

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

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2308 Prime Sponsor, Representative Jinkins: Concerning civil legal aid. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives

Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Harris; Manweller; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2313 Prime Sponsor, Representative Cody: Providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Jinkins.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2317 Prime Sponsor, Representative Appleton: Concerning contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2328 Prime Sponsor, Representative Morris: Reducing emissions by making changes to the clean car standards and clean car program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2334 Prime Sponsor, Representative Sawyer: Regulating the use of cannabinoid additives in marijuana products. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Bergquist; Buys; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Calder; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2338 Prime Sponsor, Representative Fitzgibbon: Reducing the greenhouse gas emissions associated with transportation fuels. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman;

Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2367 Prime Sponsor, Representative Reeves: Establishing a child care collaborative task force. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2381 Prime Sponsor, Representative Macri: Allowing certain adult family homes to increase capacity to eight beds. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2382 Prime Sponsor, Representative Ryu: Promoting the use of surplus public property for public benefit. Reported by Committee on Transportation

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2386 Prime Sponsor, Representative Hudgins: Providing room and board for certain college bound scholarship students. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2390 Prime Sponsor, Representative Pollet: Regulating opioid medications at educational institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2396 Prime Sponsor, Representative Reeves: Establishing the working families' child care access and affordability through regional employers act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Finance be substituted therefor and the second substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Condotta; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Haler; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2402 Prime Sponsor, Representative Tarleton: Concerning the energy independence act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2408 Prime Sponsor, Representative Cody: Preserving access to individual market health care coverage throughout

Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2423 Prime Sponsor, Representative DeBolt: Concerning the state universal communications services program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2436 Prime Sponsor, Representative Robinson: Defining community health workers and their roles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys;

Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2445 Prime Sponsor, Representative Macri: Concerning online access to health care resources via HEALWA. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Wilcox.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2449 Prime Sponsor, Representative Senn: Extending the timeline for completing a family assessment response. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2461 Prime Sponsor, Representative Kagi: Concerning the drug offense sentencing grid. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2486 Prime Sponsor, Representative Graves: Enacting the revised uniform unclaimed property act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2489 Prime Sponsor, Representative Cody: Concerning opioid use disorder treatment, prevention, and related services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Assistant Ranking Minority Member; Condotta; Haler and Taylor.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2505 Prime Sponsor, Representative Blake: Increasing participation in recreational fishing and hunting. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2511 Prime Sponsor, Representative Manweller: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys and Taylor.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2515 Prime Sponsor, Representative Tharinger: Updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2529 Prime Sponsor, Representative Kraft: Concerning the costs of election administration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2530 Prime Sponsor, Representative Senn: Concerning foster youth health care benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta; Taylor and Vick.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2533 Prime Sponsor, Representative Jinkins: Concerning long-term care services and supports. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist;

Caldier; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2561 Prime Sponsor, Representative Dent: Concerning temporary duties for the wildland fire advisory committee. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2572 Prime Sponsor, Representative Cody: Removing health coverage barriers to accessing substance use disorder treatment services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2578 Prime Sponsor, Representative Riccelli: Preserving and expanding rental housing

options for persons whose source of income is derived from or includes sources other than employment. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2595 Prime Sponsor, Representative Hudgins: Concerning procedures in order to automatically register citizens to vote. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2609 Prime Sponsor, Representative Tarleton: Modernizing and clarifying in-state distilled spirits production licenses and fees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Robinson, Vice Chair; Caldier; Cody; Fitzgibbon; Graves; Hansen; Hudgins; Jinkins; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Vick and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Chair; Chandler, Ranking Minority Member; Bergquist; Buys; Condotta; Haler; Harris; Kagi; Taylor and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member and Tharinger.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2610 Prime Sponsor, Representative Peterson: Creating the hunger-free students' bill of rights act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Graves; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2624 Prime Sponsor, Representative Chapman: Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2626 Prime Sponsor, Representative Blake: Increasing commercial fishing license fees for nonresidents. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Condotta; Graves; Harris; Manweller; Taylor and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Haler.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2633 Prime Sponsor, Representative Doglio: Addressing the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Graves; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Caldier; Condotta; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2644 Prime Sponsor, Representative Muri: Concerning requirements for the issuance of a driver's license that includes a veteran designation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2651 Prime Sponsor, Representative Stanford: Increasing the personal needs allowance for people in residential and institutional care settings. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2652 Prime Sponsor, Representative Fitzgibbon: Concerning the initial implementation of recommendations from the collaborative process carried out to implement the state parks operating budget proviso on recreational access fee systems. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Condotta; Taylor and Vick.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2667 Prime Sponsor, Representative Macri: Concerning eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Taylor; Vick; Volz and Wilcox.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2669 Prime Sponsor, Representative Doglio: Adding part-time employees to state civil service. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2670 Prime Sponsor, Representative Kilduff: Providing services and supports to pregnant and parenting minors to improve educational attainment. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist; Calder; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Buys; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2671 Prime Sponsor, Representative Wilcox: Improving the behavioral health of people in the agricultural industry. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2677 Prime Sponsor, Representative Irwin: Establishing permissible methods of parking a motorcycle. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member;

Hayes; Irwin; Morris; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2681 Prime Sponsor, Representative Springer: Implementing the federal produce safety rule. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2686 Prime Sponsor, Representative Ortiz-Self: Concerning high school and beyond plans. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Calder; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta and Taylor.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2692 Prime Sponsor, Representative Fey: Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin;

Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Shea and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2701 Prime Sponsor, Representative Bergquist: Addressing the definition of veteran. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community Development, Housing & Tribal Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2703 Prime Sponsor, Representative Sells: Clarifying hours and wages for education employee compensation claims. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Harris; Schmick; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2712 Prime Sponsor, Representative Gregerson: Eliminating lunch copays for students who qualify for reduced-price lunches. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Schmick; Taylor; Vick; Volz and Wilcox.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2718 Prime Sponsor, Representative Shea: Concerning seizure and forfeiture procedures and reporting. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2723 Prime Sponsor, Representative Shea: Modifying the types of off-road vehicles subject to local government regulation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba;

Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2733 Prime Sponsor, Representative Orcutt: Establishing a prescribed burn certification program at the department of natural resources. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Halder; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2741 Prime Sponsor, Representative Clibborn: Concerning reimbursement of the financing of the Alaskan Way viaduct replacement project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez; Van Werven and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Shea.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2748 Prime Sponsor, Representative Santos: Modifying the learning assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler,

Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Halder; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Graves; Manweller; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2750 Prime Sponsor, Representative Tharinger: Concerning quality in assisted living facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Halder; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2751 Prime Sponsor, Representative Stonier: Concerning the deduction of union dues and fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Halder; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2759 Prime Sponsor, Representative Doglio: Establishing the Washington state women's

commission. Reported by Committee on Appropriations

February 6, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Manweller; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2775 Prime Sponsor, Representative Lovick: Clarifying the required color of certain lamps on vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2776 Prime Sponsor, Representative Lovick: Clarifying the exemption from safety belt use for physical or medical reasons. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez; Van Werven and Young.

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

Referred to Committee on Rules for second reading.

HB 2777 Prime Sponsor, Representative Jinkins: Improving and updating administrative provisions related to the board of tax appeals. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Schmick; Taylor; Vick and Volz.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2779 Prime Sponsor, Representative Senn: Improving access to mental health services for children and youth. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2782 Prime Sponsor, Representative Kilduff: Concerning electric-assisted bicycles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice

Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2786 Prime Sponsor, Representative Kilduff: Concerning membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections or the department of social and health services and serving at a prison or civil commitment center located on an island. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Halder; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2814 Prime Sponsor, Representative Smith: Studying state policies and programs that impact the affordability of retail electric bills in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Halder; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2816 Prime Sponsor, Representative Senn: Transferring the working connections and seasonal child care programs to the department of children, youth, and families. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Halder; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2832 Prime Sponsor, Representative Kilduff: Ensuring the passport to college promise program is available to certain populations of foster youth. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Halder; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2833 Prime Sponsor, Representative Morris: Transferring duties of the life sciences discovery fund. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member;

Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Wilcox.

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

Referred to Committee on Rules for second reading.

February 5, 2018

HB 2852 Prime Sponsor, Representative Graves: Concerning attorneys' fees on public works contracts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier and Walsh.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2871 Prime Sponsor, Representative Pettigrew: Changing the baseball stadium based special license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2872 Prime Sponsor, Representative Peterson: Concerning pollution liability insurance for heating oil tanks. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier;

Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2892 Prime Sponsor, Representative Lovick: Establishing the mental health field response teams program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2895 Prime Sponsor, Representative Frame: Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2896 Prime Sponsor, Representative Wylie: Concerning the transfer of moneys from transportation accounts. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin; Shea and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2899 Prime Sponsor, Representative Gregerson: Establishing a vehicle maintenance improvement program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Irwin; Pike; Rodne; Shea; Van Werven and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Stambaugh.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2900 Prime Sponsor, Representative Kilduff: Concerning violations of traffic laws that place vulnerable roadway users at increased risk of injury and death. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Stambaugh; Tarleton; Valdez and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Hayes; Pike; Rodne; Shea and Van Werven.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2907 Prime Sponsor, Representative Goodman: Concerning confinement in juvenile rehabilitation facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2914 Prime Sponsor, Representative Smith: Concerning Washington's economic development potential as a world leader in the responsible management of postconsumer materials. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2925 Prime Sponsor, Representative Fey: Addressing the disposal of recreational vehicles abandoned on public property. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice

Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2938 Prime Sponsor, Representative Hudgins: Concerning campaign finance law enforcement and reporting. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government, Elections & Information Technology be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Buys; Calder; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Condotta; Graves; Taylor and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member and Manweller.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2944 Prime Sponsor, Representative Chapman: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan; Tharinger and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Calder; Condotta; Graves; Harris; Manweller; Schmick; Taylor; Vick and Wilcox.

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

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2948 Prime Sponsor, Representative Graves: Concerning the responsibilities for state routes in cities or towns. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member and Hayes.

MINORITY recommendation: Without recommendation. Signed by Representatives Morris and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2963 Prime Sponsor, Representative Cody: Concerning the consumer directed employer program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2970 Prime Sponsor, Representative Hudgins: Establishing an autonomous vehicle work group. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2975 Prime Sponsor, Representative McCabe: Concerning snow bikes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HB 2983 Prime Sponsor, Representative Clibborn: Establishing a new marine pilotage tariff setting process. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HJM 4018 Prime Sponsor, Representative Muri: Requesting that the Brown Farm Road Northeast bridge at exit 114 over I-5 be named the "Afghanistan and Iraq Veterans Bridge." Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HJM 4019 Prime Sponsor, Representative Muri: Requesting that the South Tacoma Way bridge at exit 127 over I-5 be named the "World War I Veterans Memorial Bridge." Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 6, 2018

HJR 4210 Prime Sponsor, Representative Johnson: Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Taylor and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:00 a.m., February 7, 2018, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 7, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alyssa Munch and Finn O'Donnell. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Bishop Joseph Tyson, Diocese of Yakima, Washington.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized the Wenatchee Valley Chamber of Commerce Leadership Class and asked the members to acknowledge them.

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

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

SECOND READING**HOUSE BILL NO. 2004, by Representative Klippert**

Concerning the retirement age for state guard members.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2004 was substituted for House Bill No. 2004 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2004 was read the second time.

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

Representatives Klippert, Ryu and Muri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2004.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2004, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2004, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2456, by Representatives Kilduff, McCabe, Orwall, Reeves, Kraft, Senn, Gregerson, Muri, Riccelli, Stanford, Tharinger and Young

Increasing employment opportunities for spouses of military members.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2456 was substituted for House Bill No. 2456 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2456 was read the second time.

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

Representatives Kilduff, Barkis, Klippert, Caldier and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2456.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2456, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2456, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2342, by Representatives Lovick, Eslick, Ryu, Hayes, Peterson, Ortiz-Self, Kloba, Sells, Muri, Tarleton, Johnson, Sawyer, Robinson, Dolan, Chapman, Stanford and Reeves

Establishing a donation program for resident disabled veterans to receive hunting and fishing licenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2342 was substituted for House Bill No. 2342 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2342 was read the second time.

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

Representatives Lovick and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2342.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2342, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2342, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2582, by Representatives Reeves, Johnson, Kilduff, MacEwen, McBride and Eslick

Concerning the department of veterans affairs.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2582.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2582, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2582, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2851, by Representatives Reeves, Rodne, Peterson, McCaslin and Haler

Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

The bill was read the second time.

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

Representatives Reeves, Stokesbary and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2851.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2851, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2851, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831, by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Macri, Santos, Ortiz-Self, Frame, Kagi, Fitzgibbon, Stanford, Ormsby and Pollet)

Revising resource limitations for public assistance.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1831 was substituted for Engrossed Substitute House Bill No. 1831 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1831 was read the second time.

Representative Pettigrew moved the adoption of amendment (725):

On page 4, after line 34, insert the following:

"NEW SECTION. **Sec. 3.** This act takes effect February 1, 2019."

Correct the title.

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

Amendment (725) was adopted.

The bill was ordered engrossed.

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

Representatives Pettigrew, Wilcox, Dent, Irwin, Senn and Young spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1831.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1831, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Dye, Eslick, Haler, Hargrove, Jenkin, Klippert, Kristiansen, Manweller, McCaslin, Pike, Shea, Taylor and Vick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1831, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2295, by Representatives Slatter, Fey, McBride, Dolan, Macri and Doglio

Encouraging the use of electric or hybrid-electric aircraft for regional air travel.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2295 was substituted for House Bill No. 2295 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2295 was read the second time.

Representative Slatter moved the adoption of the striking amendment (705):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the prospect of transitioning from aircraft powered by burning fuel to aircraft powered at least partially by electrical propulsion promises a variety of economic, social, and environmental benefits, including:

(a) Reduced fuel costs that make expanded commercial service of smaller regional airports economically viable;

(b) Support for the type of dispersed and rural economic development already envisioned elsewhere in state policy, including through the state's participation in the western regional short-haul air transportation compact under chapter 81.96 RCW or similar types of multistate collaborative forums that currently exist through the northwest region national association of state aviation officials;

(c) Reduced traffic on state roads as a result of short-haul flights becoming price-competitive with driving;

(d) A redistribution of air traffic from overly busy hubs to airports dispersed across the state that would otherwise operate below capacity;

(e) Reduced greenhouse gas emissions from aircraft fuel use; and

(f) Reduced impacts on communities located adjacent to busy airport hubs from decreases in aircraft noise and emissions of conventional air pollutants.

(2) Therefore, it is the intent of the legislature to continue Washington's leading role in the aerospace industry by encouraging the development and adoption of aircraft whose propulsion is fully or partially powered by electricity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.68 RCW to read as follows:

(1) To support realization of the public benefits described in section 1 of this act, the department shall solicit input from the work group established in section 3 of this act and recommend goals for encouraging the use of electric or hybrid-electric aircraft in commercial air travel in Washington state to the legislature for adoption. The recommended goals shall consider the interests of industry and airports, and shall focus on maximizing growth in Washington state regional commercial air service travel. The department, in conjunction with the work group, shall develop and recommend specific, measurable goals for the years 2030, 2040, and 2050, that reflect progressive and substantial increases in the utilization of electric and hybrid-electric commercial aircraft.

(2) By January 1, 2025, and every two years thereafter, the department must submit a report to the legislature consistent with RCW 43.01.036 describing the state's progress towards achieving goals adopted by the legislature as described in subsection 1 of this section.

(3) By 2020, the department must require commercial service airports and airlines operating in Washington state to track, record, and report to the department annually the total number of operations, miles flown, and number of passengers on aircraft that are powered at least partially by electrical propulsion systems for commercial service flights.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.68 RCW to read as follows:

(1)(a) The department must convene a work group to analyze the state of the electrically powered aircraft industry and current infrastructure to develop and recommend goals as described in section 1 of this act and to develop a

sustainable plan for achieving the goals. The chair of the work group may be a consultant specializing in aeronautics, and the work group must include representation from the electric aircraft industry, the aircraft manufacturing industry, the electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airlines pilots association, a primary airport representing an airport association, and the airline industry. The work group may include other members at the discretion of the department.

(b) The work group must consider, at a minimum, and make recommendations on the feasibility of electric or hybrid-electric flight given federal aviation administration certification requirements, the rate at which battery technology is advancing, the necessary infrastructure requirements and capacity impacts at primary airports, whether industry incentives are required and feasible, possible public-private partnerships, impacts to revenues generated from aviation fuel sales, educational requirements for maintaining electric or hybrid-electric powered aircraft, whether or not additional homeland security checkpoints would be required, the public perception of the technology, cost comparison between the use of fossil fuels versus electric or hybrid-electric engines in powering aircraft, emissions reduction potential, and policies needed to facilitate electric or hybrid-electric powered aircraft use for commercial air travel in Washington state. The work group must submit a report with its findings, recommended goals, and recommended plan for achieving those goals to the transportation committees of the legislature by December 1, 2019. The chair of the work group must provide an interim report to the transportation committees of the legislature by December 1, 2018.

(2) This section expires July 1, 2020.

Sec. 4. RCW 47.68.070 and 1984 c 7 s 344 are each amended to read as follows:

The department has general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development and sustainment of aeronautics in this state,

including aeronautics involving electrically powered aircraft, and to encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, including aeronautics involving electrically powered aircraft, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the department in the development of aeronautics and aeronautical facilities in this state.

NEW SECTION. Sec. 5. This act may be known and cited as the linking communities by encouraging regional aircraft electrification act or known and cited as the LINK-AIR act."

Representative Dent moved the adoption of amendment (710) to the striking amendment (705):

On page 2, beginning on line 20 of the striking amendment, strike all of subsection (3)

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

Representatives Dent and Fey spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (710) to the striking amendment (705) was adopted.

Representatives Slatter and Orcutt spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (705), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Slatter, Orcutt, Graves and Dent spoke in favor of the passage of the bill.

Representatives Hargrove and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2295.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2295, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harmsworth, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McCabe, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, Dye, Eslick, Griffey, Haler, Hargrove, Harris, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, Nealey, Pike, Rodne, Shea, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Volz and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2435, by Representatives Kilduff, Schmick, Cody, Muri, Kagi, Tharinger, Pollet and Tarleton

Reducing training requirements for certain respite care providers who provide respite to unpaid caregivers and work three hundred hours or less in any calendar year.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2435.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2435, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald,

Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2435, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2472, by Representatives Vick, Blake, Sawyer, Condotta, Kloba and Young

Ensuring reasonable terms of payment are available to marijuana retailers when contracting with marijuana processors for the purchase of marijuana products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2472 was substituted for House Bill No. 2472 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2472 was read the second time.

Representative Sawyer moved the adoption of amendment (699):

On page 2, beginning on line 1, after "(2)(a)" strike all material through "(b)" on line 11 and insert "Except as provided in (b) and (c) of this subsection (2), a contract between a licensed marijuana producer, marijuana processor, or marijuana retailer, and another licensed marijuana producer, marijuana processor, or marijuana retailer, for the purchase and sale of marijuana or marijuana products authorized under RCW 69.50.325, may allow the licensee purchasing the marijuana or marijuana products to tender full or final payment to the licensee selling the marijuana or marijuana products on a date after the date the marijuana or marijuana products are delivered to or received by the licensee purchasing the marijuana or marijuana products.

(b) However, the licensee purchasing the marijuana or marijuana products must tender full or final payment to the licensee selling the marijuana or marijuana products on a date not more than five calendar days after the date the marijuana or marijuana products are delivered to or received by the licensee purchasing the marijuana or marijuana products.

(c) "

Representatives Sawyer and Vick spoke in favor of the adoption of the amendment.

Amendment (699) was adopted.

The bill was ordered engrossed.

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

Representatives Vick and Sawyer spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2472.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2472, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springrove, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Bergquist, DeBolt, Dent, Dye, Graves, Haler, Jenkin, Klippert, Kraft, McCabe, McDonald, Pike, Stokesbary and Van Werven.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2472, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1298, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Manweller, Haler, Sells, Kilduff, Frame, Gregerson, Kagi, Tarleton, Jinkins, Stanford, Appleton, Ormsby, Senn, McBride, Santos, Lovick, Bergquist, Farrell and Young)

Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1298 was substituted for Substitute House Bill No. 1298

and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1298 was read the second time.

Representative Manweller moved the adoption of amendment (721):

On page 4, after line 12, insert the following:

"NEW SECTION. **Sec. 5.** The state of Washington fully occupies and preempts the entire field of employment laws related to criminal records and other matters covered within this chapter within the boundaries of the state. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to employment laws related to criminal records and other matters covered within this chapter that are specifically authorized by state law and are consistent with this chapter. Local laws and ordinances in existence on the effective date of this section that are inconsistent with this chapter are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such a city, town, county, or municipality."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Sells spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (721) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self,

Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker. .

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

Representatives Ortiz-Self, Appleton and Riccelli spoke in favor of the passage of the bill.

Representatives McCabe, Irwin, Orcutt, Pike, Jenkin, Vick, Barkis, Caldier, Klippert, Irwin (again) and Holy spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1298.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1298, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1298, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1336, by Representatives Kirby, Sells and Appleton

Restricting the social security offset to disability compensation.

The bill was read the second time.

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

Representatives Kirby and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1336.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1336, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hayes, Hudgins, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, Nealey, Pike, Schmick, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

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

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Cody moved the adoption of the striking amendment (692):

Strike everything after the enacting clause and insert the following:

"PART 1

NEW SECTION. **Sec. 1001.** The legislature finds that:

(1) Washington state government must be organized to be efficient, cost-effective, and responsive to its residents.

(2) Pursuant to existing legislative direction, Washington state continues to transform how it delivers behavioral health services by integrating the financing and delivery of behavioral and physical health care by 2020. Integration will improve prevention and treatment of behavioral health conditions. Integration, leading to better whole person care, should also enable many individuals to avoid commitment at the state psychiatric hospitals or divert from jails, and support them in leading healthy, productive lives.

(3) The responsibility for oversight, purchasing, and management of Washington state's community behavioral health system is currently split between the department of social and health services, which is the state's behavioral health authority, and the health care authority, which is the single state medicaid agency responsible for state health care purchasing.

(4) The health care authority is the state's primary health care purchaser. Integrating and consolidating the oversight and purchasing of state behavioral health care into a single state agency at the health care authority will align core operations and provide better, coordinated, and more cost-effective services, with the ultimate goal of achieving whole person care.

(5) The legislature therefore intends to consolidate state behavioral health care purchasing and oversight within the health care authority, positioning the state to use its full purchasing power to get the greatest value for its investment. The department of social and health services will continue to operate the state mental health institutions, with the intent of further analyzing the future proper alignment of these services.

(6) Similar to the issues with our disparate purchasing programs, the responsibility for licensing and certification of behavioral health providers and facilities is currently spread across multiple agencies, with the department of social and health services regulating some behavioral health providers and the department of health regulating others.

(7) The department of health is responsible for the majority of licensing and certification of health care providers and facilities. The state will best be able to ensure patient safety and reduce administrative burdens of licensing and certification of behavioral health providers and facilities by consolidating those functions within a single agency at the department of health. This change will streamline processes leading to improved patient safety outcomes.

(8) The legislature therefore intends to integrate and consolidate the behavioral health licensing and certification functions within the department of health.

PART 2

Sec. 2001. RCW 43.20A.025 and 2016 sp.s. c 29 s 415 are each amended to read as follows:

The ((~~department of social and health services~~)) authority shall adopt rules defining "appropriately trained professional person" for the purposes of conducting mental health and chemical dependency evaluations under RCW 71.34.600(3) and 71.34.650(1).

Sec. 2002. RCW 43.20A.065 and 2002 c 290 s 6 are each amended to read as follows:

The ((~~department of social and health services~~)) authority shall annually review and monitor the expenditures made by any county or group of counties which is funded, in whole or in part, with funds provided by chapter 290, Laws of 2002. Counties shall repay any funds that are not spent in accordance with the requirements of chapter 290, Laws of 2002.

Sec. 2003. RCW 43.20A.433 and 2005 c 504 s 802 are each amended to read as follows:

~~((Beginning July 1, 2007,))~~ The ~~((secretary))~~ director shall require, in the contracts the ~~((department))~~ authority negotiates pursuant to chapters 71.24 and 70.96A RCW, that any vendor rate increases provided for mental health and chemical dependency treatment providers or programs who are parties to the contract or subcontractors of any party to the contract shall be prioritized to those providers and programs that maximize the use of evidence-based and research-based practices ~~((, as those terms are defined in section 603 of this act,))~~ unless otherwise designated by the legislature.

Sec. 2004. RCW 43.20A.890 and 2010 c 171 s 1 are each amended to read as follows:

(1) A program for (a) the prevention and treatment of problem and pathological gambling; and (b) the training of professionals in the identification and treatment of problem and pathological gambling is established within the ~~((department of social and health services))~~ authority, to be administered by a qualified person who has training and experience in problem gambling or the organization and administration of treatment services for persons suffering from problem gambling. The department of health may license or certify and the authority may contract with treatment facilities for any services provided under the program. The ~~((department))~~ authority shall track program participation and client outcomes.

(2) To receive treatment under subsection (1) of this section, a person must:

(a) Need treatment for problem or pathological gambling, or because of the problem or pathological gambling of a family member, but be unable to afford treatment; and

(b) Be targeted by the ~~((department of social and health services))~~ authority as being most amenable to treatment.

(3) Treatment under this section is available only to the extent of the funds appropriated or otherwise made available to the ~~((department of social and health services))~~ authority for this purpose. The ~~((department))~~ authority may solicit

and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, any tribal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies or any tribal government in making an application for any grant.

~~(4) ((The department may adopt rules establishing standards for the review and certification of treatment facilities under this program.~~

~~(5))~~ The ~~((department of social and health services))~~ authority shall establish an advisory committee to assist it in designing, managing, and evaluating the effectiveness of the program established in this section. The advisory committee shall give due consideration in the design and management of the program that persons who hold licenses or contracts issued by the gambling commission, horse racing commission, and lottery commission are not excluded from, or discouraged from, applying to participate in the program. The committee shall include, at a minimum, persons knowledgeable in the field of problem and pathological gambling and persons representing tribal gambling, privately owned nontribal gambling, and the state lottery.

~~((6))~~ (5) For purposes of this section, "pathological gambling" is a mental disorder characterized by loss of control over gambling, progression in preoccupation with gambling and in obtaining money to gamble, and continuation of gambling despite adverse consequences. "Problem gambling" is an earlier stage of pathological gambling which compromises, disrupts, or damages family or personal relationships or vocational pursuits.

Sec. 2005. RCW 43.20A.892 and 2005 c 369 s 3 are each amended to read as follows:

The problem gambling account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the program established under RCW 43.20A.890 (as recodified by this act).

Sec. 2006. RCW 43.20A.893 and 2014 c 225 s 2 are each amended to read as follows:

(1) Upon receipt of guidance for the creation of common regional service areas from the adult behavioral health system task force established in section 1, chapter 338, Laws of 2013, the ~~((department and the health care))~~ authority shall ~~((jointly))~~ establish regional service areas as provided in this section.

(2) Counties, through the Washington state association of counties, must be given the opportunity to propose the composition of regional service areas. Each service area must:

(a) Include a sufficient number of medicaid lives to support full financial risk managed care contracting for services included in contracts with the department or the ~~((health care))~~ authority;

(b) Include full counties that are contiguous with one another; and

(c) Reflect natural medical and behavioral health service referral patterns and shared clinical, health care service, behavioral health service, and behavioral health crisis response resources.

(3) The Washington state association of counties must submit their recommendations to the department, the ~~((health care))~~ authority, and the task force described in section 1, chapter 225, Laws of 2014 on or before August 1, 2014.

Sec. 2007. RCW 43.20A.894 and 2014 c 225 s 3 are each amended to read as follows:

(1) Any agreement or contract by the ~~((department or the health care))~~ authority to provide behavioral health services as defined under RCW 71.24.025 to persons eligible for benefits under medicaid, Title XIX of the social security act, and to persons not eligible for medicaid must include the following:

(a) Contractual provisions consistent with the intent expressed in RCW 71.24.015, 71.36.005, ~~((70.96A.010,))~~ and 70.96A.011;

(b) Standards regarding the quality of services to be provided, including increased use of evidence-based,

research-based, and promising practices, as defined in RCW 71.24.025;

(c) Accountability for the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes;

(d) Standards requiring behavioral health organizations to maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the ~~((department or the health care))~~ authority and to protect essential existing behavioral health system infrastructure and capacity, including a continuum of chemical dependency services;

(e) Provisions to require that medically necessary chemical dependency and mental health treatment services be available to clients;

(f) Standards requiring the use of behavioral health service provider reimbursement methods that incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895 and 71.36.025, integration of behavioral health and primary care services at the clinical level, and improved care coordination for individuals with complex care needs;

(g) Standards related to the financial integrity of the responding organization. The ~~((department))~~ authority shall adopt rules establishing the solvency requirements and other financial integrity standards for behavioral health organizations. This subsection does not limit the authority of the ~~((department))~~ authority to take action under a contract upon finding that a behavioral health organization's financial status jeopardizes the organization's ability to meet its contractual obligations;

(h) Mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial deductions, termination of the contract, receivership, reprocurement of the contract, and injunctive remedies;

(i) Provisions to maintain the decision-making independence of designated mental health professionals

or designated chemical dependency specialists; and

(j) Provisions stating that public funds appropriated by the legislature may not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(2) The following factors must be given significant weight in any purchasing process:

(a) Demonstrated commitment and experience in serving low-income populations;

(b) Demonstrated commitment and experience serving persons who have mental illness, chemical dependency, or co-occurring disorders;

(c) Demonstrated commitment to and experience with partnerships with county and municipal criminal justice systems, housing services, and other critical support services necessary to achieve the outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025;

(d) Recognition that meeting enrollees' physical and behavioral health care needs is a shared responsibility of contracted behavioral health organizations, managed health care systems, service providers, the state, and communities;

(e) Consideration of past and current performance and participation in other state or federal behavioral health programs as a contractor; and

(f) The ability to meet requirements established by the ~~((department))~~ authority.

(3) For purposes of purchasing behavioral health services and medical care services for persons eligible for benefits under medicaid, Title XIX of the social security act and for persons not eligible for medicaid, the ~~((department and the health care))~~ authority must use ~~((common))~~ regional service areas. The regional service areas must be established by the ~~((department and the health care))~~ authority as provided in RCW 43.20A.893 (as recodified by this act).

(4) Consideration must be given to using multiple-biennia contracting periods.

(5) Each behavioral health organization operating pursuant to a contract issued under this section shall enroll clients within its regional service area who meet the ~~((department's))~~ authority's eligibility criteria for mental health and chemical dependency services.

Sec. 2008. RCW 43.20A.896 and 2014 c 225 s 4 are each amended to read as follows:

The ~~((secretary))~~ director shall require that behavioral health organizations offer contracts to managed health care systems under chapter 74.09 RCW or primary care practice settings to promote access to the services of chemical dependency professionals under chapter 18.205 RCW and mental health professionals, as defined by the department of health in rule, for the purposes of integrating such services into primary care settings for individuals with behavioral health and medical comorbidities.

Sec. 2009. RCW 43.20A.897 and 2014 c 225 s 65 are each amended to read as follows:

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

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

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

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

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

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

(2) The ~~((department))~~ authority shall enter into agreements with the tribes and urban Indian health programs and modify behavioral health organization contracts as necessary to develop a tribal-centric behavioral health system that better serves the needs of the tribes.

Sec. 2010. RCW 74.04.015 and 2011 1st sp.s. c 15 s 62 are each amended to read as follows:

(1) The secretary of social and health services shall be the responsible state officer for the administration and disbursement of all funds, goods, commodities, and services, which may be received by the state in connection with programs of public assistance or services related directly or indirectly to assistance programs, and all other matters included in the federal social security act as amended, or any other federal act or as the same may be amended except as otherwise provided by law.

(2) The director shall be the responsible state officer for the administration and disbursement of funds that the state receives in connection with the medical services programs established under chapter 74.09 RCW, including the state children's health insurance program, Titles XIX and XXI of the social security act of 1935, as amended, and programs established under chapter 71.05, 71.24, and 71.34 RCW that are under the director's authority.

(3) The department and the authority, as appropriate, shall make such reports and render such accounting as may be required by federal law.

PART 3

Sec. 3001. RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 are each amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced

registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Authority" means the Washington state health care authority;

(7) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

~~((7))~~ (8) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department ~~((of health))~~ under chapter 18.205 RCW;

~~((8))~~ (9) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

~~((9))~~ (10) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

~~((10))~~ (11) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department ~~((of health~~

~~and certified by the department of social and health services))~~ under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

~~((11))~~ (12) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

~~((12))~~ (13) "Department" means the department of ~~((social and))~~ health ~~((services))~~;

~~((13))~~ (14) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

~~((14))~~ (15) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

~~((15))~~ (16) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

~~((16))~~ (17) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

~~((17))~~ (18) "Director" means the director of the authority;

(19) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

~~((18))~~ (20) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and

impairment of health or disruption of social or economic functioning;

~~((19))~~ (21) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. ~~The ((department))~~ authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

~~((20))~~ (22) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

~~((21))~~ (23) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

~~((22))~~ (24) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment

facility, or in confinement as a result of a criminal conviction;

~~((23))~~ (25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

~~((24))~~ (26) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((25))~~ (27) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

~~((26))~~ (28) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

~~((27))~~ (29) "In need of assisted outpatient mental health treatment"

means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

~~((28))~~ (30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((29))~~ (31) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

~~((30))~~ (32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((31))~~ (33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((32))~~ (34) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to

commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((33))~~ (35) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

~~((34))~~ (36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((35))~~ (37) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((36))~~ (38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((37))~~ (39) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer

powers by any state law, local ordinance, or judicial order of appointment;

~~((38))~~ (40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

~~((39))~~ (41) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

~~((40))~~ (42) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((41))~~ (43) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

~~((42))~~ (44) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((43))~~ (45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((44))~~ (46) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the

care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

~~((45))~~ "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

~~(46))~~ (47) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((47))~~ (48) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((48))~~ (49) "Secretary" means the secretary of the department of ~~(social and)~~ health ~~((services))~~, or his or her designee;

~~((49))~~ (50) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

- (a) Provides for intoxicated persons:
 - (i) Evaluation and assessment, provided by certified chemical dependency professionals;
 - (ii) Acute or subacute detoxification services; and
 - (iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is licensed or certified as such by the department of health;

~~((50))~~ (51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

~~((51))~~ (52) "Social worker" means a person with a master's or further advanced degree from a social work

educational program accredited and approved as provided in RCW 18.320.010;

~~((52))~~ (53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

~~((53))~~ (54) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

~~((54))~~ (55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services, ~~((by))~~ the department, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

~~((55))~~ (56) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department ~~((of health and certified by the department of social and health services))~~ under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department ~~((of health))~~ residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

~~((56))~~ (57) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 3002. RCW 71.05.026 and 2016 sp.s. c 29 s 206 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the ~~((department))~~ authority and the behavioral health organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care or inpatient substance use disorder treatment.

(3) This section applies to counties, behavioral health organizations, and entities which contract to provide behavioral health organization services and their subcontractors, agents, or employees.

Sec. 3003. RCW 71.05.027 and 2014 c 225 s 82 are each amended to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to RCW ~~((70.96C.010))~~ 71.24.630 and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and behavioral health organizations who fail to implement the integrated comprehensive

screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under RCW ~~((70.96C.010))~~ 71.24.630.

Sec. 3004. RCW 71.05.040 and 2004 c 166 s 2 are each amended to read as follows:

Persons ~~((who are developmentally disabled))~~ with developmental disabilities, impaired by ~~((chronic alcoholism or drug abuse))~~ substance use disorder, or suffering from dementia shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm ~~((+ Provided))~~. However, ~~((That))~~ persons ~~((who are developmentally disabled))~~ with developmental disabilities, impaired by ~~((chronic alcoholism or drug abuse))~~ substance use disorder, or suffering from dementia and who otherwise meet the criteria for detention or judicial commitment are not ineligible for detention or commitment based on this condition alone.

Sec. 3005. RCW 71.05.100 and 1997 c 112 s 6 are each amended to read as follows:

In addition to the responsibility provided for by RCW 43.20B.330, any person, or his or her estate, or his or her spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his or her family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The department of social and health services, or the authority, as appropriate, shall, pursuant to chapter 34.05 RCW, adopt standards as to (1) inability to pay in

whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. ~~((Such standards shall be applicable to all county mental health administrative boards.))~~ Financial responsibility with respect to ~~((department))~~ services and facilities of the department of social and health services shall continue to be as provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

Sec. 3006. RCW 71.05.203 and 2017 3rd sp.s. c 14 s 4 are each amended to read as follows:

(1) The ~~((department))~~ authority and each behavioral health organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201 and, to the extent feasible, provide the immediate family member, guardian, or conservator with written or electronic information about the petition process. If provision of written or electronic information is not feasible, the designated crisis responder or designated crisis responder agency must refer the immediate family member, guardian, or conservator to a web site where published information on the petition process may be accessed. The designated crisis responder or designated crisis responder agency must document the manner and date on which the

information required under this subsection was provided to the immediate family member, guardian, or conservator.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

Sec. 3007. RCW 71.05.214 and 2016 sp.s. c 29 s 227 are each amended to read as follows:

The ~~((department))~~ authority shall develop statewide protocols to be utilized by professional persons and designated crisis responders in administration of this chapter and chapter 10.77 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, mental disorders or substance use disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The ~~((department))~~ authority shall develop and update the protocols in consultation with representatives of designated crisis responders, the department of social and health services, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with mental illness and substance use disorders. The protocols shall be submitted to the governor and legislature upon adoption by the ~~((department))~~ authority.

Sec. 3008. RCW 71.05.215 and 2016 sp.s. c 29 s 228 and 2016 c 155 s 3 are each reenacted and amended to read as follows:

(1) A person found to be gravely disabled or presents a likelihood of serious harm as a result of a mental disorder or substance use disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong

the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The ((department)) authority shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician, physician assistant, or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

Sec. 3009. RCW 71.05.240 and 2016 sp.s. c 29 s 232 and 2016 c 45 s 2 are each reenacted and amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention or involuntary outpatient evaluation of such person as determined in RCW 71.05.180. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such

person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient mental health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days, and may not order inpatient treatment.

(e) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 3010. RCW 71.05.240 and 2016 sp.s. c 29 s 233 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention or involuntary outpatient evaluation of such person as determined in RCW 71.05.180. If requested by the person or

his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility licensed or certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted

outpatient mental health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days, and may not order inpatient treatment.

(e) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 3011. RCW 71.05.285 and 2001 c 12 s 1 are each amended to read as follows:

In determining whether an inpatient or less restrictive alternative commitment under the process provided in RCW 71.05.280 and 71.05.320(~~(+2)~~) (4) is appropriate, great weight shall be given to evidence of a prior history or pattern of decompensation and discontinuation of treatment resulting in: (1) Repeated hospitalizations; or (2) repeated peace officer interventions resulting in juvenile offenses, criminal charges, diversion programs, or jail admissions. Such evidence may be used to provide a factual basis for concluding that the individual would not receive, if released, such care as is essential for his or her health or safety.

Sec. 3012. RCW 71.05.320 and 2016 sp.s. c 29 s 237 and 2016 c 45 s 4 are each reenacted and amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment (~~(+1)~~) to the custody of the department of social and health services or to a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive

alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental

disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health

service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 3013. RCW 71.05.320 and 2016 sp.s. c 29 s 238 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days

from the date of judgment (~~(i)~~) to the custody of the department of social and health services or to a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or

substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less

restrictive alternative treatment services.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6) (a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect.

No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

Sec. 3014. RCW 71.05.325 and 2016 sp.s. c 29 s 239 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released because a new petition for involuntary treatment has not been filed under RCW 71.05.320(~~((3))~~) (4), the superintendent, professional person, or designated crisis responder responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.

(2) (a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. The notice shall be provided at least forty-five days before the anticipated leave and shall describe the conditions under which the leave is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The existence of the notice requirements in this section will not require any extension of the leave date in the event the leave plan changes after notification.

(5) The notice requirements contained in this section shall not apply to emergency medical transfers.

(6) The notice provisions of this section are in addition to those provided in RCW 71.05.425.

Sec. 3015. RCW 71.05.330 and 1998 c 297 s 20 are each amended to read as follows:

(1) Nothing in this chapter shall prohibit the superintendent or professional person in charge of the hospital or facility in which the person is being involuntarily treated from releasing him or her prior to the expiration of the commitment period when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer presents a likelihood of serious harm.

Whenever the superintendent or professional person in charge of a hospital or facility providing involuntary treatment pursuant to this chapter releases a person prior to the expiration of the period of commitment, the superintendent or professional person in charge shall in writing notify the court which committed the person for treatment.

(2) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(~~((2))~~) (4)(c) is released under this section, the superintendent or professional person in charge shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the release date. Notice shall be provided at least thirty days before the release date. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county in which the person is being involuntarily treated for a hearing to determine whether the person is to be released. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and the guardian or conservator of the committed person. The court shall conduct a hearing on the petition within ten days of filing the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary

treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the committed person shall be released or shall be returned for involuntary treatment subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

Sec. 3016. RCW 71.05.335 and 1986 c 67 s 7 are each amended to read as follows:

In any proceeding under this chapter to modify a commitment order of a person committed to inpatient treatment under grounds set forth in RCW 71.05.280(3) or 71.05.320(~~(+2)~~) (4)(c) in which the requested relief includes treatment less restrictive than detention, the prosecuting attorney shall be entitled to intervene. The party initiating the motion to modify the commitment order shall serve the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed with written notice and copies of the initiating papers.

Sec. 3017. RCW 71.05.340 and 2016 sp.s. c 29 s 240 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the facility or agency designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such

responsibility. A copy of the terms of conditional release shall be given to the patient, the designated crisis responder in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(4)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination

of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The facility or agency designated to provide outpatient care or the secretary of the department of social and health services may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions. Enforcement or revocation proceedings related to a conditional release order may occur as provided under RCW 71.05.590.

Sec. 3018. RCW 71.05.350 and 1997 c 112 s 29 are each amended to read as follows:

No indigent patient shall be conditionally released or discharged from involuntary treatment without suitable clothing, and the superintendent of a state hospital shall furnish the same, together with such sum of money as he or she deems necessary for the immediate welfare of the patient. Such sum of money shall be the same as the amount required by RCW 72.02.100 to be provided to persons in need being released from correctional institutions. As funds are available, the secretary of the department of social and health services may provide payment to indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and regulations to do so.

Sec. 3019. RCW 71.05.425 and 2013 c 289 s 6 and 2013 c 200 s 30 are each reenacted and amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release,

release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) to the following:

(i) The chief of police of the city, if any, in which the person will reside;

(ii) The sheriff of the county in which the person will reside; and

(iii) The prosecuting attorney of the county in which the criminal charges against the committed person were dismissed.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings;

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter; and

(iv) The chief of police of the city, if any, and the sheriff of the county, if any, which had jurisdiction of the person on the date of the applicable offense.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(~~(+3)~~) (4)(c)

following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.086(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person escaped and in which the person resided immediately before the person's arrest and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.086(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(~~(3)~~) (4) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 70.02.230(2)(n). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department of social and health services learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department of social and health services by the requesting party. The requesting party shall furnish the department of social and health services with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 3020. RCW 71.05.435 and 2016 sp.s. c 29 s 246 are each amended to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility, state hospital, secure detoxification facility, or approved substance use disorder treatment program providing involuntary treatment services, the entity discharging the person shall provide notice of the person's discharge to the designated crisis responder office responsible for the initial commitment and the designated crisis responder office that serves the county in which the person is expected to reside. The entity discharging the person must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the entity discharging the person has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The (~~department~~) authority shall maintain and make available an updated list of contact information for designated crisis responder offices around the state.

Sec. 3021. RCW 71.05.445 and 2014 c 225 s 86 and 2014 c 220 s 14 are each reenacted and amended to read as follows:

(1)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to

supervision by the department of corrections, the mental health service provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562(~~(70.96A.155)~~) or 71.05.132 and the offender has provided the mental health service provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562(~~(70.96A.155)~~) or 71.05.132, the mental health service provider is not required to notify the department of corrections that the mental health service provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by email or facsimile, so long as the notifying mental health service provider is clearly identified.

(2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties.

(3) The (~~(department)~~) authority and the department of corrections, in consultation with behavioral health organizations, mental health service providers as defined in RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in this chapter (~~(71.05 RCW)~~), except as provided in RCW 72.09.585.

(5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(6) Whenever federal law or federal regulations restrict the release of information and records related to mental health services for any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(8) The (~~(department)~~) authority shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific behavioral health organizations and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the authority and the department(~~(the)~~) of corrections.

Sec. 3022. RCW 71.05.510 and 1974 ex.s. c 145 s 30 are each amended to read as follows:

Any individual who knowingly, (~~(willfully)~~) willfully or through gross negligence violates the provisions of this chapter by detaining a person for more than the allowable number of days shall be liable to the person detained in civil damages. It shall not be a prerequisite to an action under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general damages.

Sec. 3023. RCW 71.05.520 and 1973 1st ex.s. c 142 s 57 are each amended to read as follows:

The (~~department of social and health services~~) authority as the state's behavioral health authority, the department of social and health services in its operation of the state hospitals, and the department of health in exercising its function of licensing and certification of behavioral health providers and facilities shall have the responsibility to determine whether all rights of individuals recognized and guaranteed by the provisions of this chapter and the Constitutions of the state of Washington and the United States are in fact protected and effectively secured. To this end, (~~the department~~) each agency shall assign appropriate staff who shall from time to time as may be necessary have authority to examine records, inspect facilities, attend proceedings, and do whatever is necessary to monitor, evaluate, and assure adherence to such rights. Such persons shall also recommend such additional safeguards or procedures as may be appropriate to secure individual rights set forth in this chapter and as guaranteed by the state and federal Constitutions.

Sec. 3024. RCW 71.05.525 and 1997 c 112 s 36 are each amended to read as follows:

When, in the judgment of the department of social and health services, the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that such a person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of (~~mentally ill~~) juveniles with mental illness the secretary of the department of social and health services, or his or her designee, is authorized to order and effect such move or transfer: PROVIDED, HOWEVER, That the secretary of the department of social and health services shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined in such institution or facility for the care of (~~mentally ill~~) juveniles with mental illness, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in state

juvenile correctional institutions or facilities: PROVIDED, FURTHER, That the secretary of the department of social and health services shall notify the original committing court of such transfer.

Sec. 3025. RCW 71.05.560 and 2016 sp.s. c 29 s 248 are each amended to read as follows:

The department, the department of social and health services, and the authority shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality of the program and facilities operating pursuant to this chapter, evaluation of the effectiveness and cost effectiveness of such programs and facilities, and procedures and standards for licensing or certification and other action relevant to evaluation and treatment facilities, secure detoxification facilities, and approved substance use disorder treatment programs.

Sec. 3026. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 9 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the

individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and

engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4) (a) A designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any

time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the

person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 3027. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 10 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary of the department of social and health services may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary of the department of social and health services shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice,

hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 3028. RCW 71.05.620 and 2016 sp.s. c 29 s 249 are each amended to read as follows:

(1) The files and records of court proceedings under this chapter and chapter 71.34 RCW shall be closed but shall be accessible to:

(a) The department;

(b) The department of social and health services;

(c) The authority;

(d) The state hospitals as defined in RCW 72.23.010;

~~((e))~~ (e) Any person who is the subject of a petition;

~~((d))~~ (f) The attorney or guardian of the person;

~~((e))~~ (g) Resource management services for that person; and

~~((f))~~ (h) Service providers authorized to receive such information by resource management services.

(2) The ~~((department))~~ authority shall adopt rules to implement this section.

Sec. 3029. RCW 71.05.720 and 2007 c 360 s 6 are each amended to read as follows:

Annually, all community mental health employees who work directly with clients shall be provided with training on safety and violence prevention topics described in RCW 49.19.030. The curriculum for the training shall be developed collaboratively among the ~~((department of social and health services))~~ authority, the department, contracted mental health providers, and employee organizations that represent community mental health workers.

Sec. 3030. RCW 71.05.732 and 2011 c 343 s 3 are each amended to read as follows:

(1) The joint legislative audit and review committee shall conduct an independent assessment of the direct costs of providing judicial services under this chapter and chapter 71.34 RCW as defined in RCW 71.05.730. The assessment shall include a review and analysis of the reasons for differences in costs among counties. The assessment shall be conducted for any county in which more than twenty civil commitment cases were conducted during the year prior to the study. The assessment must be completed by June 1, 2012.

(2) The administrative office of the courts, the authority, and the department of social and health services shall provide the joint legislative audit and review committee with assistance and data required to complete the assessment.

(3) The joint legislative audit and review committee shall present recommendations as to methods for updating the costs identified in the assessment to reflect changes over time.

Sec. 3031. RCW 71.05.740 and 2014 c 225 s 88 are each amended to read as follows:

~~((By August 1, 2013,))~~ All behavioral health organizations in the state of Washington must forward historical mental health involuntary commitment information retained by the organization including identifying information and dates of commitment to the ~~((department))~~ authority. As soon as feasible, the behavioral health organizations must arrange to report new commitment data to the ~~((department))~~ authority within twenty-four hours. Commitment information under this section does not need to be resent if it is already in the possession of the ~~((department))~~ authority. Behavioral health organizations and the ~~((department))~~ authority shall be immune from liability related to the sharing of commitment information under this section.

Sec. 3032. RCW 71.05.745 and 2016 sp.s. c 29 s 252 are each amended to read as follows:

(1) The ~~((department))~~ authority may use a single bed certification process as outlined in rule to provide additional treatment capacity for a person suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the patient receiving treatment.

(3) A designated crisis responder who submits an application for a single bed certification for treatment at a facility

that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The ~~((department))~~ authority may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

Sec. 3033. RCW 71.05.750 and 2016 sp.s. c 29 s 253 are each amended to read as follows:

(1) A designated crisis responder shall make a report to the ~~((department))~~ authority when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated crisis responder determines a person meets detention criteria and the investigation has been completed, the designated crisis responder has twenty-four hours to submit a completed report to the ~~((department))~~ authority.

(2) The report required under subsection (1) of this section must contain at a minimum:

(a) The date and time that the investigation was completed;

(b) The identity of the responsible behavioral health organization;

(c) The county in which the person met detention criteria;

(d) A list of facilities which refused to admit the person; and

(e) Identifying information for the person, including age or date of birth.

(3) The ~~((department))~~ authority shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are

necessary or supportive. The ((department)) authority shall also determine the method for the transmission of the completed report from the designated crisis responder to the ((department)) authority.

(4) The ((department)) authority shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the ((department)) authority recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" as that term is used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a seventy-two hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

(a) Not licensed or certified as an inpatient evaluation and treatment facility; or

(b) A licensed or certified inpatient evaluation and treatment facility that is already at capacity.

Sec. 3034. RCW 71.05.755 and 2015 c 269 s 4 are each amended to read as follows:

(1) The ((department)) authority shall promptly share reports it receives under RCW 71.05.750 with the responsible regional support network or behavioral health organization. The regional support network or behavioral health organization receiving this notification must attempt to engage the person in appropriate services for which the person is eligible and report back within seven days to the ((department)) authority.

(2) The ((department)) authority shall track and analyze reports submitted under RCW 71.05.750. The ((department)) authority must initiate corrective action when appropriate to ensure that each regional support network or behavioral health organization has implemented an adequate plan to provide evaluation and treatment services. Corrective actions may include remedies under RCW 71.24.330 and 43.20A.894 (as recodified by this act), including requiring expenditure of reserve funds. An adequate plan may include development of less restrictive alternatives to involuntary commitment such as crisis triage, crisis diversion, voluntary treatment, or prevention programs reasonably calculated to reduce demand for evaluation and treatment under this chapter.

Sec. 3035. RCW 71.05.760 and 2017 3rd sp.s. c 14 s 21 are each amended to read as follows:

(1)(a) By April 1, 2018, the ((department)) authority, by rule, must combine the functions of a designated mental health professional and designated chemical dependency specialist by establishing a designated crisis responder who is authorized to conduct investigations, detain persons up to seventy-two hours to the proper facility, and carry out the other functions identified in this chapter and chapter 71.34 RCW. The behavioral health organizations shall provide training to the designated crisis responders as required by the ((department)) authority.

(b)(i) To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(A) Psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or social worker;

(B) Person who is licensed by the department as a mental health counselor or mental health counselor associate, or marriage and family therapist or marriage and family therapist associate;

(C) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who

have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

~~((C))~~ (D) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

~~((D))~~ (E) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department of social and health services before July 1, 2001; or

~~((E))~~ (F) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

(ii) Training must include chemical dependency training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(c) The ~~((department))~~ authority must develop a transition process for any person who has been designated as a designated mental health professional or a designated chemical dependency specialist before April 1, 2018, to be converted to a designated crisis responder. The behavioral health organizations shall provide training, as required by the ~~((department))~~ authority, to persons converting to designated crisis responders, which must include both mental health and chemical dependency training applicable to the designated crisis responder role.

(2)(a) The ~~((department))~~ authority must ensure that at least one sixteen-bed secure detoxification facility is operational by April 1, 2018, and that at least two sixteen-bed secure detoxification facilities are operational by April 1, 2019.

(b) If, at any time during the implementation of secure detoxification facility capacity, federal funding becomes unavailable for federal match for services provided in secure detoxification facilities, then the ~~((department))~~ authority must cease any expansion of secure detoxification facilities until further direction is provided by the legislature.

Sec. 3036. RCW 71.05.801 and 2009 c 323 s 3 are each amended to read as follows:

When appropriate and subject to available funds, the treatment and training of a person with a developmental disability who is committed to the custody of the department of social and health services or to a facility licensed or certified for ninety day treatment by the department for a further period of intensive treatment under RCW 71.05.320 must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department of social and health services may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department of social and health services for such services. The department of social and health services may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department of social and health services.

Sec. 3037. RCW 71.05.940 and 1999 c 13 s 13 are each amended to read as follows:

The provisions of chapter 420, Laws of 1989 shall apply equally to persons in the custody of the department of social and health services on May 13, 1989, who were found by a court to be not guilty by reason of insanity or incompetent to stand trial, or who have been found to have committed acts constituting a felony pursuant to RCW 71.05.280(3) and present a substantial likelihood of repeating similar acts, and the secretary of the department of social and health services shall cause such persons to be evaluated to ascertain if such persons ~~((are developmentally disabled))~~ have a developmental disability for placement in a program specifically reserved for

the treatment and training of persons with developmental disabilities.

PART 4

Sec. 4001. RCW 71.24.015 and 2014 c 225 s 6 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults with mental illness and children with mental illness or emotional disturbances who meet access to care standards which services recognize the special needs of underserved populations, including minorities, children, ~~((the elderly [older adults]))~~ older adults, individuals with disabilities, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of children with mental illness and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental

illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state-of-the-art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

(4) Minimum service delivery standards;

(5) Priorities for the use of available resources for the care of individuals with mental illness consistent with the priorities defined in the statute;

(6) Coordination of services within the department of social and health services, including those divisions within the department of social and health services that provide services to children, between the authority, department of social and health services, and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, behavioral health organizations, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of individuals with mental illness, and other service providers; and

(7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties must enter into joint operating

agreements with other counties to form regional systems of care that are consistent with the regional service areas established under RCW 43.20A.893 (as recodified by this act). Regional systems of care, whether operated by a county, group of counties, or another entity shall integrate planning, administration, and service delivery duties under chapter ~~(s)~~ 71.05 ~~(and 71.24)~~ RCW and this chapter to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end, the legislature intends to promote active engagement with persons with mental illness and collaboration between families and service providers.

Sec. 4002. RCW 71.24.025 and 2016 sp.s. c 29 s 502 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use

is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department ~~((of social and health services))~~ as meeting standards adopted under this chapter.

(4) "Authority" means the Washington state health care authority.

(5) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

~~((5))~~ (6) "Behavioral health organization" means any county authority or group of county authorities or other entity recognized by the ~~((secretary))~~ director in contract in a defined region.

~~((6))~~ (7) "Behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat chemical dependency and mental illness.

~~((7))~~ (8) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter.

~~((8))~~ (9) "Child" means a person under the age of eighteen years.

~~((9))~~ (10) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the ~~((department))~~ authority by rule consistent with Public Law 92-603, as amended.

~~((110))~~ (11) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department ~~((of social and health services))~~.

~~((111))~~ (12) "Community mental health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

~~((112))~~ (13) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health organizations.

~~((113))~~ (14) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that

is agreed but not possible to perform studies with random assignment and controlled groups.

~~((114))~~ (15) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((115))~~ (16) "Department" means the department of ~~((social and))~~ health ~~((services))~~.

~~((116))~~ (17) "Designated crisis responder" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

~~((117))~~ (18) "Director" means the director of the authority.

(19) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((118))~~ (20) "Early adopter" means a regional service area for which all of the county authorities have requested that the ~~((department and the health care))~~ authority ~~((jointly))~~ purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

~~((119))~~ (21) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection ~~((20))~~ (22) of this section.

~~((20))~~ (22) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of

the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

~~((21))~~ (23) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((22))~~ (24) "Licensed or certified service provider" means an entity licensed or certified according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((23))~~ (25) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((24))~~ (26) "Mental health services" means all services provided by behavioral health organizations and other services provided by the state for persons who are mentally ill.

~~((25))~~ (27) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health organizations and their staffs, ~~(and)~~ or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person

providing treatment services for the department of social and health services, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

~~((26))~~ (28) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), ~~((9), (34), and (35))~~ (10), (36), and (37) of this section.

~~((27))~~ (29) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((28))~~ (30) "Registration records" include all the records of the department of social and health services, the authority, behavioral health organizations, treatment facilities, and other persons providing services ~~((30))~~ for the department of social and health services, the authority, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((29))~~ (31) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ~~((20))~~ (22) of this section but does not meet the full criteria for evidence-based.

~~((30))~~ (32) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in

nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((31))~~ (33) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((32))~~ (34) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a behavioral health organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health organization.

~~((33))~~ (35) "Secretary" means the secretary of ~~((social and health services))~~ the department of health.

~~((34))~~ (36) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during

the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((35))~~ (37) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((36))~~ (38) "State minimum standards" means minimum requirements established by rules adopted ~~((by the secretary))~~ and necessary to implement this chapter ~~((for))~~ by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and ~~((b) licensed service providers for the provision of mental health services; (c) residential services; and (d))~~

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified service providers for the provision of mental health and substance use disorder services; and

(ii) Residential services.

~~((37))~~ (39) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~((38))~~ (40) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the ~~((secretary))~~ director insofar as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

Sec. 4003. RCW 71.24.030 and 2005 c 503 s 3 are each amended to read as follows:

The ~~((secretary))~~ director is authorized to make grants and/or purchase services from counties, combinations of counties, or other entities, to establish and operate community mental health programs.

Sec. 4004. RCW 71.24.035 and 2016 sp.s. c 29 s 503 are each amended to read as follows:

(1) The ~~((department))~~ authority is designated as the state behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The ~~((secretary))~~ director shall provide for public, client, tribal, and licensed or certified service provider participation in developing the state behavioral health program, developing contracts with behavioral health organizations, and any waiver request to the federal government under medicaid.

(3) The ~~((secretary))~~ director shall provide for participation in developing the state behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state behavioral health program.

(4) The ~~((secretary))~~ director shall be designated as the behavioral health organization if the behavioral health organization fails to meet state minimum standards or refuses to exercise responsibilities under its contract or RCW 71.24.045, until such time as a new behavioral health organization is designated.

(5) The ~~((secretary))~~ director shall:

(a) Develop a biennial state behavioral health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental disorders or substance use disorders or both;

(b) Assure that any behavioral health organization or county community behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the ~~((department))~~ authority;

(c) Develop and adopt rules establishing state minimum standards for the delivery of behavioral health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed or certified service providers. These rules shall permit a county-operated behavioral health program to be licensed as a service provider subject to compliance with

applicable statutes and rules. (~~The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;~~)

(ii) Inpatient services, an adequate network of evaluation and treatment services and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards which shall be used in contracting with behavioral health organizations. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(g) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements of behavioral health organizations and licensed or certified service providers. The audit procedure shall focus on the outcomes of service as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

(h) Develop and maintain an information system to be used by the state and behavioral health organizations that includes a tracking method which allows the (~~department~~) authority and behavioral health organizations to identify behavioral health clients' participation in any behavioral health service or public program on an immediate basis. The information system shall not include

individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(i) (~~License service providers who meet state minimum standards;~~)

~~(j))~~ Periodically monitor the compliance of behavioral health organizations and their network of licensed or certified service providers for compliance with the contract between the (~~department~~) authority, the behavioral health organization, and federal and state rules at reasonable times and in a reasonable manner;

~~((k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;~~

~~(l))~~ (j) Monitor and audit behavioral health organizations (~~and licensed service providers~~) as needed to assure compliance with contractual agreements authorized by this chapter;

~~((m))~~ (k) Adopt such rules as are necessary to implement the (~~department's~~) authority's responsibilities under this chapter;

~~((n) License or certify crisis stabilization units that meet state minimum standards;~~

~~(o) License or certify clubhouses that meet state minimum standards;~~

~~(p) License or certify triage facilities that meet state minimum standards;~~) and

~~((q))~~ (l) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation.

(6) The (~~secretary~~) director shall use available resources only for behavioral health organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care

coordination for individuals with complex care needs.

(7) Each behavioral health organization and licensed or certified service provider shall file with the secretary of the department of health or the director, on request, such data, statistics, schedules, and information as the secretary of the department of health or the director reasonably requires. A behavioral health organization or licensed or certified service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the behavioral health organization contractual remedies in RCW 43.20A.894 (as recodified by this act) or may have its service provider certification or license revoked or suspended.

~~(8) ((The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.~~

~~(9))~~ The superior court may restrain any behavioral health organization or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

~~((10))~~ (9) Upon petition by the secretary of the department of health or the director, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary of the department of health or the director authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health organization or service provider refusing to consent to inspection or examination by the authority.

~~((11))~~ (10) Notwithstanding the existence or pursuit of any other remedy, the secretary of the department of health or the director may file an action for an

injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health organization or service provider without a contract, certification, or a license under this chapter.

~~((12))~~ (11) The ~~((department))~~ authority shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

~~((13))~~ (12) The ~~((secretary))~~ director shall assume all duties assigned to the nonparticipating behavioral health organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating behavioral health organizations.

The behavioral health organizations, or the ~~((secretary's))~~ director's assumption of all responsibilities under chapters 71.05 and 71.34 RCW and this chapter, shall be included in all state and federal plans affecting the state behavioral health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

~~((14))~~ (13) The ~~((secretary))~~ director shall:

(a) Disburse funds for the behavioral health organizations within sixty days of approval of the biennial contract. The ~~((department))~~ authority must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with behavioral health organizations. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify behavioral health organizations of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to behavioral health

organizations based solely upon formal findings of noncompliance with the terms of the behavioral health organization's contract with the ~~((department))~~ authority. Behavioral health organizations disputing the decision of the ~~((secretary))~~ director to withhold funding allocations are limited to the remedies provided in the ~~((department's))~~ authority's contracts with the behavioral health organizations.

~~((15))~~ (14) The ~~((department))~~ authority, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities licensed under chapter 71.12 RCW or certified under chapter 71.05 RCW. The ~~((department))~~ authority shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

~~((16))~~ (15) The ~~((department))~~ authority may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide

substance use disorder treatment programs.

Sec. 4005. RCW 71.24.037 and 2017 c 330 s 2 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed or certified behavioral health service providers and services, whether those service providers and services are licensed or certified to provide solely mental health services, substance use disorder treatment services, or services to persons with co-occurring disorders.

(2) Minimum standards for licensed or certified behavioral health service providers shall, at a minimum, establish: Qualifications for staff providing services directly to persons with mental disorders, substance use disorders, or both, the intended result of each service, and the rights and responsibilities of persons receiving behavioral health services pursuant to this chapter. The secretary shall provide for deeming of licensed or certified behavioral health service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between behavioral health service providers.

(4) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW ~~((43.20A.205))~~ 43.70.115 governs notice of a license or certification denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(5) No licensed or certified behavioral health service provider may advertise or represent itself as a licensed or certified behavioral health service provider if approval has not been granted, has been denied, suspended, revoked, or canceled.

(6) Licensure or certification as a behavioral health service provider is effective for one calendar year from the date of issuance of the license or certification. The license or certification must specify the types of services provided by the behavioral health service provider that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(7) Licensure or certification as a licensed or certified behavioral health service provider must specify the types of services provided that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensed or certified behavioral health service providers may not provide types of services for which the licensed or certified behavioral health service provider has not been certified. Licensed or certified behavioral health service providers may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(9) The department periodically shall inspect licensed or certified behavioral health service providers at reasonable times and in a reasonable manner.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed or certified behavioral health service provider refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(11) The department shall maintain and periodically publish a current list of licensed or certified behavioral health service providers.

(12) Each licensed or certified behavioral health service provider shall file with the department or the authority upon request, data, statistics,

schedules, and information the department or the authority reasonably requires. A licensed or certified behavioral health service provider that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license or certification revoked or suspended.

(13) The ~~((department))~~ authority shall use the data provided in subsection (12) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the ~~((department))~~ authority shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(14) Any settlement agreement entered into between the department and licensed or certified behavioral health service providers to resolve administrative complaints, license or certification violations, license or certification suspensions, or license or certification revocations may not reduce the number of violations reported by the department unless the department concludes, based on evidence gathered by inspectors, that the licensed or certified behavioral health service provider did not commit one or more of the violations.

(15) In cases in which a behavioral health service provider that is in violation of licensing or certification standards attempts to transfer or sell the behavioral health service provider to a family member, the transfer or sale may only be made for the purpose of remedying license or certification violations and achieving full compliance with the terms of the license or certification. Transfers or sales to family members are prohibited in cases in which the purpose of the transfer or sale is to avoid liability or reset the number of license or certification violations found before the transfer or sale. If the department finds that the owner intends to transfer or sell, or has completed the transfer or sale of, ownership of the behavioral

health service provider to a family member solely for the purpose of resetting the number of violations found before the transfer or sale, the department may not renew the behavioral health service provider's license or certification or issue a new license or certification to the behavioral health service provider.

Sec. 4006. RCW 71.24.045 and 2016 sp.s. c 29 s 421 are each amended to read as follows:

The behavioral health organization shall:

(1) Contract as needed with licensed or certified service providers. The behavioral health organization may, in the absence of a licensed or certified service provider entity, become a licensed or certified service provider entity pursuant to minimum standards required for licensing or certification by the department for the purpose of providing services not available from licensed or certified service providers;

(2) Operate as a licensed or certified service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the behavioral health organization shall comply with rules ~~((promulgated))~~ adopted by the ~~((secretary))~~ director that shall provide measurements to determine when a behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed or certified service providers who have contracted with the behavioral health organization to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed or certified service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services and the ~~((department's))~~ authority's information system;

(7) Collaborate to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities;

(8) Work with the ~~((department))~~ authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) Work closely with the designated crisis responder to maximize appropriate placement of persons into community services; and

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state psychiatric hospital that they no longer need intensive inpatient care.

Sec. 4007. RCW 71.24.061 and 2014 c 225 s 35 are each amended to read as follows:

(1) The ~~((department))~~ authority shall provide flexibility in provider contracting to behavioral health organizations for children's mental health services. ~~((Beginning with 2007-2009 biennium contracts,))~~ Behavioral health organization contracts shall authorize behavioral health organizations to allow and encourage licensed or certified community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and

promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the ((department)) authority and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the ((department)) authority in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

Sec. 4008. RCW 71.24.100 and 2014 c 225 s 14 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to respond to a request for a detailed plan and contract with the state to operate a behavioral health organization whose boundaries are consistent with the regional service areas established under RCW 43.20A.893 (as recodified by this act). Any agreement between two or more county authorities shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he or she is treasurer.

Sec. 4009. RCW 71.24.155 and 2014 c 225 s 36 are each amended to read as follows:

Grants shall be made by the ((department)) authority to behavioral health organizations for community mental health programs totaling not less than ninety-five percent of available resources. The ((department)) authority may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

Sec. 4010. RCW 71.24.160 and 2014 c 225 s 37 are each amended to read as follows:

The behavioral health organizations shall make satisfactory showing to the ((secretary)) director that state funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under RCW 71.05.730 must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 4011. RCW 71.24.215 and 1982 c 204 s 11 are each amended to read as follows:

Clients receiving mental health services funded by available resources shall be charged a fee under sliding-scale fee schedules, based on ability to pay, approved by the ((department)) authority or the department of social and health services, as appropriate. Fees shall not exceed the actual cost of care.

Sec. 4012. RCW 71.24.220 and 1999 c 10 s 8 are each amended to read as follows:

The ((secretary)) director may withhold state grants in whole or in part for any community mental health program in the event of a failure to comply with this chapter or the related rules adopted by the ((department)) authority.

Sec. 4013. RCW 71.24.240 and 2014 c 225 s 49 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any behavioral health organization seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the ((secretary)) director for prior review and approval before such plans are submitted to any federal agency.

Sec. 4014. RCW 71.24.300 and 2016 sp.s. c 29 s 522 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a behavioral health organization the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the behavioral health organization.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state behavioral health authority may not determine the roles and responsibilities of county authorities as to each other under behavioral health organizations by rule, except to assure that all duties required of behavioral health organizations are assigned and that counties and the behavioral health organization do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the behavioral health organization's contract with the ((secretary)) director.

(4) If a behavioral health organization is a private entity, the ((department)) authority shall allow for the inclusion of the tribal authority to be represented as a party to the behavioral health organization.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the

((department)) authority, through negotiation with the tribal authority.

(6) Behavioral health organizations shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each behavioral health organization evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Behavioral health organizations may contract to purchase evaluation and treatment services from other organizations if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the ((secretary)) director is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each behavioral health organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the ((secretary)) director.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be

discharged from resource management services.

(7) A behavioral health organization may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a behavioral health organization be made available to support the operations of the behavioral health organization. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each behavioral health organization shall appoint a behavioral health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the behavioral health organization, and work with the behavioral health organization to resolve significant concerns regarding service delivery and outcomes. The ((department)) authority shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the ((department)) authority regarding behavioral health organization performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers of substance use disorder and mental health services and their families, law enforcement, and, where the county is not the behavioral health organization, county elected officials. Composition and length of terms of board members may differ between behavioral health organizations but shall be included in each behavioral health organization's contract and approved by the ((secretary)) director.

(9) Behavioral health organizations shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the ((secretary)) director.

(10) Behavioral health organizations may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted

under this subsection must be fully integrated with the behavioral health organization six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

Sec. 4015. RCW 71.24.310 and 2017 c 222 s 1 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the behavioral health organization defined in RCW 71.24.025. For this reason, the legislature intends that the ~~((department))~~ authority and the behavioral health organizations shall work together to implement chapter 71.05 RCW as follows:

(1) ~~((By June 1, 2006,))~~ Behavioral health organizations shall recommend to the ~~((department))~~ authority the number of state hospital beds that should be allocated for use by each behavioral health organization. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the behavioral health organizations regarding the number of state hospital beds that should be allocated for use by each behavioral health organization, the ~~((department))~~ authority shall contract with each behavioral health organization accordingly.

(3) If there is not consensus among the behavioral health organizations regarding the number of beds that should be allocated for use by each behavioral health organization, the ~~((department))~~ authority shall establish by emergency rule the number of state hospital beds that are available for use by each behavioral health organization. ~~((The emergency rule shall be effective September 1, 2006.))~~ The primary factor used in the allocation shall be the estimated number of adults with acute and chronic mental illness in each behavioral health organization area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to

reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The ~~((department))~~ authority is encouraged to enter performance-based contracts with behavioral health organizations to provide some or all of the behavioral health organization's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the behavioral health organization in the state hospital.

(6) If a behavioral health organization uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the ~~((department))~~ authority for that care. Reimbursements must be calculated using quarterly average census data to determine an average number of days used in excess of the bed allocation for the quarter. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital ~~((and, during the 2007-2009 fiscal biennium, implementing new services that will enable a behavioral health organization to reduce its utilization of the state hospital)).~~ The ~~((department))~~ authority shall distribute the remaining half of such reimbursements among behavioral health organizations that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

Sec. 4016. RCW 71.24.320 and 2014 c 225 s 50 are each amended to read as follows:

(1) If an existing behavioral health organization chooses not to respond to a request for a detailed plan, or is unable to substantially meet the requirements of a request for a detailed plan, or notifies the (~~department of social and health services~~) authority it will no longer serve as a behavioral health organization, the (~~department~~) authority shall utilize a procurement process in which other entities recognized by the (~~secretary~~) director may bid to serve as the behavioral health organization.

(a) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(b) The (~~department~~) authority shall provide detailed briefings to all bidders in accordance with (~~department~~) authority and state procurement policies.

(c) The request for proposal shall also include a scoring factor for proposals submitted by nonprofit entities that include a component to maximize the utilization of state provided resources and the leverage of other funds for the support of mental health services to persons with mental illness.

(2) A behavioral health organization that voluntarily terminates, refuses to renew, or refuses to sign a mandatory amendment to its contract to act as a behavioral health organization is prohibited from responding to a procurement under this section or serving as a behavioral health organization for five years from the date that the department of social and health services, or the authority, as applicable, signs a contract with the entity that will serve as the behavioral health organization.

Sec. 4017. RCW 71.24.330 and 2016 sp.s. c 29 s 422 are each amended to read as follows:

(1)(a) Contracts between a behavioral health organization and the (~~department~~) authority shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the

requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(b) The (~~department~~) authority shall incorporate the criteria to measure the performance of service coordination organizations into contracts with behavioral health organizations as provided in chapter 70.320 RCW.

(2) The behavioral health organization procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a behavioral health organization selected through the procurement process is not required to contract for services with any county-owned or operated facility. The behavioral health organization procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the behavioral health organization does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of (~~department~~) authority adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated crisis responders;

(e) Except at the discretion of the secretary of the department of social and health services in consultation with the director or as specified in the biennial budget, require behavioral health organizations to pay the state for the costs associated with individuals who are being served on the grounds of the state

hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause;

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a behavioral health organization. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a behavioral health organization they shall provide ninety days' advance notice in writing to the other party;

(h) Require behavioral health organizations to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program and meets behavioral health organization access to care standards; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health organization has adequate available resources to provide the services; and

(i) Establish caseload guidelines for care coordinators who supervise less restrictive alternative orders and guidelines for response times during and immediately following periods of hospitalization or incarceration.

Sec. 4018. RCW 71.24.340 and 2014 c 225 s 16 are each amended to read as follows:

The (~~secretary~~) director shall require the behavioral health organizations to develop agreements with city and county jails to accept referrals for enrollment on behalf of a confined person, prior to the person's release.

Sec. 4019. RCW 71.24.350 and 2016 sp.s. c 29 s 523 are each amended to read as follows:

The (~~department~~) authority shall require each behavioral health organization to provide for a separately funded behavioral health ombuds office in each behavioral health organization that is independent of the behavioral health organization. The ombuds office shall maximize the use of consumer advocates.

Sec. 4020. RCW 71.24.360 and 2014 c 225 s 52 are each amended to read as follows:

(1) The (~~department~~) authority may establish new behavioral health organization boundaries in any part of the state:

(a) Where more than one organization chooses not to respond to, or is unable to substantially meet the requirements of, the request for a detailed plan under RCW 71.24.320;

(b) Where a behavioral health organization is subject to reprourement under RCW 71.24.330; or

(c) Where two or more behavioral health organizations propose to reconfigure themselves to achieve consolidation, in which case the procurement process described in RCW 71.24.320 and 71.24.330(2) does not apply.

(2) The (~~department~~) authority may establish no fewer than six and no more than fourteen behavioral health organizations under this chapter. No entity shall be responsible for more than three behavioral health organizations.

Sec. 4021. RCW 71.24.370 and 2014 c 225 s 42 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the (~~department~~) authority and the behavioral health organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability

against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, behavioral health organizations, and entities which contract to provide behavioral health organization services and their subcontractors, agents, or employees.

Sec. 4022. RCW 71.24.380 and 2014 c 225 s 5 are each amended to read as follows:

(1) The (~~(secretary)~~) director shall purchase mental health and chemical dependency treatment services primarily through managed care contracting, but may continue to purchase behavioral health services directly from tribal clinics and other tribal providers.

(2)(a) The (~~(secretary)~~) director shall request a detailed plan from the entities identified in (b) of this subsection that demonstrates compliance with the contractual elements of RCW 43.20A.894 (as recodified by this act) and federal regulations related to medicaid managed care contracting(~~(7)~~) including, but not limited to: Having a sufficient network of providers to provide adequate access to mental health and chemical dependency services for residents of the regional service area that meet eligibility criteria for services, ability to maintain and manage adequate reserves, and maintenance of quality assurance processes. Any responding entity that submits a detailed plan that demonstrates that it can meet the requirements of this section must be awarded the contract to serve as the behavioral health organization.

(b)(i) For purposes of responding to the request for a detailed plan under (a) of this subsection, the entities from which a plan will be requested are:

(A) A county in a single county regional service area that currently serves as the regional support network for that area;

(B) In the event that a county has made a decision prior to January 1, 2014, not to contract as a regional support

network, any private entity that serves as the regional support network for that area;

(C) All counties within a regional service area that includes more than one county, which shall form a responding entity through the adoption of an interlocal agreement. The interlocal agreement must specify the terms by which the responding entity shall serve as the behavioral health organization within the regional service area.

(ii) In the event that a regional service area is comprised of multiple counties including one that has made a decision prior to January 1, 2014, not to contract as a regional support network the counties shall adopt an interlocal agreement and may respond to the request for a detailed plan under (a) of this subsection and the private entity may also respond to the request for a detailed plan. If both responding entities meet the requirements of this section, the responding entities shall follow the (~~(department's)~~) authority's procurement process established in subsection (3) of this section.

(3) If an entity that has received a request under this section to submit a detailed plan does not respond to the request, a responding entity under subsection (1) of this section is unable to substantially meet the requirements of the request for a detailed plan, or more than one responding entity substantially meets the requirements for the request for a detailed plan, the (~~(department)~~) authority shall use a procurement process in which other entities recognized by the (~~(secretary)~~) director may bid to serve as the behavioral health organization in that regional service area.

(4) Contracts for behavioral health organizations must begin on April 1, 2016.

(5) Upon request of all of the county authorities in a regional service area, the (~~(department and the health care)~~) authority may (~~(jointly)~~) purchase behavioral health services through an integrated medical and behavioral health services contract with a behavioral health organization or a managed health care system as defined in RCW 74.09.522, pursuant to standards to be developed (~~(jointly)~~) by the (~~(secretary and the health care)~~) authority. Any contract for such a purchase must comply with all federal medicaid and state law

requirements related to managed health care contracting.

(6) As an incentive to county authorities to become early adopters of fully integrated purchasing of medical and behavioral health services, the standards adopted by the (~~secretary and the health care~~) authority under subsection (5) of this section shall provide for an incentive payment to counties which elect to move to full integration by January 1, 2016. Subject to federal approval, the incentive payment shall be targeted at ten percent of savings realized by the state within the regional service area in which the fully integrated purchasing takes place. Savings shall be calculated in alignment with the outcome and performance measures established in RCW 43.20A.895, 70.320.020, and 71.36.025, and incentive payments for early adopter counties shall be made available for up to a six-year period, or until full integration of medical and behavioral health services is accomplished statewide, whichever comes sooner, according to rules to be developed by the (~~secretary and health care~~) authority.

Sec. 4023. RCW 71.24.385 and 2016 sp.s. c 29 s 510 are each amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

- (i) Crisis diversion services;
- (ii) Evaluation and treatment and community hospital beds;
- (iii) Residential treatment;
- (iv) Programs for intensive community treatment;
- (v) Outpatient services;
- (vi) Peer support services;
- (vii) Community support services;
- (viii) Resource management services; and
- (ix) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

- (A) Withdrawal management;
- (B) Residential treatment; and
- (C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(iii) The (~~department~~) authority may contract for the use of an approved substance use disorder treatment program or other individual or organization if the (~~secretary~~) director considers this to be an effective and economical course to follow.

(2) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 4024. RCW 71.24.400 and 2001 c 323 s 18 are each amended to read as follows:

The legislature finds that the current complex set of federal, state, and local rules and regulations, audited and administered at multiple levels, which affect the community mental health service delivery system, focus primarily

on the process of providing mental health services and do not sufficiently address consumer and system outcomes. The legislature finds that the ((department)) authority and the community mental health service delivery system must make ongoing efforts to achieve the purposes set forth in RCW 71.24.015 related to reduced administrative layering, duplication, elimination of process measures not specifically required by the federal government for the receipt of federal funds, and reduced administrative costs.

Sec. 4025. RCW 71.24.405 and 2014 c 225 s 53 are each amended to read as follows:

The ((department)) authority shall establish a comprehensive and collaborative effort within behavioral health organizations and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The ((department)) authority must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to this chapter ((71.24-RCW)) must be used to measure the performance of mental health service providers and behavioral health organizations. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community

living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the ((department of social and health services)) authority and behavioral health organizations and mental health service providers that link financial incentives to the success or failure of mental health service providers and behavioral health organizations to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients under section 5 of this act; and

(6) An independent evaluation component to measure the success of the ((department)) authority in fully implementing the provisions of RCW 71.24.400 and this section.

Sec. 4026. RCW 71.24.415 and 1999 c 10 s 12 are each amended to read as follows:

To carry out the purposes specified in RCW 71.24.400, the ((department)) authority is encouraged to utilize its authority to eliminate any unnecessary rules, regulations, standards, or contracts, to immediately eliminate duplication of audits or any other unnecessarily duplicated functions, and to seek any waivers of federal or state rules or regulations necessary to achieve the purpose of streamlining the community mental health service delivery system and infusing it with incentives that reward efficiency, positive outcomes for clients, and quality services.

Sec. 4027. RCW 71.24.420 and 2014 c 225 s 17 are each amended to read as follows:

The ((department)) authority shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as

appropriated in the biennial operating budget, shall be appropriated to the ((department)) authority each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The ((department)) authority may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures established in RCW 43.20A.895 and 71.36.025 and performance measures linked to those outcomes.

(3) The ((department)) authority shall implement strategies that accomplish the outcome measures established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes.

(4) The ((department)) authority shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

Sec. 4028. RCW 71.24.430 and 2014 c 225 s 54 are each amended to read as follows:

(1) The ((department)) authority shall ensure the coordination of allied services for mental health clients. The ((department)) authority shall implement strategies for resolving organizational, regulatory, and funding issues at all levels of the system, including the state, the behavioral health organizations, and local service providers.

(2) The ((department)) authority shall propose, in operating budget requests, transfers of funding among programs to support collaborative service delivery to persons who require services from multiple department of social and health services and authority programs. The ((department)) authority shall report annually to the appropriate committees of the senate and house of representatives on actions and projects it has taken to promote collaborative service delivery.

Sec. 4029. RCW 71.24.455 and 2014 c 225 s 43 are each amended to read as follows:

(1) The ((secretary)) director shall select and contract with a behavioral health organization or private provider to provide specialized access and

services to offenders with mental illness upon release from total confinement within the department of corrections who have been identified by the department of corrections and selected by the behavioral health organization or private provider as high-priority clients for services and who meet service program entrance criteria. The program shall enroll no more than twenty-five offenders at any one time, or a number of offenders that can be accommodated within the appropriated funding level, and shall seek to fill any vacancies that occur.

(2) Criteria shall include a determination by department of corrections staff that:

(a) The offender suffers from a major mental illness and needs continued mental health treatment;

(b) The offender's previous crime or crimes have been determined by either the court or department of corrections staff to have been substantially influenced by the offender's mental illness;

(c) It is believed the offender will be less likely to commit further criminal acts if provided ongoing mental health care;

(d) The offender is unable or unlikely to obtain housing and/or treatment from other sources for any reason; and

(e) The offender has at least one year remaining before his or her sentence expires but is within six months of release to community housing and is currently housed within a work release facility or any department of corrections' division of prisons facility.

(3) The behavioral health organization or private provider shall provide specialized access and services to the selected offenders. The services shall be aimed at lowering the risk of recidivism. An oversight committee composed of a representative of the ((department)) authority, a representative of the selected behavioral health organization or private provider, and a representative of the department of corrections shall develop policies to guide the pilot program, provide dispute resolution including making determinations as to when entrance criteria or required services may be waived in individual cases, advise the department of corrections and the behavioral health organization or private provider on the

selection of eligible offenders, and set minimum requirements for service contracts. The selected behavioral health organization or private provider shall implement the policies and service contracts. The following services shall be provided:

(a) Intensive case management to include a full range of intensive community support and treatment in client-to-staff ratios of not more than ten offenders per case manager including: (i) A minimum of weekly group and weekly individual counseling; (ii) home visits by the program manager at least two times per month; and (iii) counseling focusing on relapse prevention and past, current, or future behavior of the offender.

(b) The case manager shall attempt to locate and procure housing appropriate to the living and clinical needs of the offender and as needed to maintain the psychiatric stability of the offender. The entire range of emergency, transitional, and permanent housing and involuntary hospitalization must be considered as available housing options. A housing subsidy may be provided to offenders to defray housing costs up to a maximum of six thousand six hundred dollars per offender per year and be administered by the case manager. Additional funding sources may be used to offset these costs when available.

(c) The case manager shall collaborate with the assigned prison, work release, or community corrections staff during release planning, prior to discharge, and in ongoing supervision of the offender while under the authority of the department of corrections.

(d) Medications including the full range of psychotropic medications including atypical antipsychotic medications may be required as a condition of the program. Medication prescription, medication monitoring, and counseling to support offender understanding, acceptance, and compliance with prescribed medication regimens must be included.

(e) A systematic effort to engage offenders to continuously involve themselves in current and long-term treatment and appropriate rehabilitative activities shall be made.

(f) Classes appropriate to the clinical and living needs of the offender and appropriate to his or her level of understanding.

(g) The case manager shall assist the offender in the application and qualification for entitlement funding, including medicaid, state assistance, and other available government and private assistance at any point that the offender is qualified and resources are available.

(h) The offender shall be provided access to daily activities such as drop-in centers, prevocational and vocational training and jobs, and volunteer activities.

(4) Once an offender has been selected into the pilot program, the offender shall remain in the program until the end of his or her sentence or unless the offender is released from the pilot program earlier by the department of corrections.

(5) Specialized training in the management and supervision of high-crime risk offenders with mental illness shall be provided to all participating mental health providers by the ~~((department))~~ authority and the department of corrections prior to their participation in the program and as requested thereafter.

(6) The pilot program provided for in this section must be providing services by July 1, 1998.

Sec. 4030. RCW 71.24.460 and 1999 c 10 s 13 are each amended to read as follows:

The ~~((department))~~ authority, in collaboration with the department of corrections and the oversight committee created in RCW 71.24.455, shall track outcomes and submit to the legislature annual reports regarding services and outcomes. The reports shall include the following: (1) A statistical analysis regarding the reoffense and reinstitutionalization rate by the enrollees in the program set forth in RCW 71.24.455; (2) a quantitative description of the services provided in the program set forth in RCW 71.24.455; and (3) recommendations for any needed modifications in the services and funding levels to increase the effectiveness of the program set forth in RCW 71.24.455. By December 1, 2003, the department shall certify the reoffense rate for enrollees in the program authorized by RCW 71.24.455 to the office of financial management and the appropriate

legislative committees. If the reoffense rate exceeds fifteen percent, the authorization for the department to conduct the program under RCW 71.24.455 is terminated on January 1, 2004.

Sec. 4031. RCW 71.24.470 and 2014 c 225 s 44 are each amended to read as follows:

(1) The (~~secretary~~) director shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the (~~secretary~~) director deems necessary to assist offenders identified under RCW 72.09.370 for participation in the offender reentry community safety program. The contracts may be with behavioral health organizations or any other qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, obtaining chemical dependency treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section and distributed to the behavioral health organizations are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The offender reentry community safety program was formerly known as the community integration assistance program.

Sec. 4032. RCW 71.24.480 and 2014 c 225 s 45 are each amended to read as follows:

(1) A licensed or certified service provider or behavioral health organization, acting in the course of the provider's or organization's duties under this chapter, is not liable for civil damages resulting from the injury or death of another caused by a participant in the offender reentry community safety program who is a client of the provider or organization, unless the act or omission of the provider or organization constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed or certified service provider and behavioral health organization shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed or certified service provider's or behavioral health organization's mere act of treating a participant in the offender reentry community safety program is not negligence. Nothing in this subsection alters the licensed or certified service provider's or behavioral health organization's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed or certified service providers and behavioral health organizations and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the offender reentry community safety program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to be dangerous to himself or herself or others; and (b) has a mental disorder.

Sec. 4033. RCW 71.24.490 and 2015 c 269 s 11 are each amended to read as follows:

The (~~department~~) authority must collaborate with regional support networks or behavioral health organizations and the Washington state institute for public policy to estimate the capacity needs for evaluation and treatment services within each regional service area. Estimated capacity needs shall include consideration of the average occupancy rates needed to provide an adequate network of evaluation and treatment services to ensure access to treatment. A regional service network or behavioral health organization must develop and maintain an adequate plan to provide for evaluation and treatment needs.

Sec. 4034. RCW 71.24.500 and 2016 c 154 s 3 are each amended to read as follows:

The department of social and health services and the (~~Washington state health care~~) authority shall publish written guidance and provide trainings to behavioral health organizations, managed care organizations, and behavioral health providers related to how these organizations may provide outreach, assistance, transition planning, and rehabilitation case management reimbursable under federal law to persons who are incarcerated, involuntarily hospitalized, or in the process of transitioning out of one of these services. The guidance and trainings may also highlight preventive activities not reimbursable under federal law which may be cost-effective in a managed care environment. The purpose of this written guidance and trainings is to champion best clinical practices including, where appropriate, use of care coordination and long-acting injectable psychotropic medication, and to assist the health community to leverage federal funds and standardize payment and reporting procedures. The authority and the department of social and health services shall construe governing laws liberally to effectuate the broad remedial purposes of chapter 154, Laws of 2016, and provide a status update to the legislature by December 31, 2016.

Sec. 4035. RCW 71.24.515 and 2016 sp.s. c 29 s 514 are each amended to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at division of children and family services offices to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site substance use disorder screening and assessment, facilitating progress reports to department of social and health services employees, in-service training of department of social and health services employees and staff on substance use disorder issues, referring clients from the department of social and health services to treatment providers, and providing consultation on cases to department of social and health services employees.

(3) The department of social and health services shall provide training in and ensure that each case-carrying employee is trained in uniform screening for mental health and substance use disorder.

Sec. 4036. RCW 71.24.520 and 2014 c 225 s 22 are each amended to read as follows:

The (~~department~~) authority, in the operation of the chemical dependency program may:

(1) Plan, establish, and maintain prevention and treatment programs as necessary or desirable;

(2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, or intoxicated persons;

(3) Enter into agreements for monitoring of verification of

qualifications of counselors employed by approved treatment programs;

(4) Adopt rules under chapter 34.05 RCW to carry out the provisions and purposes of this chapter and contract, cooperate, and coordinate with other public or private agencies or individuals for those purposes;

(5) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(6) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(7) Coordinate its activities and cooperate with chemical dependency programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and for the common advancement of chemical dependency programs;

(8) Keep records and engage in research and the gathering of relevant statistics;

(9) Do other acts and things necessary or convenient to execute the authority expressly granted to it;

(10) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment programs.

Sec. 4037. RCW 71.24.525 and 1989 c 270 s 7 are each amended to read as follows:

Pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW, the ~~((department))~~ authority may enter into agreements to accomplish the purposes of this chapter.

Sec. 4038. RCW 71.24.530 and 2016 sp.s. c 29 s 515 are each amended to read as follows:

Except as provided in this chapter, the ~~((secretary))~~ director shall not approve any substance use disorder facility, plan, or program for financial assistance under RCW 71.24.520 unless at least ten percent of the amount spent for the facility, plan, or program is provided from local public or private sources. When deemed necessary to maintain public standards of care in the substance use disorder facility, plan, or program, the ~~((secretary))~~ director may require the substance use disorder facility, plan, or program to provide up to fifty percent of the total spent for the program through fees, gifts, contributions, or volunteer services. The ~~((secretary))~~ director shall determine the value of the gifts, contributions, and volunteer services.

Sec. 4039. RCW 71.24.535 and 2016 sp.s. c 29 s 504 are each amended to read as follows:

The ~~((department))~~ authority shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Assure that any behavioral health organization managed care contract, or managed care contract under RCW 74.09.522 for behavioral health services or programs for the treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons provides medically necessary services to medicaid recipients. This must include a continuum of mental health and substance use disorder services consistent with the state's medicaid plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the ~~((department))~~ authority;

(3) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(4) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

(5) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of substance use disorders, treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(6) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

(7) Develop and implement, as an integral part of substance use disorder treatment programs, an educational program for use in the treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

(8) Organize and foster training programs for persons engaged in treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(9) Sponsor and encourage research into the causes and nature of substance use disorders, treatment of persons with substance use disorders, persons incapacitated by alcohol or other

psychoactive chemicals, and intoxicated persons, and serve as a clearinghouse for information relating to substance use disorders;

(10) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(11) Advise the governor in the preparation of a comprehensive plan for treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons for inclusion in the state's comprehensive health plan;

(12) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance use disorders;

(13) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

(14) Use the support and assistance of interested persons in the community to encourage persons with substance use disorders voluntarily to undergo treatment;

(15) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(16) Encourage general hospitals and other appropriate health facilities to admit without discrimination persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

(17) Encourage all health and disability insurance programs to include substance use disorders as a covered illness; and

(18) Organize and sponsor a statewide program to help court personnel, including judges, better understand substance use disorders and the uses of

substance use disorder treatment programs.

Sec. 4040. RCW 71.24.540 and 2016 sp.s. c 29 s 516 are each amended to read as follows:

The (~~(department)~~) authority shall contract with counties operating drug courts and counties in the process of implementing new drug courts for the provision of substance use disorder treatment services.

Sec. 4041. RCW 71.24.545 and 2014 c 225 s 25 are each amended to read as follows:

(1) (~~(In coordination with the health care)~~) The authority (~~(, the department)~~) shall establish by appropriate means (~~(,)~~) a comprehensive and coordinated program for the treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(2)(a) The program shall include, but not necessarily be limited to, a continuum of chemical dependency treatment services that includes:

- (i) Withdrawal management;
- (ii) Residential treatment; and
- (iii) Outpatient treatment.

(b) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(3) All appropriate public and private resources shall be coordinated with and used in the program when possible.

(4) The (~~(department)~~) authority may contract for the use of an approved treatment program or other individual or organization if the (~~(secretary)~~) director considers this to be an effective and economical course to follow.

(5) By April 1, 2016, treatment provided under this chapter must be purchased primarily through managed care contracts. Consistent with RCW (~~(70.96A.350)~~) 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 4042. RCW 71.24.555 and 2016 sp.s. c 29 s 517 are each amended to read as follows:

To be eligible to receive its share of liquor taxes and profits, each city and county shall devote no less than two percent of its share of liquor taxes and profits to the support of a substance use disorder program approved by the behavioral health organization and the (~~(secretary)~~) director, and licensed or certified by the department of health.

Sec. 4043. RCW 71.24.565 and 2014 c 225 s 27 are each amended to read as follows:

The (~~(secretary)~~) director shall adopt and may amend and repeal rules for acceptance of persons into the approved treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons. In establishing the rules, the secretary shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient treatment, unless he or she is found to require residential treatment.

(3) A person shall not be denied treatment solely because he or she has withdrawn from treatment against medical advice on a prior occasion or because he or she has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(5) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and use other appropriate treatment.

Sec. 4044. RCW 71.24.580 and 2017 3rd sp.s. c 1 s 981 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury.

Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act and the excess fund balance of the account.))~~ During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. It is the intent of the legislature to continue, in future biennia, the policy of transferring to the state general fund such amounts as reflect the excess fund balance of the account. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance use disorder treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be

increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the ~~((department))~~ authority from the criminal justice treatment account shall be distributed as specified in this subsection. The ~~((department))~~ authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the ~~((department))~~ authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The ~~((division of alcohol and substance abuse))~~ authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the ~~((department))~~ authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the ~~((department))~~ authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The ~~((department))~~ authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington

association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers (~~(, and the division)~~). The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 71.24.560, treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.30.030(3).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.

Sec. 4045. RCW 71.24.590 and 2017 c 297 s 14 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall

prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) For the purpose of this chapter, opioid treatment program means:

(a) Dispensing a medication approved by the federal drug administration for the treatment of opioid use disorder and dispensing medication for the reversal of opioid overdose; and

(b) Providing a comprehensive range of medical and rehabilitative services.

Sec. 4046. RCW 71.24.595 and 2017 c 297 s 16 are each amended to read as follows:

(1) The department, in consultation with opioid treatment program service providers and counties and cities, shall establish statewide treatment standards for licensed or certified opioid treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with opioid treatment programs and

counties, shall establish statewide operating standards for certified opioid treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified ~~((and))~~ or licensed opioid treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the opioid treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opioid treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

Sec. 4047. RCW 71.24.600 and 1989 c 271 s 308 are each reenacted and amended to read as follows:

The ~~((department))~~ authority shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

The ~~((department))~~ authority may limit admissions of such applicants or modify its programs in order to ensure that expenditures for services or programs do not exceed amounts appropriated by the legislature and are allocated by the ~~((department))~~ authority for such services or programs. The ~~((department))~~ authority may establish admission priorities in the event that the number of eligible applicants exceeds the limits set by the ~~((department))~~ authority.

Sec. 4048. RCW 71.24.605 and 1998 c 245 s 136 are each amended to read as follows:

The ~~((department))~~ authority shall contract with the University of Washington fetal alcohol syndrome clinic to provide fetal alcohol exposure screening and assessment services. The University indirect charges shall not

exceed ten percent of the total contract amount. The contract shall require the University of Washington fetal alcohol syndrome clinic to provide the following services:

(1) Training for health care staff in community-based fetal alcohol exposure clinics to ensure the accurate diagnosis of individuals with fetal alcohol exposure and the development and implementation of appropriate service referral plans;

(2) Development of written or visual educational materials for the individuals diagnosed with fetal alcohol exposure and their families or caregivers;

(3) Systematic information retrieval from each community clinic to (a) maintain diagnostic accuracy and reliability across all community clinics, (b) facilitate the development of effective and efficient screening tools for population-based identification of individuals with fetal alcohol exposure, (c) facilitate identification of the most clinically efficacious and cost-effective educational, social, vocational, and health service interventions for individuals with fetal alcohol exposure;

(4) Based on available funds, establishment of a network of community-based fetal alcohol exposure clinics across the state to meet the demand for fetal alcohol exposure diagnostic and referral services; and

(5) Preparation of an annual report for submission to the authority, the department of health, the department of social and health services, the department of corrections, and the office of the superintendent of public instruction which includes the information retrieved under subsection (3) of this section.

Sec. 4049. RCW 71.24.610 and 1995 c 54 s 3 are each amended to read as follows:

The authority, the department of social and health services, the department of health, the department of corrections, and the office of the superintendent of public instruction shall execute an interagency agreement to ensure the coordination of identification, prevention, and intervention programs for children who

have fetal alcohol exposure, and for women who are at high risk of having children with fetal alcohol exposure.

The interagency agreement shall provide a process for community advocacy groups to participate in the review and development of identification, prevention, and intervention programs administered or contracted for by the agencies executing this agreement.

Sec. 4050. RCW 71.24.615 and 2003 c 207 s 7 are each amended to read as follows:

The ~~((department))~~ authority shall prioritize expenditures for treatment provided under RCW 13.40.165. The ~~((department))~~ authority shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 27, chapter 338, Laws of 1997. The ~~((department))~~ authority may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment.

Sec. 4051. RCW 71.24.620 and 2016 sp.s. c 29 s 520 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the ~~((secretary))~~ director shall select and contract with behavioral health organizations to provide intensive case management for persons with substance use disorders and histories of high utilization of crisis services at two sites. In selecting the two sites, the ~~((secretary))~~ director shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Subject to funds appropriated for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary substance use disorder diagnosis or dual primary substance use

disorder and mental health diagnoses, through the employment of substance use disorder case managers. The substance use disorder case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 71.24.630;

(b) Reduce the use of crisis medical, substance use disorder treatment and mental health services, including but not limited to ~~(7)~~ emergency room admissions, hospitalizations, withdrawal management programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance use disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

Sec. 4052. RCW 71.24.625 and 2016 sp.s. c 29 s 521 are each amended to read as follows:

The ~~((department))~~ authority shall ensure that the provisions of this chapter are applied by the behavioral health organizations in a consistent and uniform manner. The ~~((department))~~ authority shall also ensure that, to the extent possible within available funds, the behavioral health organization-designated chemical dependency specialists are specifically trained in adolescent chemical dependency issues, the chemical dependency commitment laws, and the criteria for commitment, as specified in this chapter and chapter 70.96A RCW.

Sec. 4053. RCW 71.24.630 and 2016 sp.s. c 29 s 513 are each amended to read as follows:

(1) The ~~((department of social and health services))~~ authority shall maintain an integrated and comprehensive screening and assessment process for substance use and mental disorders and co-occurring substance use and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The ~~((department))~~ authority shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all substance use disorder and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders.

(2) The ~~((department))~~ authority shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The ~~((department))~~ authority shall establish contractual penalties to contracted treatment providers, the behavioral health organizations, and their contracted providers for failure to implement the integrated screening and assessment process.

Sec. 4054. RCW 71.24.640 and 2016 sp.s. c 29 s 507 are each amended to read as follows:

The secretary shall license or certify evaluation and treatment facilities that meet state minimum standards. The standards for certification or licensure of evaluation and treatment facilities by the department must include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and must otherwise assure the effectuation of the purposes of these chapters.

Sec. 4055. RCW 71.24.645 and 2016 sp.s. c 29 s 508 are each amended to read as follows:

The secretary shall license or certify crisis stabilization units that meet state minimum standards. The standards for certification or licensure of crisis stabilization units by the department must include standards that:

(1) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(2) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(3) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

NEW SECTION. Sec. 4056. A new section is added to chapter 71.24 RCW to read as follows:

The secretary shall license or certify triage facilities that meet state minimum standards. The standards for certification or licensure of triage facilities by the department must include standards related to the ability to assess and stabilize an individual or determine the need for involuntary commitment of an individual.

Sec. 4057. RCW 71.24.650 and 2016 sp.s. c 29 s 509 are each amended to read as follows:

The secretary shall license or certify clubhouses that meet state minimum standards. The standards for certification or licensure of a clubhouse by the department must at a minimum include:

(1) The facilities may be peer-operated and must be recovery-focused;

(2) Members and employees must work together;

(3) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations,

advocacy, and evaluation of clubhouse effectiveness;

(4) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(5) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(6) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(7) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(8) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

Sec. 4058. RCW 71.24.805 and 2001 c 334 s 1 are each amended to read as follows:

The legislature affirms its support for those recommendations of the performance audit of the public mental health system conducted by the joint legislative audit and review committee relating to: Improving the coordination of services for clients with multiple needs; improving the consistency of client, service, and fiscal data collected by the ~~((mental health division))~~ authority; replacing process-oriented accountability activities with a uniform statewide outcome measurement system; and using outcome information to identify and provide incentives for best practices in the provision of public mental health services.

Sec. 4059. RCW 71.24.810 and 2001 c 334 s 2 are each amended to read as follows:

The legislature supports recommendations 1 through 10 and 12

through 14 of the mental health system performance audit conducted by the joint legislative audit and review committee. The legislature expects the ~~((department of social and health services))~~ authority to work diligently within available funds to implement these recommendations.

Sec. 4060. RCW 71.24.850 and 2014 c 225 s 8 are each amended to read as follows:

(1) By December 1, 2018, the department of social and health services and the ~~((health care))~~ authority shall report to the governor and the legislature regarding the preparedness of each regional service area to provide mental health services, chemical dependency services, and medical care services to medicaid clients under a fully integrated managed care health system.

(2) By January 1, 2020, the community behavioral health program must be fully integrated in a managed care health system that provides mental health services, chemical dependency services, and medical care services to medicaid clients.

Sec. 4061. RCW 71.24.860 and 2016 sp.s. c 29 s 533 are each amended to read as follows:

(1) The department of social and health services and the ~~((Washington state health care))~~ authority shall convene a task force including participation by a representative cross-section of behavioral health organizations and behavioral health providers to align regulations between behavioral health and primary health care settings and simplify regulations for behavioral health providers. The alignment must support clinical integration from the standpoint of standardizing practices and culture in a manner that to the extent practicable reduces barriers to access, including reducing the paperwork burden for patients and providers. Brief integrated behavioral health services must not, in general, take longer to document than to provide. Regulations should emphasize the desired outcome rather than how they should be achieved. The task force may also make recommendations to the department of social and health services

concerning subsections (2) and (3) of this section.

(2) The department of social and health services shall collaborate with the department of health, the Washington state health care authority, and other appropriate government partners to reduce unneeded costs and burdens to health plans and providers associated with excessive audits, the licensing process, and contracting. In pursuit of this goal, the department of social and health services shall consider steps such as cooperating across divisions and agencies to combine audit functions when multiple audits of an agency or site are scheduled, sharing audit information across divisions and agencies to reduce redundancy of audits, and treating organizations with multiple sites and programs as single entities instead of as multiple agencies.

(3) The department of social and health services shall review its practices under RCW 71.24.035(5)(c) (i) to determine whether its practices comply with the statutory mandate to deem accreditation by recognized behavioral health accrediting bodies as equivalent to meeting licensure requirements, comport with standard practices used by other state divisions or agencies, and properly incentivize voluntary accreditation to the highest industry standards.

(4) The task force described in subsection (1) of this section must consider means to provide notice to parents when a minor requests chemical dependency treatment, which are consistent with federal privacy laws and consistent with the best interests of the minor and the minor's family. The department of social and health services must provide a report to the relevant committees of the legislature by December 1, 2016.

NEW SECTION. Sec. 4062. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall, upon the request of a county authority or authorities within a regional service area, collaborate with counties to create an interlocal leadership structure that includes participation from counties and the managed health care systems serving that regional service area. The interlocal leadership structure must

include representation from physical and behavioral health care providers, tribes, and other entities serving the regional service area as necessary.

(2) The interlocal leadership structure regional organization must be chaired by the counties and jointly administered by the authority, managed health care systems, and counties. It must design and implement the fully integrated managed care model for that regional service area to assure clients are at the center of care delivery and support integrated delivery of physical and behavioral health care at the provider level.

(3) The interlocal leadership structure may address, but is not limited to addressing, the following topics:

(a) Alignment of contracting, administrative functions, and other processes to minimize administrative burden at the provider level to achieve outcomes;

(b) Monitoring implementation of fully integrated managed care in the regional service area, including design of an early warning system to monitor ongoing success to achieve better outcomes and to make adjustments to the system as necessary;

(c) Developing regional coordination processes for capital infrastructure requests, local capacity building, and other community investments;

(d) Identifying, using, and building on measures and data consistent with, but not limited to, RCW 70.320.030 and 41.05.690, for tracking and maintaining regional accountability for delivery system performance; and

(e) Discussing whether the managed health care systems awarded the contract by the authority for a regional service area should subcontract with a county-based administrative service organization or other local organization, which may include and determine, in partnership with that organization, which value-add services will best support a bidirectional system of care.

(4) To ensure an optimal transition, regional service areas that enter as mid-adopters must be allowed a transition period of up to one year during which the interlocal leadership structure develops and implements a local plan, including

measurable milestones, to transition to fully integrated managed care. The transition plan may include provisions for the counties' organization to maintain existing contracts during some or all of the transition period if the managed care design begins during 2017 to 2018, with the mid-adopter transition year occurring in 2019.

(5) Nothing in this section may be used to compel contracts between a provider, integrated managed health care system, or administrative service organization.

(6) The interlocal leadership group expires December 1, 2021, unless the interlocal leadership group decides locally to extend it.

Sec. 4063. RCW 71.24.902 and 1986 c 274 s 7 are each amended to read as follows:

Nothing in this chapter shall be construed as prohibiting the secretary of the department of social and health services from consolidating ~~((within the department))~~ children's mental health services with other ~~((departmental))~~ services related to children.

PART 5

Sec. 5001. RCW 71.34.010 and 1998 c 296 s 7 are each amended to read as follows:

It is the purpose of this chapter to assure that minors in need of mental health care and treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the authority and the department that provide mental health services to minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment. The mental health care and treatment providers shall encourage the use of voluntary services and, whenever

clinically appropriate, the providers shall offer less restrictive alternatives to inpatient treatment. Additionally, all mental health care and treatment providers shall assure that minors' parents are given an opportunity to participate in the treatment decisions for their minor children. The mental health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

It is also the purpose of this chapter to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under this chapter.

Sec. 5002. RCW 71.34.020 and 2016 sp.s. c 29 s 254 and 2016 c 155 s 17 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(3) "Authority" means the Washington state health care authority.

(4) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

~~((4))~~ (5) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

~~((45))~~ (6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

~~((46))~~ (7) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

~~((47))~~ (8) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

~~((48))~~ (9) "Department" means the department of social and health services.

~~((49))~~ (10) "Designated crisis responder" means a person designated by a behavioral health organization to perform the duties specified in this chapter.

~~((410))~~ (11) "Director" means the director of the authority.

(12) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((411))~~ (13) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for

minors. A facility which is part of or operated by the ~~((department))~~ state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

~~((412))~~ (14) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

~~((413))~~ (15) "Gravely disabled minor" means a minor who, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

~~((414))~~ (16) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure detoxification facility for minors, or approved substance use disorder treatment program for minors.

~~((415))~~ (17) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((416))~~ (18) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

~~((417))~~ (19) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which

has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

~~((18))~~ (20) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

~~((19))~~ (21) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

~~((20))~~ (22) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of the department of health under this chapter.

~~((21))~~ (23) "Minor" means any person under the age of eighteen years.

~~((22))~~ (24) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified service providers as identified by RCW 71.24.025.

~~((23))~~ (25) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

~~((24))~~ (26) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a ~~((department))~~ distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

~~((25))~~ (27) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

~~((26))~~ (28) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

~~((27))~~ (29) "Psychiatric nurse" means a registered nurse who has ~~((a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years'))~~ experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional. ~~((("Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.))~~

~~((28))~~ (30) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

~~((29))~~ (31) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

~~((30))~~ (32) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a ~~((department))~~ distinct unit, floor, or ward conducted for, the care and

treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by the federal, state, county, or municipal government, or a combination of such governments.

((~~31~~)) (33) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

((~~32~~)) (34) "Secretary" means the secretary of the department or secretary's designee.

((~~33~~)) (35) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated minors:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the minor;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is licensed or certified as such by the department of health.

((~~34~~)) (36) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

((~~35~~)) (37) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

((~~36~~)) (38) "Substance use disorder" means a cluster of cognitive, behavioral,

and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 5003. RCW 71.34.300 and 2011 c 343 s 7 are each amended to read as follows:

(1) The county or combination of counties is responsible for development and coordination of the evaluation and treatment program for minors, for incorporating the program into the ((~~county~~)) mental health plan, and for coordination of evaluation and treatment services and resources with the community mental health program required under chapter 71.24 RCW.

(2) The county shall be responsible for maintaining its support of involuntary treatment services for minors at its 1984 level, adjusted for inflation, with the ((~~department~~)) authority responsible for additional costs to the county resulting from this chapter. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under RCW 71.05.730 must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 5004. RCW 71.34.365 and 1985 c 354 s 17 are each amended to read as follows:

(1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable

clothing, and the ~~((department))~~ authority shall furnish this clothing. As funds are available, the ~~((secretary))~~ director may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

Sec. 5005. RCW 71.34.375 and 2016 sp.s. c 29 s 256 are each amended to read as follows:

(1) If a parent or guardian, for the purpose of mental health treatment, substance use disorder treatment, or evaluation, brings his or her minor child to an evaluation and treatment facility, a hospital emergency room, an inpatient facility licensed under chapter 72.23 RCW, an inpatient facility licensed under chapter 70.41 or 71.12 RCW operating inpatient psychiatric beds for minors, a secure detoxification facility, or an approved substance use disorder treatment program, the facility is required to promptly provide written and verbal notice of all statutorily available treatment options contained in this chapter. The notice need not be given more than once if written and verbal notice has already been provided and documented by the facility.

(2) The provision of notice must be documented by the facilities required to give notice under subsection (1) of this section and must be accompanied by a signed acknowledgment of receipt by the parent or guardian. The notice must contain the following information:

(a) All current statutorily available treatment options including but not limited to those provided in this chapter; and

(b) The procedures to be followed to utilize the treatment options described in this chapter.

(3) The department of health shall produce, and make available, the written notification that must include, at a minimum, the information contained in subsection (2) of this section. The department of health must revise the written notification as necessary to reflect changes in the law.

Sec. 5006. RCW 71.34.380 and 1985 c 354 s 25 are each amended to read as follows:

(1) The department, department of health, and the authority shall adopt such rules pursuant to chapter 34.05 RCW as may be necessary to effectuate the intent and purposes of this chapter~~((which shall include but not be limited to evaluation of))~~.

(2) The authority shall evaluate the quality, effectiveness, efficiency, and use of services ~~((and facilities operating under this chapter))~~, procedures and standards for commitment, and ~~((other action relevant to))~~ establish criteria and procedures for placement and transfer of committed minors.

(3) The department of health shall regulate the evaluation and treatment facilities~~((and establishment of criteria and procedures for placement and transfer of committed minors))~~ and programs.

(4) The department shall operate and maintain the child study and treatment center.

Sec. 5007. RCW 71.34.385 and 2016 sp.s. c 29 s 257 are each amended to read as follows:

The ~~((department))~~ authority shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The ~~((department))~~ authority shall also ensure that, to the extent possible within available funds, the designated crisis responders are specifically trained in adolescent mental health issues, the mental health and substance use disorder civil commitment laws, and the criteria for civil commitment.

Sec. 5008. RCW 71.34.390 and 1992 c 205 s 303 are each amended to read as follows:

For the purpose of encouraging the expansion of existing evaluation and treatment facilities and the creation of new facilities, the ~~((department))~~ authority shall endeavor to redirect federal Title XIX funds which are expended on out-of-state placements to fund placements within the state.

Sec. 5009. RCW 71.34.395 and 1998 c 296 s 21 are each amended to read as follows:

The ability of a parent to bring his or her minor child to a licensed or certified evaluation and treatment program for evaluation and treatment does not create a right to obtain or benefit from any funds or resources of the state. The state may provide services for indigent minors to the extent that funds are available.

Sec. 5010. RCW 71.34.400 and 2016 sp.s. c 29 s 258 are each amended to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, minors in inpatient mental health or inpatient substance use disorder treatment shall be considered to be part of their parent's or legal guardian's household, unless the minor has been assessed by the ((department)) authority or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the parents are found to not be exercising responsibility for care and control of the minor. Payment for such care by the ((department)) authority shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the ((department)) authority.

Sec. 5011. RCW 71.34.405 and 1985 c 354 s 13 are each amended to read as follows:

(1) A minor receiving treatment under the provisions of this chapter and responsible others shall be liable for the costs of treatment, care, and transportation to the extent of available resources and ability to pay.

(2) The secretary or director, as appropriate, shall establish rules to implement this section and to define income, resources, and exemptions to determine the responsible person's or persons' ability to pay.

Sec. 5012. RCW 71.34.420 and 2016 sp.s. c 29 s 260 are each amended to read as follows:

(1) The ((department)) authority may use a single bed certification process as outlined in rule to provide additional treatment capacity for a minor suffering

from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the minor receiving treatment.

(3) A designated crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The ((department)) authority may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

Sec. 5013. RCW 71.34.600 and 2016 sp.s. c 29 s 263 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment; or

(b) A secure detoxification facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the minor has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder or has a substance use disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the ~~((department))~~ authority if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

(7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.

Sec. 5014. RCW 71.34.610 and 1998 c 296 s 9 are each amended to read as follows:

(1) The ~~((department))~~ authority shall assure that, for any minor admitted to inpatient treatment under RCW 71.34.600, a review is conducted by a physician or other mental health professional who is employed by the ~~((department))~~

authority, or an agency under contract with the ~~((department))~~ authority, and who neither has a financial interest in continued inpatient treatment of the minor nor is affiliated with the facility providing the treatment. The physician or other mental health professional shall conduct the review not less than seven nor more than fourteen days following the date the minor was brought to the facility under RCW 71.34.600 to determine whether it is a medical necessity to continue the minor's treatment on an inpatient basis.

(2) In making a determination under subsection (1) of this section, the ~~((department))~~ authority shall consider the opinion of the treatment provider, the safety of the minor, and the likelihood the minor's mental health will deteriorate if released from inpatient treatment. The ~~((department))~~ authority shall consult with the parent in advance of making its determination.

(3) If, after any review conducted by the ~~((department))~~ authority under this section, the ~~((department))~~ authority determines it is no longer a medical necessity for a minor to receive inpatient treatment, the ~~((department))~~ authority shall immediately notify the parents and the facility. The facility shall release the minor to the parents within twenty-four hours of receiving notice. If the professional person in charge and the parent believe that it is a medical necessity for the minor to remain in inpatient treatment, the minor shall be released to the parent on the second judicial day following the ~~((department's))~~ authority's determination in order to allow the parent time to file an at-risk youth petition under chapter 13.32A RCW. If the ~~((department))~~ authority determines it is a medical necessity for the minor to receive outpatient treatment and the minor declines to obtain such treatment, such refusal shall be grounds for the parent to file an at-risk youth petition.

(4) If the evaluation conducted under RCW 71.34.600 is done by the ~~((department))~~ authority, the reviews required by subsection (1) of this section shall be done by contract with an independent agency.

(5) The ~~((department))~~ authority may, subject to available funds, contract with other governmental agencies to conduct the reviews under this section. The ~~((department))~~ authority may seek

reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

(6) In addition to the review required under this section, the ~~((department))~~ authority may periodically determine and redetermine the medical necessity of treatment for purposes of payment with public funds.

Sec. 5015. RCW 71.34.630 and 2016 sp.s. c 29 s 264 are each amended to read as follows:

If the minor is not released as a result of the petition filed under RCW 71.34.620, he or she shall be released not later than thirty days following the later of: (1) The date of the ~~((department's))~~ authority's determination under RCW 71.34.610(2); or (2) the filing of a petition for judicial review under RCW 71.34.620, unless a professional person or the designated crisis responder initiates proceedings under this chapter.

Sec. 5016. RCW 71.34.640 and 1996 c 133 s 36 are each amended to read as follows:

The ~~((department))~~ authority shall randomly select and review the information on children who are admitted to inpatient treatment on application of the child's parent regardless of the source of payment, if any. The review shall determine whether the children reviewed were appropriately admitted into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

Sec. 5017. RCW 71.34.720 and 2016 sp.s. c 29 s 271 and 2016 c 155 s 19 are each reenacted and amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a chemical dependency professional, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical

condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a

petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 5018. RCW 71.34.720 and 2016 sp.s. c 29 s 272 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a chemical dependency professional, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ((facility)) program or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor

be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 5019. RCW 71.34.760 and 2016 sp.s. c 29 s 278 are each amended to read as follows:

(1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the ((secretary)) director shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility or state-funded approved substance use disorder treatment program.

(2) The ((secretary's)) director's placement authority shall be exercised through a designated placement committee appointed by the ((secretary)) director and composed of children's mental health specialists and chemical dependency professionals, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors and one chemical dependency professional who represents the state-funded approved substance use disorder treatment program. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility or approved substance use disorder treatment program, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment

needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The ~~((secretary))~~ director may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility or approved substance use disorder treatment program shall submit a report to the ~~((department's))~~ authority's designated placement committee within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the ~~((department))~~ authority requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

Sec. 5020. RCW 71.34.780 and 2016 sp.s. c 29 s 279 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor, if committed for mental health treatment, be taken into custody and transported to an inpatient evaluation and treatment facility or, if committed for substance use disorder treatment, be taken into custody and transported to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder

treatment program that has adequate space for the minor.

(2) The designated crisis responder or the director or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director or secretary, as appropriate, with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the ~~((secretary's))~~ director's placement responsibility shall apply. The hearing

may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available with adequate space for the minor.

Sec. 5021. RCW 71.34.780 and 2016 sp.s. c 29 s 280 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor, if committed for mental health treatment, be taken into custody and transported to an inpatient evaluation and treatment facility or, if committed for substance use disorder treatment, be taken into custody and transported to a secure detoxification facility or approved substance use disorder treatment program.

(2) The designated crisis responder or the director or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director or secretary, as appropriate, with the court in the

county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the ~~((secretary's))~~ director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

Sec. 5022. RCW 71.34.790 and 1985 c 354 s 15 are each amended to read as follows:

Necessary transportation for minors committed to the ~~((secretary))~~ director under this chapter for one hundred eighty-day treatment shall be provided by the ~~((department))~~ authority in the most appropriate and cost-effective means.

Sec. 5023. RCW 71.36.010 and 2014 c 225 s 91 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Behavioral health organization" means a county authority or group of county authorities or other nonprofit entity that has entered into contracts with the ~~((secretary))~~ health care authority pursuant to chapter 71.24 RCW.

(3) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(4) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(5) "County authority" means the board of county commissioners or county executive.

(6) ~~((("Department" means the department of social and health services.~~

~~(7))~~ "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

~~((8))~~ (7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

~~((9))~~ (8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

~~((10))~~ (9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

~~((11))~~ (10) "Research-based" means a program or practice that has some research demonstrating effectiveness,

but that does not yet meet the standard of evidence-based practices.

~~((12) "Secretary" means the secretary of social and health services.~~

~~(13))~~ (11) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The team produces a community-based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

Sec. 5024. RCW 71.36.025 and 2014 c 225 s 92 are each amended to read as follows:

(1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based and research-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home

placement or involved with multiple child-serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The ((department)) health care authority and the evidence-based practice institute established in RCW 71.24.061, in consultation with parents, caregivers, youth, behavioral health organizations, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement and reporting systems developed and implemented under chapter 71.24 RCW.

Sec. 5025. RCW 71.36.040 and 2014 c 225 s 93 are each amended to read as follows:

(1) The legislature supports recommendations made in the August 2002 study of the public mental health system for children conducted by the joint legislative audit and review committee.

(2) The ((department)) health care authority shall, within available funds:

(a) Identify internal business operation issues that limit the agency's ability to meet legislative intent to coordinate existing categorical children's mental health programs and funding;

(b) Collect reliable mental health cost, service, and outcome data specific to children. This information must be used to identify best practices and methods of improving fiscal management;

(c) Revise the early periodic screening diagnosis and treatment plan to reflect the mental health system structure in place on July 27, 2003, and thereafter revise the plan as necessary to conform to subsequent changes in the structure.

(3) The ((department)) health care authority and the office of the superintendent of public instruction shall jointly identify school districts where mental health and education systems coordinate services and resources to provide public mental health care for children. The ((department)) health care authority and the office of the superintendent of public instruction shall work together to share information about these approaches with other school districts, behavioral health organizations, and state agencies.

Sec. 5026. RCW 71.36.060 and 2007 c 359 s 6 are each amended to read as follows:

The ((department)) health care authority shall explore the feasibility of obtaining a medicaid state plan amendment to allow the state to receive medicaid matching funds for health services provided to medicaid enrolled youth who are temporarily placed in a juvenile detention facility. Temporary placement shall be defined as until adjudication or up to sixty continuous days, whichever occurs first.

PART 6

Sec. 6001. RCW 9.41.047 and 2016 c 93 s 1 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, the convicting or committing court shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The convicting or committing court shall forward within three judicial days after conviction or entry of the commitment order a copy of the person's driver's license or identicard, or comparable information, along with the date of conviction or commitment, to the department of licensing. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, the committing court also shall forward, within three judicial days after entry of the commitment order, a copy of the person's driver's license, or comparable information, along with the date of commitment, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person has a concealed pistol license. If the person does have a concealed pistol license, the department

of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing, the ~~((department of social and health services))~~ health care authority, and the national instant criminal

background check system index, denied persons file.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

Sec. 6002. RCW 9.41.070 and 2017 c 282 s 1 and 2017 c 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the ~~((department of social and health services))~~ health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's

license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the ~~((department of social and health services))~~ health care authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in

triplicate or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) (a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment,

reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee.

Sec. 6003. RCW 9.41.090 and 2015 c 1 s 5 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (5) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance;

(b) The dealer is notified in writing by the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(2)(a) Except as provided in (b) of this subsection, in determining whether the purchaser meets the requirements of RCW 9.41.040, the chief of police or sheriff, or the designee of either, shall check with the national crime information center, the Washington state patrol electronic database, the ~~((department of social and health services))~~ health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the

applicant is ineligible under RCW 9.41.040 to possess a firearm.

(b) Once the system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady Handgun Violence Prevention Act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms. However, a chief of police or sheriff, or a designee of either, shall continue to check the ~~((department of social and health services))~~ health care authority's electronic database and with other agencies or resources as appropriate, to determine whether applicants are ineligible under RCW 9.41.040 to possess a firearm.

(3) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a pistol.

(4) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a pistol, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved

by a local district court or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(5) At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the dealer an application containing his or her full name, residential address, date and place of birth, race, and gender; the date and hour of the application; the applicant's driver's license number or state identification card number; a description of the pistol including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of a pistol. If the manufacturer's number is not available, the application may be processed, but delivery of the pistol to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the chief of police of the municipality or the sheriff of the county in which the purchaser resides; and a statement that the purchaser is eligible to possess a pistol under RCW 9.41.040.

The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The dealer shall, by the end of the business day, sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident. The triplicate shall be retained by the dealer for six years. The dealer shall deliver the pistol to the purchaser following the period of time specified in

this chapter unless the dealer is notified of an investigative hold under subsection (4) of this section in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser is not eligible to possess a pistol under RCW 9.41.040 or 9.41.045, or federal law.

The chief of police of the municipality or the sheriff of the county shall retain or destroy applications to purchase a pistol in accordance with the requirements of 18 U.S.C. Sec. 922.

(6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a pistol is guilty of false swearing under RCW 9A.72.040.

(7) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.

Sec. 6004. RCW 9.41.094 and 1994 sp.s. c 7 s 411 are each amended to read as follows:

A signed application to purchase a pistol shall constitute a waiver of confidentiality and written request that the (~~department of social and health services~~) health care authority, mental health institutions, and other health care facilities release, to an inquiring court or law enforcement agency, information relevant to the applicant's eligibility to purchase a pistol to an inquiring court or law enforcement agency.

Sec. 6005. RCW 9.41.097 and 2009 c 216 s 6 are each amended to read as follows:

(1) The (~~department of social and health services~~) health care authority, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing

pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.56.240(4).

Sec. 6006. RCW 9.41.173 and 2017 c 174 s 2 are each amended to read as follows:

(1) In order to obtain an alien firearm license, a nonimmigrant alien residing in Washington must apply to the sheriff of the county in which he or she resides.

(2) The sheriff of the county shall within sixty days after the filing of an application of a nonimmigrant alien residing in the state of Washington, issue an alien firearm license to such person to carry or possess a firearm for the purposes of hunting and sport shooting. The license shall be good for two years. The issuing authority shall not refuse to accept completed applications for alien firearm licenses during regular business hours. An application for a license may not be denied, unless the applicant's alien firearm license is in a revoked status, or the applicant:

(a) Is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) Is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(c) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; or

(d) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

No license application shall be granted to a nonimmigrant alien convicted of a felony unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or unless RCW 9.41.040 (3) or (4) applies.

(3) The sheriff shall check with the national crime information center, the

Washington state patrol electronic database, the ~~((department of social and health services))~~ health care authority electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the applicant, a copy of the applicant's passport and visa showing the applicant is in the country legally, and a valid Washington hunting license or documentation that the applicant is a member of a sport shooting club.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the ~~((department of social and health services))~~ health care authority, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a firearm. The nonimmigrant alien applicant shall be required to produce a

passport and visa as evidence of being in the country legally.

The license may be in triplicate or in a form to be prescribed by the department of licensing. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(5) The sheriff has the authority to collect a nonrefundable fee, paid upon application, for the two-year license. The fee shall be fifty dollars plus additional charges imposed by the Washington state patrol and the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license. The fee shall be retained by the sheriff.

(6) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the sheriff.

(7) A political subdivision of the state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(8) A person who knowingly makes a false statement regarding citizenship or identity on an application for an alien firearm license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the alien firearm license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for an alien firearm license.

Sec. 6007. RCW 9.41.300 and 2011 c 221 s 2 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she

knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall

post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of ~~((social and))~~ health ~~((services))~~ for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor ~~((control))~~ and cannabis board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) (a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

Sec. 7001. RCW 41.05.015 and 2011 1st sp.s. c 15 s 55 are each amended to read as follows:

The director shall designate a medical director who is licensed under chapter 18.57 or 18.71 RCW. The director shall also appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter and chapter 74.09 RCW and other applicable law. The medical screeners must be supervised by one or more physicians whom the director or the director's designee shall appoint.

Sec. 7002. RCW 41.05.021 and 2017 3rd sp.s. c 13 s 803 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have a director appointed by the governor, with the consent of the senate. The director shall serve at the pleasure of the governor. The director may employ a deputy director, and such assistant directors and special assistants as may be needed to administer the authority, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer insurance benefits for state employees, retired or disabled state and school employees, and subject to school employees' benefits board direction, school employees; administer the basic health plan pursuant to chapter 70.47 RCW; administer the children's health program pursuant to chapter 74.09 RCW; study state purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for state employees, retired or disabled state and school employees, and subject to school employees' benefits board direction, school employees as specifically authorized in RCW 41.05.065 and 41.05.740 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring

entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020, integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board and the school employees' benefits board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered under this chapter. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program approved by the authority;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, the Washington health benefit exchange, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities;

(h) To establish billing procedures and collect funds from school districts in a way that minimizes the administrative burden on districts;

(i) Through December 31, 2019, to publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements

as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority;

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160 including, but not limited to:

(i) Setting forth the criteria established by the board under RCW 41.05.065, and by the school employees' benefits board under RCW 41.05.740, for determining whether an employee is eligible for benefits;

(ii) Establishing an appeal process in accordance with chapter 34.05 RCW by which an employee may appeal an eligibility determination;

(iii) Establishing a process to assure that the eligibility determinations of an employing agency comply with the criteria under this chapter, including the imposition of penalties as may be authorized by the board or the school employees' benefits board;

(m)(i) To administer the medical services programs established under chapter 74.09 RCW as the designated single state agency for purposes of Title XIX of the federal social security act;

(ii) To administer the state children's health insurance program under chapter 74.09 RCW for purposes of Title XXI of the federal social security act;

(iii) To enter into agreements with the department of social and health services for administration of medical care services programs under Titles XIX and XXI of the social security act and programs under chapters 71.05, 71.24, and 71.34 RCW. The agreements shall establish the division of responsibilities between the authority and the department with respect to mental health, chemical dependency, and long-term care services, including services for persons with developmental disabilities. The agreements shall be revised as necessary, to comply with the final implementation plan adopted under section 116, chapter 15, Laws of 2011 1st sp. sess.;

(iv) To adopt rules to carry out the purposes of chapter 74.09 RCW;

(v) To appoint such advisory committees or councils as may be required

by any federal statute or regulation as a condition to the receipt of federal funds by the authority. The director may appoint statewide committees or councils in the following subject areas: (A) Health facilities; (B) children and youth services; (C) blind services; (D) medical and health care; (E) drug abuse and alcoholism; (F) rehabilitative services; and (G) such other subject matters as are or come within the authority's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the director in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(n) To review and approve or deny the application from the governing board of the Washington health benefit exchange to provide state-sponsored insurance or self-insurance programs to employees of the exchange. The authority shall (i) establish the conditions for participation; (ii) have the sole right to reject an application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050.

(2) (~~On and after January 1, 1996,~~) The public employees' benefits board and the school employees' benefits board (~~(beginning October 1, 2017,~~) may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

- (a) Standardizing the benefit package;
- (b) Soliciting competitive bids for the benefit package;
- (c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;
- (d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health

service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

Sec. 7003. RCW 41.05A.005 and 2011 1st sp.s. c 15 s 88 are each amended to read as follows:

The purpose of this chapter is to provide the health care authority with the powers, duties, and authority with respect to the collection of overpayments and the coordination of benefits that are currently provided to the department of social and health services in chapter 43.20B RCW. Providing the health care authority with these powers is necessary for the authority to administer medical services programs established under chapter 74.09 RCW currently administered by the department of social and health services programs but transferred to the authority under chapter 15, Laws of 2011 1st sp. sess., and programs transferred to the authority under chapter . . . , Laws of 2018 (this act). The authority is authorized to collaborate with other state agencies in carrying out its duties under this chapter and, to the extent appropriate, may enter into agreements with such other agencies. Nothing in this chapter may be construed as diminishing the powers, duties, and authority granted to the department of social and health services in chapter 43.20B RCW with respect to the programs that will remain under its jurisdiction following enactment of chapter 15, Laws of 2011 1st sp. sess. and chapter . . . , Laws of 2018 (this act).

Sec. 7004. RCW 74.09.050 and 2011 1st sp.s. c 15 s 5 are each amended to read as follows:

(1) The director shall appoint such professional personnel and other assistants and employees, including professional medical screeners, as may be reasonably necessary to carry out the provisions of this chapter or other applicable law. The medical screeners shall be supervised by one or more physicians who shall be appointed by the director or his or her designee. The director shall appoint a medical director

who is licensed under chapter 18.57 or 18.71 RCW.

(2) Whenever the director's authority is not specifically limited by law, he or she has complete charge and supervisory powers over the authority. The director is authorized to create such administrative structures as deemed appropriate, except as otherwise specified by law. The director has the power to employ such assistants and personnel as may be necessary for the general administration of the authority. Except as elsewhere specified, such employment must be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

Sec. 7005. RCW 74.09.055 and 2011 1st sp.s. c 15 s 6 are each amended to read as follows:

The authority is authorized to establish copayment, deductible, or coinsurance, or other cost-sharing requirements for recipients of any medical programs defined in RCW 74.09.010 or other applicable law, except that premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level.

Sec. 7006. RCW 74.09.080 and 2011 1st sp.s. c 15 s 8 are each amended to read as follows:

In carrying out the administrative responsibility of this chapter or other applicable law, the department or authority, as appropriate:

(1) May contract with an individual or a group, may utilize existing local state public assistance offices, or establish separate welfare medical care offices on a county or multicounty unit basis as found necessary; and

(2) Shall determine both financial and functional eligibility for persons applying for long-term care services under chapter 74.39 or 74.39A RCW as a unified process in a single long-term care organizational unit.

Sec. 7007. RCW 74.09.120 and 2012 c 10 s 60 are each amended to read as follows:

(1) The department shall purchase nursing home care by contract and payment for the care shall be in accordance with

the provisions of chapter 74.46 RCW and rules adopted by the department. No payment shall be made to a nursing home which does not permit inspection by the authority and the department of every part of its premises and an examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the authority or the department deems relevant to the regulation of nursing home operations, enforcement of standards for resident care, and payment for nursing home services.

(2) The department may purchase nursing home care by contract in veterans' homes operated by the state department of veterans affairs and payment for the care shall be in accordance with the provisions of chapter 74.46 RCW and rules adopted by the department under the authority of RCW 74.46.800.

(3) The department may purchase care in institutions for persons with intellectual disabilities, also known as intermediate care facilities for persons with intellectual disabilities. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for persons with intellectual disabilities include licensed nursing homes, public institutions, licensed assisted living facilities with fifteen beds or less, and hospital facilities certified as intermediate care facilities for persons with intellectual disabilities under the federal medicaid program to provide health, habilitative, or rehabilitative services and twenty-four hour supervision for persons with intellectual disabilities or related conditions and includes in the program "active treatment" as federally defined.

(4) The department may purchase care in institutions for mental diseases by contract. The department shall establish rules for reasonable accounting and reimbursement systems for such care. Institutions for mental diseases are certified under the federal medicaid program and primarily engaged in providing diagnosis, treatment, or care to persons with mental diseases, including medical attention, nursing care, and related services.

(5) Both the department and the authority may each purchase all other

services provided under this chapter or other applicable law by contract or at rates established by the department or the authority respectively.

Sec. 7008. RCW 74.09.160 and 2011 1st sp.s. c 15 s 10 are each amended to read as follows:

Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter or other applicable law shall submit such charges as agreed upon between the department or authority, as appropriate, and the individual or group no later than twelve months from the date of service. If the final charges are not presented within the twelve-month period, they shall not be a charge against the state. Said twelve-month period may also be extended by regulation, but only if required by applicable federal law or regulation, and to no more than the extension of time so required.

Sec. 7009. RCW 74.09.210 and 2013 c 23 s 202 are each amended to read as follows:

(1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an individual public assistance recipient of health care, shall, on behalf of himself or herself or others, obtain or attempt to obtain benefits or payments under this chapter or other applicable law in a greater amount than that to which entitled by means of:

- (a) A willful false statement;
- (b) By willful misrepresentation, or by concealment of any material facts; or
- (c) By other fraudulent scheme or device, including, but not limited to:
 - (i) Billing for services, drugs, supplies, or equipment that were unfurnished, of lower quality, or a substitution or misrepresentation of items billed; or
 - (ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person or entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess

benefits or payments received, plus interest at the rate and in the manner provided in RCW 43.20B.695. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The director or the attorney general may assess civil penalties in an amount not to exceed three times the amount of such excess benefits or payments: PROVIDED, That these civil penalties shall not apply to any acts or omissions occurring prior to September 1, 1979. RCW 43.20A.215 governs notice of a civil fine assessed by the director and provides the right to an adjudicative proceeding.

(3) A criminal action need not be brought against a person for that person to be civilly liable under this section.

(4) In all administrative proceedings under this section, service, adjudicative proceedings, and judicial review of such determinations shall be in accordance with chapter 34.05 RCW, the administrative procedure act.

(5) Civil penalties shall be deposited upon their receipt into the medicaid fraud penalty account established in RCW 74.09.215.

(6) The attorney general may contract with private attorneys and local governments in bringing actions under this section as necessary.

Sec. 7010. RCW 74.09.220 and 1987 c 283 s 8 are each amended to read as follows:

Any person, firm, corporation, partnership, association, agency, institution or other legal entity, but not including an individual public assistance recipient of health care, that, without intent to violate this chapter or other applicable law, obtains benefits or payments under this code to which such person or entity is not entitled, or in a greater amount than that to which entitled, shall be liable for (1) any excess benefits or payments received, and (2) interest calculated at the rate and in the manner provided in RCW 43.20B.695. Whenever a penalty is due under RCW 74.09.210 or interest is due under RCW 43.20B.695, such penalty or interest shall not be reimbursable by the state as an allowable cost under any of the provisions of this chapter or other applicable law.

Sec. 7011. RCW 74.09.230 and 2013 c 23 s 203 are each amended to read as follows:

Any person, including any corporation, that

(1) knowingly makes or causes to be made any false statement or representation of a material fact in any application for any payment under any medical care program authorized under this chapter or other applicable law, or

(2) at any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact in connection with such application or payment, or

(3) having knowledge of the occurrence of any event affecting (a) the initial or continued right to any payment, or (b) the initial or continued right to any such payment of any other individual in whose behalf he or she has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized,

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

Sec. 7012. RCW 74.09.240 and 2011 1st sp.s. c 15 s 16 are each amended to read as follows:

(1) Any person, including any corporation, that solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind

(a) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this chapter or other applicable law, or

(b) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in

whole or in part under this chapter or other applicable law,

shall be guilty of a class C felony; however, the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(2) Any person, including any corporation, that offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person

(a) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under this chapter or other applicable law, or

(b) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter or other applicable law,

shall be guilty of a class C felony; however, the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(3) (a) Except as provided in 42 U.S.C. 1395 nn, physicians are prohibited from self-referring any client eligible under this chapter for the following designated health services to a facility in which the physician or an immediate family member has a financial relationship:

- (i) Clinical laboratory services;
- (ii) Physical therapy services;
- (iii) Occupational therapy services;
- (iv) Radiology including magnetic resonance imaging, computerized axial tomography, and ultrasound services;
- (v) Durable medical equipment and supplies;
- (vi) Parenteral and enteral nutrients equipment and supplies;
- (vii) Prosthetics, orthotics, and prosthetic devices;
- (viii) Home health services;
- (ix) Outpatient prescription drugs;
- (x) Inpatient and outpatient hospital services;

(xi) Radiation therapy services and supplies.

(b) For purposes of this subsection, "financial relationship" means the relationship between a physician and an entity that includes either:

(i) An ownership or investment interest; or

(ii) A compensation arrangement.

For purposes of this subsection, "compensation arrangement" means an arrangement involving remuneration between a physician, or an immediate family member of a physician, and an entity.

(c) The department or authority, as appropriate, is authorized to adopt by rule amendments to 42 U.S.C. 1395 nn enacted after July 23, 1995.

(d) This section shall not apply in any case covered by a general exception specified in 42 U.S.C. Sec. 1395 nn.

(4) Subsections (1) and (2) of this section shall not apply to:

(a) A discount or other reduction in price obtained by a provider of services or other entity under this chapter or other applicable law if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter or other applicable law; and

(b) Any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

(5) Subsections (1) and (2) of this section, if applicable to the conduct involved, shall supersede the criminal provisions of chapter 19.68 RCW, but shall not preclude administrative proceedings authorized by chapter 19.68 RCW.

Sec. 7013. RCW 74.09.260 and 2011 1st sp.s. c 15 s 17 are each amended to read as follows:

Any person, including any corporation, that knowingly:

(1) Charges, for any service provided to a patient under any medical care plan authorized under this chapter or other applicable law, money or other

consideration at a rate in excess of the rates established by the department or authority, as appropriate; or

(2) Charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under such plan, any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient):

(a) As a precondition of admitting a patient to a hospital or nursing facility; or

(b) As a requirement for the patient's continued stay in such facility,

when the cost of the services provided therein to the patient is paid for, in whole or in part, under such plan, shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

Sec. 7014. RCW 74.09.280 and 2011 1st sp.s. c 15 s 18 are each amended to read as follows:

The secretary or director may by rule require that any application, statement, or form filled out by suppliers of medical care under this chapter or other applicable law shall contain or be verified by a written statement that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each such paper shall in such event so state. The making or subscribing of any such papers or forms containing any false or misleading information may be prosecuted and punished under chapter 9A.72 RCW.

Sec. 7015. RCW 74.09.290 and 2011 1st sp.s. c 15 s 19 are each amended to read as follows:

The secretary or director shall have the authority to:

(1) Conduct audits and investigations of providers of medical and other services furnished pursuant to this chapter or other applicable law, except that the Washington state medical quality assurance commission shall generally serve in an advisory capacity to the secretary or director in the conduct of audits or investigations of physicians.

Any overpayment discovered as a result of an audit of a provider under this authority shall be offset by any underpayments discovered in that same audit sample. In order to determine the provider's actual, usual, customary, or prevailing charges, the secretary or director may examine such random representative records as necessary to show accounts billed and accounts received except that in the conduct of such examinations, patient names, other than public assistance applicants or recipients, shall not be noted, copied, or otherwise made available to the department or authority. In order to verify costs incurred by the department or authority for treatment of public assistance applicants or recipients, the secretary or director may examine patient records or portions thereof in connection with services to such applicants or recipients rendered by a health care provider, notwithstanding the provisions of RCW 5.60.060, 18.53.200, 18.83.110, or any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department or the authority is prohibited and shall be punishable as a class C felony according to chapter 9A.20 RCW, unless such disclosure is directly connected to the official purpose for which the records or information were obtained: PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative, or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained: PROVIDED FURTHER, That the secretary or director shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished pursuant to this chapter or other applicable law;

(3) Terminate or suspend eligibility to participate as a provider of services

furnished pursuant to this chapter or other applicable law; and

(4) Adopt, promulgate, amend, and repeal administrative rules, in accordance with the administrative procedure act, chapter 34.05 RCW, to carry out the policies and purposes of this section and RCW 74.09.200 through ((74.09.290)) 74.09.280.

Sec. 7016. RCW 74.09.315 and 2012 c 241 s 104 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Employer" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity.

(b) "Whistleblower" means an employee of an employer that obtains or attempts to obtain benefits or payments under this chapter or other applicable law in violation of RCW 74.09.210, who in good faith reports a violation of RCW 74.09.210 to the authority.

(c) "Workplace reprisal or retaliatory action" includes, but is not limited to: Denial of adequate staff to fulfill duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct under Title 18 RCW; unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; ~~((or))~~ a supervisor or superior behaving in or encouraging coworkers to behave in a hostile manner toward the whistleblower; or a change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish.

(2) A whistleblower who has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. RCW 4.24.500 through 4.24.520, providing certain protection to persons who communicate to government agencies, apply to complaints made under this section. The identity of a whistleblower who complains, in good faith, to the authority about a suspected violation of RCW 74.09.210 may remain confidential if requested. The identity of the

whistleblower must subsequently remain confidential unless the authority determines that the complaint was not made in good faith.

(3) This section does not prohibit an employer from exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. The protections provided to whistleblowers under this chapter do not prevent an employer from: (a) Terminating, suspending, or disciplining a whistleblower for other lawful purposes; or (b) reducing the hours of employment or terminating employment as a result of the demonstrated inability to meet payroll requirements. The authority shall determine if the employer cannot meet payroll in cases where a whistleblower has been terminated or had hours of employment reduced due to the inability of a facility to meet payroll.

(4) The authority shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under this chapter. The authority shall adopt rules designed to discourage whistleblower complaints made in bad faith or for retaliatory purposes.

Sec. 7017. RCW 74.09.522 and 2015 c 256 s 1 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter or other applicable law and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to

participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter or other applicable law whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223;

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, colocated, and preventive.

(ii) (A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e) (i) (C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) By April 1, 2016, any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to behavioral health organizations, mental health providers, or chemical dependency treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in RCW 43.20A.893 (as recodified by this act).

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter or other applicable law to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state if the managed health care system has made good faith efforts to contract with the nonparticipating provider.

(10) For services covered under this chapter or other applicable law to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (9) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care

system contract to provide services under this section.

(11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(12) Payments under RCW 74.60.130 are exempt from this section.

(13) Subsections (9) through (11) of this section expire July 1, 2021.

Sec. 7018. RCW 74.09.530 and 2011 1st sp.s. c 15 s 32 are each amended to read as follows:

(1)(a) The authority is designated as the single state agency for purposes of Title XIX of the federal social security act.

(b) The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the authority.

(c) The authority shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the social security act and federal regulations for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government. The authority shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act.

(d) The authority is authorized to collaborate with other state or local agencies and nonprofit organizations in

carrying out its duties under this chapter or other applicable law and, to the extent appropriate, may enter into agreements with such other entities.

(2) Individuals eligible for medical assistance under RCW 74.09.510(3) shall be transitioned into coverage under that subsection immediately upon their termination from coverage under RCW 74.09.510(2)(a). The authority shall use income eligibility standards and eligibility determinations applicable to children placed in foster care. The authority shall provide information regarding basic health plan enrollment and shall offer assistance with the application and enrollment process to individuals covered under RCW 74.09.510(3) who are approaching their twenty-first birthday.

Sec. 7019. RCW 74.09.540 and 2011 1st sp.s. c 15 s 33 are each amended to read as follows:

(1) It is the intent of the legislature to remove barriers to employment for individuals with disabilities by providing medical assistance to working individuals with disabilities through a buy-in program in accordance with section 1902(a)(10)(A)(ii) of the social security act and eligibility and cost-sharing requirements established by the authority.

(2) The authority shall establish income, resource, and cost-sharing requirements for the buy-in program in accordance with federal law and any conditions or limitations specified in the omnibus appropriations act. The authority shall establish and modify eligibility and cost-sharing requirements in order to administer the program within available funds. The authority shall make every effort to coordinate benefits with employer-sponsored coverage available to the working individuals with disabilities receiving benefits under this chapter or other applicable law.

Sec. 7020. RCW 74.09.730 and 2011 1st sp.s. c 15 s 47 are each amended to read as follows:

(1) In establishing Title XIX payments for inpatient hospital services:

((~~1~~)) (a) To the extent funds are appropriated specifically for this

purpose, and subject to any conditions placed on appropriations made for this purpose, the authority shall provide a disproportionate share hospital adjustment considering the following components:

~~((a))~~ (i) A low-income care component based on a hospital's medicaid utilization rate, its low-income utilization rate, its provision of obstetric services, and other factors authorized by federal law;

~~((b))~~ (ii) A medical indigency care component based on a hospital's services to persons who are medically indigent; and

~~((c))~~ (iii) A state-only component, to be paid from available state funds to hospitals that do not qualify for federal payments under ~~((b))~~ (a)(ii) of this subsection, based on a hospital's services to persons who are medically indigent;

~~((2))~~ (b) The payment methodology for disproportionate share hospitals shall be specified by the authority in regulation.

~~((3))~~ (2) Nothing in this section shall be construed as a right or an entitlement by any hospital to any payment from the authority.

Sec. 7021. RCW 74.09.780 and 1989 1st ex.s. c 10 s 3 are each amended to read as follows:

The legislature reserves the right to amend or repeal all or any part of this ~~((chapter [subchapter]))~~ subchapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by this ~~((chapter [subchapter]))~~ subchapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this ~~((chapter [subchapter]))~~ subchapter at any time.

Sec. 7022. RCW 74.64.010 and 2012 c 234 s 2 are each amended to read as follows:

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

(1) "Authority" means the Washington state health care authority.

(2) "Enrollee" means an individual who receives benefits through a medical services program.

(3) "Medical services programs" means those medical programs established under chapter 74.09 RCW or other applicable law, including medical assistance, the limited casualty program, children's health program, medical care services, and state children's health insurance program.

Sec. 7023. RCW 74.66.010 and 2012 c 241 s 201 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1)(a) "Claim" means any request or demand made for a medicaid payment under chapter 74.09 RCW or other applicable law, whether under a contract or otherwise, for money or property and whether or not a government entity has title to the money or property, that:

(i) Is presented to an officer, employee, or agent of a government entity; or

(ii) Is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the government entity's behalf or to advance a government entity program or interest, and the government entity:

(A) Provides or has provided any portion of the money or property requested or demanded; or

(B) Will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.

(b) A "claim" does not include requests or demands for money or property that the government entity has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual's use of the money or property.

(2) "Custodian" means the custodian, or any deputy custodian, designated by the attorney general.

(3) "Documentary material" includes the original or any copy of any book, record, report, memorandum, paper,

communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret the data compilations, and any product of discovery.

(4) "False claims act investigation" means any inquiry conducted by any false claims act investigator for the purpose of ascertaining whether any person is or has been engaged in any violation of this chapter.

(5) "False claims act investigator" means any attorney or investigator employed by the state attorney general who is charged with the duty of enforcing or carrying into effect any provision of this chapter, or any officer or employee of the state of Washington acting under the direction and supervision of the attorney or investigator in connection with an investigation pursuant to this chapter.

(6) "Government entity" means all Washington state agencies that administer medicaid-funded programs under this title.

(7)(a) "Knowing" and "knowingly" mean that a person, with respect to information:

(i) Has actual knowledge of the information;

(ii) Acts in deliberate ignorance of the truth or falsity of the information; or

(iii) Acts in reckless disregard of the truth or falsity of the information.

(b) "Knowing" and "knowingly" do not require proof of specific intent to defraud.

(8) "Material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(9) "Obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or rule, or from the retention of any overpayment.

(10) "Official use" means any use that is consistent with the law, and the rules and policies of the attorney general, including use in connection with:

Internal attorney general memoranda and reports; communications between the attorney general and a federal, state, or local government agency, or a contractor of a federal, state, or local government agency, undertaken in furtherance of an investigation or prosecution of a case; interviews of any qui tam relator or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda, and briefs submitted to a court or other tribunal; and communications with attorney general investigators, auditors, consultants and experts, the counsel of other parties, and arbitrators or mediators, concerning an investigation, case, or proceeding.

(11) "Person" means any natural person, partnership, corporation, association, or other legal entity, including any local or political subdivision of a state.

(12) "Product of discovery" includes:

(a) The original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

(b) Any digest, analysis, selection, compilation, or derivation of any item listed in (a) of this subsection; and

(c) Any index or other manner of access to any item listed in (a) of this subsection.

(13) "Qui tam action" is an action brought by a person under RCW 74.66.050.

(14) "Qui tam relator" or "relator" is a person who brings an action under RCW 74.66.050.

PART 8

Sec. 8001. RCW 70.02.010 and 2016 sp.s. c 29 s 416 are each amended to read as follows:

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

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

~~((4))~~ (5) "Custody" has the same meaning as in RCW 71.05.020.

~~((5))~~ (6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

~~((6))~~ (7) "Department" means the department of social and health services.

~~((7))~~ (8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

~~((8))~~ (9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

~~((9))~~ (10) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

~~((10))~~ (11) "Discharge" has the same meaning as in RCW 71.05.020.

~~((11))~~ (12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

~~((12))~~ (13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a

potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

~~((13))~~ (14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

~~((14))~~ (15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

~~((15))~~ (16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

~~((16))~~ (17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

~~((17))~~ (18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care

professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care

facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

~~((18))~~ (19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

~~((19))~~ (20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

~~((20))~~ (21) "Imminent" has the same meaning as in RCW 71.05.020.

~~((21))~~ (22) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 71.05.020, and all other records regarding the person maintained by the department, by the authority, by ~~((regional support networks))~~ behavioral health organizations and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

~~((22))~~ (23) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity

of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

((~~23~~)) (24) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

((~~24~~)) (25) "Legal counsel" has the same meaning as in RCW 71.05.020.

((~~25~~)) (26) "Local public health officer" has the same meaning as in RCW 70.24.017.

((~~26~~)) (27) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

((~~27~~)) (28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of ~~((social and health services))~~ health under chapter 71.05 RCW, whether that person works in a private or public setting.

((~~28~~)) (29) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

((~~29~~)) (30) "Minor" has the same meaning as in RCW 71.34.020.

((~~30~~)) (31) "Parent" has the same meaning as in RCW 71.34.020.

((~~31~~)) (32) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

((~~32~~)) (33) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

((~~33~~)) (34) "Person" means an individual, corporation, business trust,

estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((34))~~ (35) "Professional person" has the same meaning as in RCW 71.05.020.

~~((35))~~ (36) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

~~((36))~~ (37) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

~~((37))~~ (38) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

~~((38))~~ (39) "Release" has the same meaning as in RCW 71.05.020.

~~((39))~~ (40) "Resource management services" has the same meaning as in RCW 71.05.020.

~~((40))~~ (41) "Serious violent offense" has the same meaning as in RCW 71.05.020.

~~((41))~~ (42) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as

"sexually transmitted disease" in RCW 70.24.017.

~~((42))~~ (43) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

~~((43))~~ (44) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

~~((44))~~ (45) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 8002. RCW 70.02.230 and 2017 3rd sp.s. c 6 s 816 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication

of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made

by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iii). The

extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the authority, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving

in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or ~~((drug abuse))~~ substance use disorder of persons who are under the supervision of the department;

(s) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(t) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(u) (i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility or health care provider or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(u) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(v) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (u) of this subsection;

(w) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(x) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(y) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the

guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(z) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may ~~((not))~~ release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

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

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

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

/s/"

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

maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(bb) To any person if the conditions in RCW 70.02.205 are met.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in

violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
 - (ii) Three times the amount of actual damages sustained, if any.
- (b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.
- (c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.
- (d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.
- (e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 8003. RCW 70.02.240 and 2013 c 200 s 8 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through treatment under chapter 71.34 RCW is confidential, except as authorized in RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, and 70.02.260. Such confidential information may be disclosed only:

- (1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;
- (2) In the course of guardianship or dependency proceedings;
- (3) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;
- (4) To the courts as necessary to administer chapter 71.34 RCW;
- (5) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date

of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(6) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(7) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

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

/s/";

(8) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(9) To appropriate law enforcement agencies and to a person, when the

identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(10) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(11) Upon the death of a minor, to the minor's next of kin;

(12) To a facility in which the minor resides or will reside;

(13) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iii)~~) (iii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(iii)~~) (iii);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(14) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(15) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(16) Pursuant to a lawful order of a court.

Sec. 8004. RCW 70.02.250 and 2014 c 225 s 72 are each amended to read as follows:

(1) Information and records related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW must be released, upon request, by a mental health service agency to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purpose of completing presentence investigations, supervision of an incarcerated person, planning for and provision of supervision of a person, or assessment of a person's risk to the community. The request must be in writing and may not require the consent of the subject of the records.

(2) The information to be released to the department of corrections must include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties, including those records and reports identified in subsection (1) of this section.

(3) The ~~(department)~~ authority shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names,

last dates of services, and addresses of specific behavioral health organizations and mental health service agencies that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the authority and the department(~~(\oplus)~~) of corrections.

(4) The (~~department and the department of corrections~~) authority, in consultation with the department, the department of corrections, behavioral health organizations, mental health service agencies as defined in RCW 70.02.010, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules must:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(5) The information received by the department of corrections under this section must remain confidential and subject to the limitations on disclosure outlined in chapter 71.34 RCW, except as provided in RCW 72.09.585.

(6) No mental health service agency or individual employed by a mental health service agency may be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of

information related to sexually transmitted diseases under this chapter.

Sec. 8005. RCW 70.02.260 and 2013 c 200 s 10 are each amended to read as follows:

(1)(a) A mental health service agency shall release to the persons authorized under subsection (2) of this section, upon request:

(i) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known address of a person who has been committed under chapter 71.05 RCW.

(ii) Information and records related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(A) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(B) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

(C) Was charged with a serious violent offense and the charges were dismissed under RCW 10.77.086.

(b) Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service agency, so long as nothing in this subsection requires the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section must be released to law enforcement officers, personnel of a county or city jail, designated mental health professionals or designated crisis responders, as appropriate, public health officers, therapeutic court personnel as defined in RCW 71.05.020, or personnel of the department of corrections, including the indeterminate sentence review board and personnel assigned to perform board-related duties, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service agency or person employed by a mental health service agency, or its legal

counsel, may be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.680.

(3) A person who requests information under subsection (1)(a)(ii) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing a person's risk to the community;

(iii) Assessing a person's risk of harm to self or others when confined in a city or county jail;

(iv) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(v) Responding to an offender's failure to report for department of corrections supervision;

(b) Information may not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in activity indicating that a crime or a violation of community custody or parole has been committed or, based upon his or her current or recent past behavior, is likely to be committed in the near future; or

(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under chapter 71.05 RCW; and

(c) Any information received under this section must be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) The information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely

for the purpose of coordinating activities related to the individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) The information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under this subsection is subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information and records related to mental health services under this section does not require the consent of the subject of the records. The request must be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by email or facsimile so long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service agency, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service agency and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the federal health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as

necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under this chapter.

(9) In collaboration with interested organizations, the ~~((department))~~ authority shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to the requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the ~~((department))~~ authority shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

Sec. 8006. RCW 70.02.340 and 2014 c 220 s 13 are each amended to read as follows:

The ~~((department of social and health services))~~ authority shall adopt rules related to the disclosure of information and records related to mental health services ~~((in this chapter))~~.

Sec. 8007. RCW 70.02.350 and 2013 c 200 s 19 are each amended to read as follows:

In addition to any other information required to be released under this chapter, the department of social and health services ~~((is))~~ and the authority are authorized, pursuant to RCW 4.24.550, to release relevant information that is necessary to protect the public, concerning a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex offense as defined in RCW 9.94A.030.

Sec. 8008. RCW 42.56.270 and 2017 c 317 s 17 are each amended to read as follows:

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

(1) Valuable formulae, designs, drawings, computer source code or object

code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

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

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

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

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

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

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

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for,

or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

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

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

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

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

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; and

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board.

Sec. 8009. RCW 43.70.080 and 1989 1st ex.s. c 9 s 201 are each amended to read as follows:

The powers and duties of the department of social and health services and the secretary of social and health services under the following statutes are

hereby transferred to the department of health and the secretary of health: Chapters 16.70, (~~(18.207)~~) 18.46, 18.71, 18.73, 18.76, 69.30, 70.28, 70.30, (~~(70.32, 70.33)~~) 70.50, 70.58, 70.62, 70.83, (~~(70.83B)~~) 70.90, 70.98, 70.104, 70.116, 70.118, 70.119, 70.119A, 70.121, 70.127, 70.142, and 80.50 RCW. More specifically, the following programs and services presently administered by the department of social and health services are hereby transferred to the department of health:

(1) Personal health and protection programs and related management and support services, including, but not limited to: Immunizations; tuberculosis; sexually transmitted diseases; AIDS; diabetes control; primary health care; cardiovascular risk reduction; kidney disease; regional genetic services; newborn metabolic screening; sentinel birth defects; cytogenetics; communicable disease epidemiology; and chronic disease epidemiology;

(2) Environmental health protection services and related management and support services, including, but not limited to: Radiation, including X-ray control, radioactive materials, uranium mills, low-level waste, emergency response and reactor safety, and environmental radiation protection; drinking water; toxic substances; on-site sewage; recreational water contact facilities; food services sanitation; shellfish; and general environmental health services, including schools, vectors, parks, and camps;

(3) Public health laboratory;

(4) Public health support services, including, but not limited to: Vital records; health data; local public health services support; and health education and information;

(5) Licensing and certification services including, but not limited to: Behavioral health agencies, agencies providing problem and pathological gambling treatment, health and personal care facility survey, construction review, emergency medical services, laboratory quality assurance, and accommodations surveys; and

(6) Effective January 1, 1991, parent and child health services and related management support services, including, but not limited to: Maternal and infant health; child health; parental health; nutrition; (~~(handicapped children's)~~)

services for children with disabilities; family planning; adolescent pregnancy services; high priority infant tracking; early intervention; parenting education; prenatal regionalization; and power and duties under RCW 43.20A.635. The director of the office of financial management may recommend to the legislature a delay in this transfer, if it is determined that this time frame is not adequate.

Sec. 8010. RCW 43.59.030 and 2016 c 206 s 2 are each amended to read as follows:

The governor shall be assisted in his or her duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be composed of the governor as chair, the superintendent of public instruction, the director of licensing, the secretary of transportation, the chief of the state patrol, the secretary of health, the (~~(secretary of social and health services)~~) director of the health care authority, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment.

The governor may designate an employee of the governor's office familiar with the traffic safety commission to act on behalf of the governor during the absence of the governor at one or more of the meetings of the commission. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member, other than the governor's designee, to preside during the governor's absence.

Sec. 8011. RCW 48.21.180 and 2003 c 248 s 9 are each amended to read as follows:

Each group disability insurance contract which is delivered or issued for delivery or renewed, on or after January 1, 1988, and which insures for hospital

or medical care must contain provisions providing benefits for the treatment of chemical dependency rendered to the insured by a provider which is an "approved substance use disorder treatment program" under RCW 70.96A.020(~~(+3+)~~) (2).

Sec. 8012. RCW 48.44.240 and 2005 c 223 s 25 are each amended to read as follows:

Each group contract for health care services that is delivered or issued for delivery or renewed, on or after January 1, 1988, must contain provisions providing benefits for the treatment of chemical dependency rendered to covered persons by a provider that is an "approved substance use disorder treatment program" under RCW 70.96A.020(~~(+3+)~~) (2).

Sec. 8013. RCW 48.46.350 and 2003 c 248 s 19 are each amended to read as follows:

Each group agreement for health care services that is delivered or issued for delivery or renewed on or after January 1, 1988, must contain provisions providing benefits for the treatment of chemical dependency rendered to covered persons by a provider which is an "approved substance use disorder treatment program" under RCW 70.96A.020(~~(+3+)~~) (2). However, this section does not apply to any agreement written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged, which is commonly referred to as Medicare, Parts A&B, and amendments thereto. Treatment must be covered under the chemical dependency coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's dependents to a physician licensed under chapter 18.57 or 18.71 RCW, or to a qualified counselor employed by an approved substance use disorder treatment program described in RCW 70.96A.020(~~(+3+)~~) (2). In all cases, a health maintenance organization retains the right to diagnose the presence of chemical dependency and select the modality of treatment that best serves the interest of the health maintenance organization's enrolled participant, or

the enrolled participant's covered dependent.

Sec. 8014. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, (~~(2015)~~) 2017, one hundred twenty-five thousand dollars to the (~~(department of social and health services)~~) health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, (~~(2015)~~) 2017, fifty thousand dollars to the (~~(department of social and health services)~~) health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, ((2015)) 2017, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; and

(ii) Three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the ((department of social and health services division of behavioral health and recovery)) health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its

implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the ((secretary of the department of social and health services)) director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the

prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or

town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g) (i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed six million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than (~~\$6~~) six million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

PART 9

Sec. 9001. RCW 2.30.020 and 2015 c 291 s 2 are each amended to read as follows:

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

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

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

(3) "Government authority" means prosecutor or other representative initiating action leading to a proceeding in therapeutic court.

(4) "Participant" means an accused person, offender, or respondent in the judicial proceeding.

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

(6) "Specialty court" and "therapeutic court" both mean a court utilizing a program or programs structured to achieve both a reduction in recidivism and an increase in the likelihood of rehabilitation, or to reduce child abuse and neglect, out-of-home placements of children, termination of parental rights, and substance abuse and mental health symptoms among parents or guardians and their children through continuous and intense judicially supervised treatment and the appropriate use of services, sanctions, and incentives.

(7) "Therapeutic court personnel" means the staff of a therapeutic court including, but not limited to: Court and clerk personnel with therapeutic court duties, prosecuting attorneys, the attorney general or his or her representatives, defense counsel, monitoring personnel, and others acting within the scope of therapeutic court duties.

(8) "Trial court" means a superior court authorized under this title (~~2 RCW~~) or a district or municipal court authorized under Title 3 or 35 RCW.

Sec. 9002. RCW 2.30.030 and 2015 c 291 s 3 are each amended to read as follows:

(1) Every trial and juvenile court in the state of Washington is authorized and encouraged to establish and operate therapeutic courts. Therapeutic courts, in conjunction with the government authority and subject matter experts specific to the focus of the therapeutic court, develop and process cases in ways that depart from traditional judicial processes to allow defendants or respondents the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest or involvement in the child welfare system in exchange for resolution of the case or charges. In criminal cases, the consent of the prosecutor is required.

(2) While a therapeutic court judge retains the discretion to decline to accept a case into the therapeutic court, and while a therapeutic court retains discretion to establish processes and determine eligibility for admission to the therapeutic court process unique to their community and jurisdiction, the effectiveness and credibility of any therapeutic court will be enhanced when the court implements evidence-based practices, research-based practices, emerging best practices, or promising practices that have been identified and accepted at the state and national levels. Promising practices, emerging best practices, and/or research-based programs are authorized where determined by the court to be appropriate. As practices evolve, the trial court shall regularly assess the effectiveness of its program and the methods by which it implements and adopts new best practices.

(3) Except under special findings by the court, the following individuals are not eligible for participation in therapeutic courts:

(a) Individuals who are currently charged or who have been previously convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030;

(b) Individuals who are currently charged with an offense alleging intentional discharge, threat to discharge, or attempt to discharge a firearm in furtherance of the offense;

(c) Individuals who are currently charged with or who have been previously convicted of vehicular homicide or an equivalent out-of-state offense; or

(d) Individuals who are currently charged with or who have been previously convicted of: An offense alleging substantial bodily harm or great bodily harm as defined in RCW 9A.04.110, or death of another person.

(4) Any jurisdiction establishing a therapeutic court shall endeavor to incorporate the therapeutic court principles of best practices as recognized by state and national therapeutic court organizations in structuring a particular program, which may include:

(a) Determining the population;

(b) Performing a clinical assessment;

(c) Developing the treatment plan;

(d) Monitoring the participant, including any appropriate testing;

(e) Forging agency, organization, and community partnerships;

(f) Taking a judicial leadership role;

(g) Developing case management strategies;

(h) Addressing transportation, housing, and subsistence issues;

(i) Evaluating the program;

(j) Ensuring a sustainable program.

(5) Upon a showing of indigence under RCW 10.101.010, fees may be reduced or waived.

(6) The (~~department of social and health services~~) health care authority shall furnish services to therapeutic courts addressing dependency matters where substance abuse or mental health

are an issue unless the court contracts with providers outside of the ~~((department))~~ health care authority.

(7) Any jurisdiction that has established more than one therapeutic court under this chapter may combine the functions of these courts into a single therapeutic court.

(8) Nothing in this section prohibits a district or municipal court from ordering treatment or other conditions of sentence or probation following a conviction, without the consent of either the prosecutor or defendant.

(9) No therapeutic or specialty court may be established specifically for the purpose of applying foreign law, including foreign criminal, civil, or religious law, that is otherwise not required by treaty.

(10) No therapeutic or specialty court established by court rule shall enforce a foreign law, if doing so would violate a right guaranteed by the Constitution of this state or of the United States.

Sec. 9003. RCW 9.41.300 and 2011 c 221 s 2 are each amended to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to

the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in RCW 70.74.010, or any weapon of the kind usually known as slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility licensed or certified by the department of ~~((social and health services))~~ health for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor ~~((control))~~ and cannabis board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not

include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) (a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that

exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010; or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a), (b), (c), and (e) of this section does not apply to correctional personnel or community corrections officers, as long as they are employed as such, who have completed government-sponsored law enforcement firearms training, except that subsection (1)(b) of this section does apply to a correctional employee or community corrections officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in RCW 26.50.010.

(8) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the

firearms upon leaving but must immediately and directly depart from the place or facility.

(9) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(10) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(11) Government-sponsored law enforcement firearms training must be training that correctional personnel and community corrections officers receive as part of their job requirement and reference to such training does not constitute a mandate that it be provided by the correctional facility.

(12) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(13) "Weapon" as used in this section means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

Sec. 9004. RCW 9.94A.703 and 2015 c 81 s 3 are each amended to read as follows:

When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section.

(1) **Mandatory conditions.** As part of any term of community custody, the court shall:

(a) Require the offender to inform the department of court-ordered treatment upon request by the department;

(b) Require the offender to comply with any conditions imposed by the department under RCW 9.94A.704;

(c) If the offender was sentenced under RCW 9.94A.507 for an offense listed in RCW 9.94A.507(1)(a), and the victim of the offense was under eighteen years of age at the time of the offense, prohibit the offender from residing in a community protection zone;

(d) If the offender was sentenced under RCW 9A.36.120, prohibit the offender from serving in any paid or volunteer capacity where he or she has control or supervision of minors under the age of thirteen.

(2) **Waivable conditions.** Unless waived by the court, as part of any term of community custody, the court shall order an offender to:

(a) Report to and be available for contact with the assigned community corrections officer as directed;

(b) Work at department-approved education, employment, or community restitution, or any combination thereof;

(c) Refrain from possessing or consuming controlled substances except pursuant to lawfully issued prescriptions;

(d) Pay supervision fees as determined by the department; and

(e) Obtain prior approval of the department for the offender's residence location and living arrangements.

(3) **Discretionary conditions.** As part of any term of community custody, the court may order an offender to:

(a) Remain within, or outside of, a specified geographical boundary;

(b) Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) Participate in crime-related treatment or counseling services;

(d) Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community;

(e) Refrain from possessing or consuming alcohol; or

(f) Comply with any crime-related prohibitions.

(4) **Special conditions.**

(a) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may order the offender to participate in a domestic violence

perpetrator program approved under RCW 26.50.150.

(b)(i) In sentencing an offender convicted of an alcohol or drug-related traffic offense, the court shall require the offender to complete a diagnostic evaluation by ~~((an alcohol or drug dependency agency))~~ a substance use disorder treatment program approved by the department of social and health services or a qualified probation department, defined under RCW 46.61.516, that has been approved by the department of social and health services. If the offense was pursuant to chapter 46.61 RCW, the report shall be forwarded to the department of licensing. If the offender is found to have an alcohol or drug problem that requires treatment, the offender shall complete treatment in ~~((a program approved by the department of social and health services under chapter 70.96A RCW))~~ an approved substance use disorder treatment program as defined in chapter 71.24 RCW. If the offender is found not to have an alcohol or drug problem that requires treatment, the offender shall complete a course in an alcohol and drug information school ~~((approved))~~ licensed or certified by the department of ~~((social and health services))~~ health under chapter 70.96A RCW. The offender shall pay all costs for any evaluation, education, or treatment required by this section, unless the offender is eligible for an existing program offered or approved by the department of social and health services.

(ii) For purposes of this section, "alcohol or drug-related traffic offense" means the following: Driving while under the influence as defined by RCW 46.61.502, actual physical control while under the influence as defined by RCW 46.61.504, vehicular homicide as defined by RCW 46.61.520(1)(a), vehicular assault as defined by RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

(iii) This subsection (4)(b) does not require the department of social and health services to add new treatment or assessment facilities nor affect its use of existing programs and facilities authorized by law.

Sec. 9005. RCW 10.05.040 and 2002 c 219 s 9 are each amended to read as follows:

The ~~((facility))~~ program to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem described;
- (2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;
- (3) Whether extensive and long term treatment is required;
- (4) Whether effective treatment or child welfare services for the person's problem are available; and
- (5) Whether the person is amenable to treatment or willing to cooperate with child welfare services.

Sec. 9006. RCW 10.05.050 and 2002 c 219 s 10 are each amended to read as follows:

(1) The ~~((facility))~~ program, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

- (a) The type;
- (b) Nature;
- (c) Length;
- (d) A treatment or service time schedule; and
- (e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic

necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment (~~(facility)~~) program or the department of social and health services that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement every three months for the first year and every six months for the second year regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

Sec. 9007. RCW 18.205.080 and 1998 c 243 s 8 are each amended to read as follows:

(1) The secretary shall appoint a chemical dependency certification advisory committee to further the purposes of this chapter. The committee shall be composed of seven members, one member initially appointed for a term of one year, three for a term of two years, and three for a term of three years. Subsequent appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. Members of the committee shall be residents of this state. The committee shall be composed of four certified chemical dependency professionals; one chemical dependency treatment program director; one physician licensed under chapter 18.71 or 18.57 RCW who is certified in addiction medicine or a licensed or certified mental health practitioner; and one member of the public who has received chemical dependency counseling.

(2) The secretary may remove any member of the committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) The committee shall meet at the times and places designated by the secretary and shall hold meetings during the year as necessary to provide advice to the director. The committee may elect a chair and a vice chair. A majority of the members currently serving shall constitute a quorum.

(4) Each member of the committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(5) The director of the (~~department of social and health services division of alcohol and substance abuse or the director's~~) health care authority, or his or her designee, shall serve as an ex officio member of the committee.

(6) The secretary, members of the committee, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 9008. RCW 18.88A.020 and 2015 c 158 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative training" means a nursing assistant-certified program meeting criteria adopted by the commission under RCW 18.88A.087 to meet the requirements of a state-approved nurse aide competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act.

(2) "Approved training program" means a nursing assistant-certified training program approved by the commission to meet the requirements of a state-approved nurse aide training and competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the

federal social security act. For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the commission in cooperation with the board for community and technical colleges or the superintendent of public instruction.

(3) "Commission" means the Washington nursing care quality assurance commission.

(4) "Competency evaluation" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a nursing assistant.

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

(6) "Health care facility" means a nursing home, hospital licensed under chapter 70.41 or 71.12 RCW, hospice care facility, home health care agency, hospice agency, licensed or certified service provider under chapter 71.24 RCW other than an individual health care provider, or other entity for delivery of health care services as defined by the commission.

(7) "Medication assistant" means a nursing assistant-certified with a medication assistant endorsement issued under RCW 18.88A.082 who is authorized, in addition to his or her duties as a nursing assistant-certified, to administer certain medications and perform certain treatments in a nursing home under the supervision of a registered nurse under RCW 18.88A.082.

(8) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility. The two levels of nursing assistants are:

(a) "Nursing assistant-certified," an individual certified under this chapter; and

(b) "Nursing assistant-registered," an individual registered under this chapter.

(9) "Nursing home" means a nursing home licensed under chapter 18.51 RCW.

(10) "Secretary" means the secretary of health.

Sec. 9009. RCW 46.61.5055 and 2017 c 336 s 6 and 2017 c 335 s 3 are each reenacted and amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1) (a) (i), the court may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1) (b) (i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there

is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2) (a) (i), the court may order a minimum of four days in jail and either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days

of electronic home monitoring. In lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2) (b) (i), the court may order a minimum of six days in jail and either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In

lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b) (i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any

person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of

imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) Other items courts must consider while setting penalties. In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) Treatment and information school. An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) Driver's license privileges of the defendant. The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under

the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) Penalty for refusing to take test.

If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) Probation of driving privilege.

After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) Conditions of probation. (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of

probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory

minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally

filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a) (i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a

violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14) (a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment (~~(approved)~~) licensed or certified by the department of (~~social and health services~~) health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 9010. RCW 46.61.5056 and 2016 sp.s. c 29 s 531 are each amended to read as follows:

(1) A person subject to alcohol assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol and drug information school (~~(approved)~~) licensed or certified by the department of (~~social and~~) health (~~(services)~~) or to complete more intensive treatment in a substance use disorder treatment program (~~(approved)~~) licensed or certified by the department of (~~social and~~) health (~~(services)~~), as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by (~~(an alcoholism agency approved)~~) a substance use disorder treatment program licensed or certified by the department of (~~social and~~) health (~~(services)~~) or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be

required to complete a course in an alcohol and drug information school ~~((approved))~~ licensed or certified by the department of ~~((social and))~~ health ~~((services))~~ or more intensive treatment in ~~((a))~~ an approved substance use disorder treatment program ~~((approved))~~ licensed or certified by the department of ~~((social and))~~ health ~~((services))~~.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of ~~((social and))~~ health ~~((services))~~. The department of ~~((social and))~~ health ~~((services))~~ shall periodically review the costs of alcohol and drug information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of ~~((social and))~~ health ~~((services))~~ of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of ~~((social and))~~ health ~~((services))~~. Upon three such failures by an agency within one year, the department of ~~((social and))~~ health ~~((services))~~ shall revoke the agency's ~~((approval))~~ license or certification under this section.

(5) The department of licensing and the department of ~~((social and))~~ health ~~((services))~~ may adopt such rules as are necessary to carry out this section.

Sec. 9011. RCW 72.09.350 and 2014 c 225 s 94 are each amended to read as follows:

(1) The department of corrections and the University of Washington may enter into a collaborative arrangement to provide improved services for offenders with mental illness with a focus on prevention, treatment, and reintegration into society. The participants in the collaborative arrangement may develop a strategic plan within sixty days after May 17, 1993, to address the management of offenders with mental illness within the correctional system, facilitating their reentry into the community and the

mental health system, and preventing the inappropriate incarceration of individuals with mental illness. The collaborative arrangement may also specify the establishment and maintenance of a corrections mental health center located at McNeil Island corrections center. The collaborative arrangement shall require that an advisory panel of key stakeholders be established and consulted throughout the development and implementation of the center. The stakeholders advisory panel shall include a broad array of interest groups drawn from representatives of mental health, criminal justice, and correctional systems. The stakeholders advisory panel shall include, but is not limited to, membership from: The department of corrections, the department of social and health services mental health division and division of juvenile rehabilitation, the health care authority, behavioral health organizations, local and regional law enforcement agencies, the sentencing guidelines commission, county and city jails, mental health advocacy groups for individuals with mental illness or developmental disabilities, ~~((and))~~ the traumatically brain-injured, and the general public. The center established by the department of corrections and University of Washington, in consultation with the stakeholder advisory groups, shall have the authority to:

(a) Develop new and innovative treatment approaches for corrections mental health clients;

(b) Improve the quality of mental health services within the department and throughout the corrections system;

(c) Facilitate mental health staff recruitment and training to meet departmental, county, and municipal needs;

(d) Expand research activities within the department in the area of treatment services, the design of delivery systems, the development of organizational models, and training for corrections mental health care professionals;

(e) Improve the work environment for correctional employees by developing the skills, knowledge, and understanding of how to work with offenders with special chronic mental health challenges;

(f) Establish a more positive rehabilitative environment for offenders;

(g) Strengthen multidisciplinary mental health collaboration between the University of Washington, other groups committed to the intent of this section, and the department of corrections;

(h) Strengthen department linkages between institutions of higher education, public sector mental health systems, and county and municipal corrections;

(i) Assist in the continued formulation of corrections mental health policies;

(j) Develop innovative and effective recruitment and training programs for correctional personnel working with offenders with mental illness;

(k) Assist in the development of a coordinated continuum of mental health care capable of providing services from corrections entry to community return; and

(l) Evaluate all current and innovative approaches developed within this center in terms of their effective and efficient achievement of improved mental health of inmates, development and utilization of personnel, the impact of these approaches on the functioning of correctional institutions, and the relationship of the corrections system to mental health and criminal justice systems. Specific attention should be paid to evaluating the effects of programs on the reintegration of offenders with mental illness into the community and the prevention of inappropriate incarceration of persons with mental illness.

(2) The corrections mental health center may conduct research, training, and treatment activities for the offender with mental illness within selected sites operated by the department. The department shall provide support services for the center such as food services, maintenance, perimeter security, classification, offender supervision, and living unit functions. The University of Washington may develop, implement, and evaluate the clinical, treatment, research, and evaluation components of the mentally ill offender center. The institute of for public policy and management may be consulted regarding the development of the center

and in the recommendations regarding public policy. As resources permit, training within the center shall be available to state, county, and municipal agencies requiring the services. Other state colleges, state universities, and mental health providers may be involved in activities as required on a subcontract basis. Community mental health organizations, research groups, and community advocacy groups may be critical components of the center's operations and involved as appropriate to annual objectives. Clients with mental illness may be drawn from throughout the department's population and transferred to the center as clinical need, available services, and department jurisdiction permits.

(3) The department shall prepare a report of the center's progress toward the attainment of stated goals and provide the report to the legislature annually.

Sec. 9012. RCW 72.09.370 and 2016 sp.s. c 29 s 427 are each amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote public safety. The secretary shall identify offenders in confinement or partial confinement who:

(a) Are reasonably believed to be dangerous to themselves or others; and
 (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of offenders with mental illnesses and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the ~~((division of mental health))~~ health care authority, and, as necessary, the indeterminate sentence review board, ~~((other))~~ divisions or administrations within the department of social and health services, specifically including ~~((the division of alcohol and substance abuse and))~~ the division of developmental disabilities, the appropriate behavioral health organization, and the providers,

as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the designated crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did

not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 9013. RCW 72.09.380 and 1999 c 214 s 3 are each amended to read as follows:

The (~~secretaries~~) secretary of the department of corrections and the (~~department of social and health services~~) director of the health care authority shall adopt rules and develop working agreements which will ensure that offenders identified under RCW 72.09.370(1) will be assisted in making application for medicaid to facilitate a decision regarding their eligibility for such entitlements prior to the end of their term of confinement in a correctional facility.

Sec. 9014. RCW 72.09.381 and 2014 c 225 s 96 are each amended to read as follows:

The secretary of the department of corrections and the (~~secretary of the department of social and health services~~) director of the health care authority shall, in consultation with the behavioral health organizations and provider representatives, each adopt rules as necessary to implement chapter 214, Laws of 1999.

Sec. 9015. RCW 72.09.585 and 2013 c 200 s 32 are each amended to read as follows:

(1) When the department is determining an offender's risk management level, the department shall inquire of the offender and shall be told whether the offender is subject to court-ordered treatment for mental health services or chemical dependency services. The department shall request and the offender shall provide an authorization to release information form that meets applicable state and federal requirements and shall provide the offender with written notice that the department will request the offender's mental health and substance ~~((abuse))~~ use disorder treatment information. An offender's failure to inform the department of court-ordered treatment is a violation of the conditions of supervision if the offender is in the community and an infraction if the offender is in confinement, and the violation or infraction is subject to sanctions.

(2) When an offender discloses that he or she is subject to court-ordered mental health services or chemical dependency treatment, the department shall provide the mental health services provider or chemical dependency treatment provider with a written request for information and any necessary authorization to release information forms. The written request shall comply with rules adopted by the ~~((department of social and health services))~~ health care authority or protocols developed jointly by the department and the ~~((department of social and health services))~~ health care authority. A single request shall be valid for the duration of the offender's supervision in the community. Disclosures of information related to mental health services made pursuant to a department request shall not require consent of the offender.

(3) The information received by the department under RCW 71.05.445 or 70.02.250 may be released to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction. Further disclosure by the indeterminate sentence review board is subject to the limitations set forth in subsections (5) and (6) of this section and must be consistent with the written policy of the indeterminate

sentence review board. The decision to disclose or not shall not result in civil liability for the indeterminate sentence review board or staff assigned to perform board-related duties provided that the decision was reached in good faith and without gross negligence.

(4) The information received by the department under RCW 71.05.445 or 70.02.250 may be used to meet the statutory duties of the department to provide evidence or report to the court. Disclosure to the public of information provided to the court by the department related to mental health services shall be limited in accordance with RCW 9.94A.500 or this section.

(5) The information received by the department under RCW 71.05.445 or 70.02.250 may be disclosed by the department to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. The information received by a state or local agency from the department shall remain confidential and subject to the limitations on disclosure set forth in chapters 70.02, 71.05, and 71.34 RCW and, subject to these limitations, may be released only as relevant and necessary to counteract the danger created by a particular offender.

(6) The information received by the department under RCW 71.05.445 or 70.02.250 may be disclosed by the department to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2). The information may not be disclosed for the purpose of engaging the public in a system of supervision, monitoring, and reporting offender behavior to the department. The department must limit the disclosure of information related to

mental health services to the public to descriptions of an offender's behavior, risk he or she may present to the community, and need for mental health treatment, including medications, and shall not disclose or release to the public copies of treatment documents or records, except as otherwise provided by law. All disclosure of information to the public must be done in a manner consistent with the written policy established by the secretary. The decision to disclose or not shall not result in civil liability for the department or its employees so long as the decision was reached in good faith and without gross negligence. Nothing in this subsection prevents any person from reporting to law enforcement or the department behavior that he or she believes creates a public safety risk.

Sec. 9016. RCW 74.34.020 and 2017 c 268 s 2 and 2017 c 266 s 12 are each reenacted and amended to read as follows:

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

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and

a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) "Mental abuse" means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(5) "Department" means the department of social and health services.

(6) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living

facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department or the department of health.

(7) "Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(8) "Financial institution" has the same meaning as in RCW 30A.22.040 and 30A.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

(9) "Hospital" means a facility licensed under chapter 70.41((~~7~~)) or 71.12((~~7~~)) RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(10) "Incapacitated person" means a person who is at a significant risk of

personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(11) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(12) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(13)(a) "Isolate" or "isolation" means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:

(i) Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(14) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(15) "Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(16) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(17) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(18) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(19) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(20) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(21) "Social worker" means:

(a) A social worker as defined in RCW 18.320.010(2); or

(b) Anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of vulnerable adults, or providing social services to vulnerable adults, whether in an individual capacity or as an employee or agent of any public or private organization or institution.

(22) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(23) "Vulnerable adult advocacy team" means a team of three or more persons who coordinate a multidisciplinary process, in compliance with chapter 266, Laws of 2017 and the protocol governed by RCW 74.34.320, for preventing, identifying, investigating, prosecuting, and providing services related to abuse, neglect, or financial exploitation of vulnerable adults.

PART 10

NEW SECTION. Sec. 1000. A new section is added to chapter 41.05 RCW to read as follows:

(1) The powers, duties, and functions of the department of social and health services pertaining to the behavioral health system and purchasing function of the behavioral health administration, except for oversight and management of state-run mental health institutions and licensing and certification activities, are hereby transferred to the Washington state health care authority to the extent necessary to carry out the purposes of this act. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the director of the health care authority or the health care authority when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred shall be made available to the health care authority. All funds, credits, or other assets held by the department of social and health services in connection with the powers, duties, and functions transferred shall be assigned to the health care authority.

(b) Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the health care authority.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper

allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the health care authority.

(4) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) On July 1, 2018, all employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the health care authority are transferred to the health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

(7) Positions in any bargaining unit within the health care authority existing on the effective date of this section will not be removed from an existing bargaining unit as a result of this section unless and until the existing bargaining unit is modified by the public employment relations commission pursuant to Title 391 WAC. The portions of any bargaining units of employees at the department of social and health services existing on the effective date of this section that are transferred to the health care authority shall be considered separate appropriate units within the health care authority unless and until

modified by the public employment relations commission pursuant to Title 391 WAC. The exclusive bargaining representatives recognized as representing the portions of the bargaining units of employees at the department of social and health services existing on the effective date of this section shall continue as the exclusive bargaining representatives of the transferred bargaining units without the necessity of an election.

(8) The public employment relations commission may review the appropriateness of the collective bargaining units that are a result of the transfer from the department of social and health services to the health care authority under this act. The employer or the exclusive bargaining representative may petition the public employment relations commission to review the bargaining units in accordance with this section.

(9) On July 1, 2018, the health care authority must enter into an agreement with the department of health to ensure coordination of preventative behavioral health services or other necessary agreements to carry out the intent of this act.

(10) The health care authority may enter into agreements as necessary with the department of social and health services to carry out the transfer of duties as set forth in this act.

NEW SECTION. Sec. 1001. A new section is added to chapter 43.70 RCW to read as follows:

(1) The powers, duties, and functions of the department of social and health services pertaining to licensing and certification of behavioral health provider agencies and facilities, except for state-run mental health institutions, are hereby transferred to the department of health to the extent necessary to carry out the purposes of this act. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the secretary of the department of health or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers,

or written material in the possession of the department of social and health services pertaining to the powers, duties, and functions transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, duties, and functions transferred shall be made available to the department of health. All funds, credits, or other assets held by the department of social and health services in connection with the powers, duties, and functions transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of social and health services pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(4) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation

accounts and equipment records in accordance with the certification.

(6) On July 1, 2018, all employees of the department of social and health services engaged in performing the powers, functions, and duties transferred to the department of health are transferred to the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service law.

(7) Positions in any bargaining unit within the department of health existing on the effective date of this section will not be removed from an existing bargaining unit as a result of this section unless and until the existing bargaining unit is modified by the public employment relations commission pursuant to Title 391 WAC. Nonsupervisory civil service employees of the department of social and health services assigned to the department of health under this section whose positions are within the existing bargaining unit description at the department of health shall become a part of that unit under the provision of chapter 41.80 RCW. The existing bargaining representative of the existing bargaining unit at the department of health shall continue to be certified as the exclusive bargaining representative without the necessity of an election.

(8) The department of health may enter into agreements as necessary with the department of social and health services to carry out the transfer of duties as set forth in this act.

NEW SECTION. Sec. 1002. The code reviser shall note wherever the secretary or department of any agency or agency's duties transferred or consolidated under this act is used or referred to in statute that the name of the secretary or department has changed. The code reviser shall prepare legislation for the 2019 regular session that: (1) Changes all statutory references to the secretary or department of any agency transferred or consolidated under this act; and (2) changes statutory references to sections

recodified by this act but not amended in this act.

PART 11

NEW SECTION. Sec. 1100. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1101. RCW 71.24.065 (Wraparound model of integrated children's mental health services delivery-Contracts-Evaluation-Report) is decodified.

NEW SECTION. Sec. 1102. (1) RCW 43.20A.025 is recodified as a section in chapter 71.34 RCW.

(2) RCW 43.20A.065 and 43.20A.433 are each recodified as sections in chapter 71.24 RCW.

(3) RCW 43.20A.890 and 43.20A.892 are each recodified as sections in chapter 41.05 RCW.

(4) RCW 43.20A.893, 43.20A.894, 43.20A.896, and 43.20A.897 are each recodified as sections in chapter 74.09 RCW.

NEW SECTION. Sec. 1103. Sections 3009, 3012, 3026, 5017, and 5020 of this act expire July 1, 2026.

NEW SECTION. Sec. 1104. Sections 3010, 3013, 3027, 5018, and 5021 of this act take effect July 1, 2026.

NEW SECTION. Sec. 1105. Except as provided in section 1105 of this act, this act takes effect July 1, 2018."

Correct the title.

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

The striking amendment (692) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1388.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1388, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439, by House Committee on Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, Fey, Sells, Orwall, Ryu, Stanford and Dolan)

Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices.

The bill was read the third time.

Representatives Pollet and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1439.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1439, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Holy, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, Nealey, Pike, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Appropriations (originally sponsored by Representatives Kloba, Klippert, Goodman, Holy, Macri, Peterson, Haler, Doglio, Appleton and Stanford)

Increasing success in therapeutic courts.

The bill was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1524.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1524, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1524, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1672, by Representatives Frame, Sells, Gregerson, Doglio, Stambaugh, Ormsby, Manweller, Dent, Stonier, Steele, Walsh, Goodman, Bergquist and Pollet

Concerning the time period for workers to recover wages under prevailing wage laws.

The bill was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1672.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1672, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 1672, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1763, by House Committee on Finance (originally sponsored by Representatives Robinson, Wylie, Jinkins, Ortiz-Self, Sells, Orcutt, Dolan, Pollet, Wilcox, Springer, Kretz, Kloba, Senn, Tharinger, Kilduff and Santos)

Modifying the property tax exemption for property used to provide housing for eligible persons with developmental disabilities.

The bill was read the third time.

Representatives Robinson and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1763.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1763, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea, Taylor and Vick.

SUBSTITUTE HOUSE BILL NO. 1763, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1421, by House Committee on Appropriations (originally sponsored by Representatives Smith, Hudgins and Stanford)

Concerning the removal of payment credentials and other sensitive data from state data networks.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1421 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Smith moved the adoption of amendment (685):

On page 1, line 20, after "standards." insert "A third-party institution is prohibited from transferring, selling, trading, monetizing, or otherwise sharing any data that is stored pursuant to this section, unless required by law"

Representatives Smith and Hudgins spoke in favor of the adoption of the amendment.

Amendment (685) was adopted.

Representative Hudgins moved the adoption of amendment (749):

On page 2, beginning on line 28,
strike all of section 2

Correct the title.

Representatives Hudgins and Smith spoke in favor of the adoption of the amendment.

Amendment (749) was adopted.

The bill was ordered engrossed.

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

Representatives Smith and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1421.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1421, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Appropriations (originally sponsored by Representatives Robinson, Johnson, Harris, McBride, Doglio, Wylie, Peterson, Cody, Stonier, Frame, Sawyer, Macri, Sells, Orwall, Jinkins, Senn, Tharinger, Stanford, Riccelli, Fitzgibbon, Ormsby, Gregerson, Hudgins, Ortiz-Self, Ryu, Farrell, Tarleton, Pollet, Clibborn, Fey, Kilduff, Reeves, Kagi, Chapman, Pellicciotti, Bergquist, Goodman, Lovick and Slatter)

Addressing prescription drug cost transparency.

The bill was read the third time.

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

Representatives Schmick, Maycumber and DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1541.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1673, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Doglio, Sells, Gregerson, Ormsby, Macri, Goodman, Frame, Stonier, McBride, Cody, Senn, Ortiz-Self and Pollet)

Adding training on public works and prevailing wage requirements to responsible bidder criteria.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1673 was substituted for House Bill No. 1673 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1673 was read the second time.

Representative Manweller moved the adoption of amendment (714):

On page 2, line 16, after "department" strike "and must be four hours in length" and insert ". The department, in consultation with the prevailing wage advisory committee, must determine the length of the training"

Representatives Manweller and Sells spoke in favor of the adoption of the amendment.

Amendment (714) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1673.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1673, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, Dent, Dye, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCabe, McCaslin, Nealey, Pike, Schmick, Shea, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1673, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2685, by Representatives Ortiz-Self, Harris, Santos, Johnson, Caldier, Dolan, Ormsby, Valdez, Steele, Frame, Jenkins, Bergquist, Doglio, McBride, Sells, Tarleton and Pollet

Promoting preapprenticeship opportunities for high school students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2685 was substituted for House Bill No. 2685 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2685 was read the second time.

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

Representatives Ortiz-Self, Harris and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2685.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2685, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2685, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1031, by Representatives Lytton, Morris, Tarleton, Fitzgibbon, Springer, Gregerson and Hudgins

Concerning the use of unmanned aerial systems near certain protected marine species.

The bill was read the second time.

Representative Buys moved the adoption of amendment (755):

On page 2, line 13, after "treaty" strike "Indian or commercial" and insert "~~((Indian or commercial))~~ Indian, commercial, or recreational"

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

There being no objection, the House deferred action on HOUSE BILL NO. 1031, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1151, by Representatives Wylie, Vick and Blake

Clarifying residency requirements for licensed marijuana businesses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1151 was read the second time.

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

Representatives Wylie, Condotta and Stokesbary spoke in favor of the passage of the bill.

Representative McDonald spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1151.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1151, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harris, Hayes, Holy, Hudgins, Irwin, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McCaslin, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, DeBolt, Dent, Dye, Haler, Hargrove, Harmsworth, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller,

Maycumber, McCabe, McDonald, Muri, Orcutt, Pike, Rodne, Ryu, Schmick, Smith, Van Werven and Young.

SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1357, by Representatives Sawyer, Appleton, Ormsby and Santos

Concerning tribal-state relations.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1357 was read the second time.

With the consent of the House, amendment (756) was withdrawn.

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

Representatives Sawyer and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Chandler.

THIRD SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Higher Education (originally sponsored by Representatives Bergquist, Stambaugh, McBride, Gregerson, Slatter, Frame, Macri, Peterson, Hudgins, Pollet, Orwall, Doglio, Appleton, Fitzgibbon, Goodman, Farrell and Stanford)

Expanding college bound scholarship eligibility.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1512 was substituted for Engrossed Second Substitute House Bill No. 1512 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

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

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

Representatives Holy and Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

THIRD SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1570, by Representatives Macri, Robinson, McBride, Kagi, Sawyer, Tharinger, Doglio, Pollet, Ortiz-Self, Chapman, Cody, Jinkins, Bergquist, Hudgins, Peterson, Senn, Stonier, Riccelli, Frame, Gregerson, Dolan, Tarleton, Ormsby, Ryu, Fey, Fitzgibbon, Goodman, Slatter, Pettigrew, Kloba, Orwall, Appleton, Clibborn, Farrell and Stanford

Concerning access to homeless housing and assistance.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1570 was substituted for House Bill No. 1570 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1570 was read the second time.

With the consent of the House, amendments (738), (741) and (740) were withdrawn.

Representative Barkis moved the adoption of amendment (739):

On page 2, line 24, after "subsection" strike "~~((2))~~ (4)" and insert "(2)"

On page 2, line 29, after "this" strike "~~(section)~~ subsection" and insert "section"

Beginning on page 3, line 32, after "(2)" strike all material through "(4)" on page 4, line 9

Renumber the remaining subsection consecutively.

On page 4, line 9, after "The" strike "surcharges" and insert "surcharge"

On page 4, line 9, after "section" strike "~~(does)~~ do" and insert "does"

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

Representative Ryu spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (739) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (739) was not adopted.

Representative Barkis moved the adoption of amendment (737):

On page 2, line 25, after "of" strike "~~ten~~) forty" and insert "ten"

On page 2, beginning on line 27, after "law." strike all material through "~~dollars.)~~" on line 28 and insert "From September 1, 2012, through June 30, (~~2023~~) 2030, the surcharge shall be forty dollars."

Representatives Barkis and Buys spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (737) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford,

Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (737) was not adopted.

Representative Jinkins moved the adoption of amendment (726):

On page 4, after line 3, insert the following:

"(c) If a county has not imposed an additional surcharge authorized under this subsection, a city legislative authority with a population of more than one hundred fifty thousand in a county with a population of more than eight hundred thousand, but less than one million five hundred thousand, may charge an additional surcharge of no more than fifty dollars for each document recorded. The county auditor shall retain two percent of the additional surcharge as a fee for the collection of any additional surcharge charged under this subsection, and shall remit the remainder of the amount collected to the city to accomplish the purposes set out in subsection (1) of this section. The county auditor may, by demonstration of need to the county, retain additional surcharges for the purposes of administrative costs associated with the additional surcharge charged under this subsection. Any additional surcharges retained by the county auditor for administrative purposes must not change the allocation of any county surcharge fees the city receives for the purposes of subsection (1) of this section.

(d) A city must wait six months from the effective date of the decision to impose an additional surcharge under this subsection before any additional surcharge may be collected.

(e) If a county imposes an additional surcharge as authorized in (a) of this subsection after a city within the county imposes an additional surcharge authorized in (c) of this subsection, a city must relinquish its authority to impose the additional surcharge authorized. A city must relinquish its authority to impose an additional surcharge, including collection and receipt of any surcharge, within ninety days from the effective date of a county's decision to impose an additional surcharge pursuant to (a) of this subsection."

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

Representative Barkis spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

Amendment (726) was adopted.

Representative Manweller moved the adoption of amendment (742):

Beginning on page 5, line 32, strike all of subsection (7)

Representatives Manweller and Ryu spoke in favor of the adoption of the amendment.

Amendment (742) was adopted.

Representative Barkis moved the adoption of amendment (744):

Beginning on page 8, after line 31, strike all material through "~~plans-)~~" on page 9, line 35, and insert the following:

"The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, report biennially to the governor and the appropriate committees of the legislature an assessment of the state's performance in furthering the goals of the state (~~ten-year~~) five-year homeless housing strategic plan and the performance of each participating local government in creating and executing a local homeless housing plan which meets the requirements of this chapter. To increase the effectiveness of the report, the department must develop a process to ensure consistent presentation, analysis, and explanation in the report, including year-to-year comparisons, highlights of program successes and challenges, and information that supports recommended strategy or operational changes. The (~~annual~~) report may include performance measures such as:

(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

(b) The reduction in the number of unaccompanied homeless youth. "Unaccompanied homeless youth" has the same meaning as in RCW 43.330.702;

(c) The number of new units available and affordable for homeless families by housing type;

(d) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

(e) The number of households at risk of losing housing who maintain it due to a preventive intervention;

(f) The transition time from homelessness to permanent housing;

(g) The cost per person housed at each level of the housing continuum;

(h) The ability to successfully collect data and report performance;

(i) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

(j) The quality and safety of housing provided; and

(k) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

~~((5) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the annual census, the department may revise the performance measures and goals of the state homeless housing strategic plan, set goals for years following the initial ten-year period, and recommend changes in local governments' plans-))"~~

Representatives Barkis and Ryu spoke in favor of the adoption of the amendment.

Amendment (744) was adopted.

Representative Manweller moved the adoption of amendment (743):

Beginning on page 9, line 38, after "created in the" strike "~~(state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. If~~" and insert "state treasury, subject to appropriation. The state's portion of the surcharge established in RCW

36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. ((~~##~~"

On page 10, beginning on line 17, after "~~RCW 36.22.179(1)(b)-)~~" strike all material through "chapter." on line 21

On page 10, beginning on line 23, after "43.88 RCW" strike ", but an appropriation is not required for expenditures"

Representatives Manweller and Ryu spoke in favor of the adoption of the amendment.

Amendment (743) was adopted.

Representative Walsh moved the adoption of amendment (745):

On page 11, after line 7, insert the following:

"**Sec. 7.** RCW 43.185C.090 and 2005 c 484 s 13 are each amended to read as follows:

(1) The department shall allocate grant moneys from the homeless housing account to finance in whole or in part programs and projects in approved local homeless housing plans to assist homeless individuals and families gain access to adequate housing, prevent at-risk individuals from becoming homeless, address the root causes of homelessness, track and report on homeless-related data, and facilitate the movement of homeless or formerly homeless individuals along the housing continuum toward more stable and independent housing. The department may issue criteria or guidelines to guide local governments in the application process.

(2) The department may not prioritize grant funding from the home security fund account or other accounts for low and no-barrier housing over other homeless housing options."

ReNUMBER the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Walsh, Irwin, McCaslin and Stokesbary spoke in favor of the adoption of the amendment.

Representative Robinson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (745) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (745) was not adopted.

The bill was ordered engrossed.

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

Representatives Macri, Ormsby and Robinson spoke in favor of the passage of the bill.

Representatives Barkis, Irwin, DeBolt, Maycumber, Taylor, Buys, MacEwen and Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1570.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1570, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves,

Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2035, by Representatives Harmsworth, Hayes, Shea and Young

Concerning information on civil traffic infractions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2035 was substituted for House Bill No. 2035 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2035 was read the second time.

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

Representatives Harmsworth and Jenkins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2035.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2035, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2035, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2101, by Representatives McCabe, Orwall, Griffey, Hayes and McDonald

Concerning the availability of sexual assault nurse examiners.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2101 was substituted for House Bill No. 2101 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2101 was read the second time.

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

Representatives McCabe, Macri, Caldier, Irwin and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2101.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2101, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2101, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2343, by Representatives Valdez, Harris, Jinkins, Tharinger, Muri, Goodman, Pellicciotti, Reeves, Macri, Appleton and Doglio

Defining "willful" in the chapter regarding abuse of vulnerable adults.

The bill was read the second time.

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

Representatives Valdez, Jinkins, Rodne, Pollet, Klippert and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2343.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2343, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2343, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Pollet congratulated Representative Valdez on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2466, by Representatives Orwall, Klippert, McCabe, Griffey, Muri, Stanford, Van Werven, Haler and Doglio

Authorizing law enforcement to arrest persons in violation of certain no-contact orders involving victims of trafficking and promoting prostitution offenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2466 was substituted for House Bill No. 2466 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2466 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2466.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2466, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2466, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2585, by Representatives Caldier, Orwall, McCabe, Gregerson, Jinkins, Cody, Pike, Senn, Wylie and Shea

Concerning hospital notification of availability of sexual assault evidence kit collection.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2585 was substituted for House Bill No. 2585 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2585 was read the second time.

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

Representatives Caldier, Macri, Griffey and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2585.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2585, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 2661, by Representatives Doglio, Appleton, Orwall, Gregerson, Frame, Sells, Jinkins, Wylie, Macri, Tarleton, Hudgins, McBride, Pollet, Goodman, Santos and Stanford

Protecting survivors of domestic assault from employment discrimination.

The bill was read the second time.

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

Representatives Doglio and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2661.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2661, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman,

Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2661, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2700, by Representatives Valdez, Smith, Stonier, Sawyer, Jinkins, Ortiz-Self and Kagi

Concerning the handling of child forensic interview and child interview digital recordings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2700 was substituted for House Bill No. 2700 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2700 was read the second time.

Representative Valdez moved the adoption of amendment (746):

On page 10, at the beginning of line 21, strike "digital recordings" and insert "audio and video recordings"

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

Amendment (746) was adopted.

The bill was ordered engrossed.

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

Representatives Valdez, Dent, Smith, Van Werven and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2700.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2700, and the bill

passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2778, by Representatives Jinkins, Stambaugh, Fitzgibbon, Gregerson, Caldier, Kilduff, Tharinger, Hansen, Orwall, Wylie, Stonier, Bergquist, Clibborn, Dolan, McBride, Kraft, Macri, Senn, Reeves, Haler, Riccelli, Valdez, Sawyer, Tarleton, Frame, Doglio, Fey, Robinson, Pollet, Kloba, Stanford and Santos

Protecting personal information regarding sexual harassment claims.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2778 was substituted for House Bill No. 2778 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2778 was read the second time.

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

Representatives Jinkins, Kraft and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2778.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2778, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan,

Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2778, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2951, by Representatives McCabe, Gregerson, Stambaugh, Stanford, Walsh, Reeves, Dye, Barkis, Frame, Haler, Jinkins, Kloba, Ormsby, Valdez and Peterson

Ordering a study to determine how to increase reporting and investigation of missing Native American women.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2951 was substituted for House Bill No. 2951 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2951 was read the second time.

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

Representatives McCabe and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2951.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2951, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald,

Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2951, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1237, by Representatives Sells, Haler, Pollet, Appleton, Bergquist, Cody, Farrell, Riccelli, Lovick, Johnson, Ormsby, Springer, Gregerson, Ryu, Wylie, Sawyer, Santos, Senn, Goodman, Fey and Stanford

Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.

The bill was read the third time.

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

Representatives McCabe and Nealey spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1237.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

ENGROSSED HOUSE BILL NO. 1237, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:00 a.m., February 8, 2018, the 32 Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 8, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brad Haskins and Sarah Hole. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Chad Stephens, Grace Bible Church, Port Orchard, Washington.

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

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

SECOND READING

HOUSE BILL NO. 2296, by Representatives Slatter, Schmick, Cody, Robinson, Dolan, Orwall, Tharinger, Macri, Young, Kloba, Appleton, Jenkins, Ormsby, Pollet and Doglio

Protecting consumers from excess charges for prescription medications.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2296 was substituted for House Bill No. 2296 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2296 was read the second time.

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

Representatives Slatter, Schmick and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2296.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2296, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2296, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2374, by Representatives Hayes, Goodman, Eslick and Haler

Concerning donation of unclaimed property by law enforcement agencies.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2374.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2374, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller,

Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2374, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2641, by Representatives McCaslin, Hargrove, Shea, Maycumber, Taylor, Holy, Condotta and Young

Promoting the use of expert volunteers in career and technical education courses offered in grades seven and eight.

The bill was read the second time.

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

Representatives McCaslin, Santos, Kraft and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2641.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2641, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2641, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2567, by Representatives Shea, Hudgins, McDonald, Pike, Kraft, McCaslin, Volz, Irwin and Taylor

Prohibiting the names of county auditors and the secretary of state in their official capacity on election materials.

The bill was read the second time.

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

Representatives Shea and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2567.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2567, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2567, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2398, by Representatives Kilduff, Graves, Jinkins, Sawyer, Pollet, Valdez and Appleton

Concerning jury selection.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2398 was substituted for House Bill No. 2398 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2398 was read the second time.

Representative Irwin moved the adoption of amendment (766):

On page 1, line 14, after "service." insert "A prospective juror may be excused from jury service by the court upon a

showing that the prospective juror is: (a) A single parent with a minor child or minor children living at home; (b) an individual engaged in job search requirements for unemployment benefits; or (c) a participant in the temporary assistance for needy families work first program activities, including but not limited to employment services, commerce employment programs, education and training, limited English proficiency pathway services, or barrier removal activities."

On page 2, after line 7, insert the following:

"**Sec. 2.** RCW 2.36.100 and 2015 c 7 s 2 are each amended to read as follows:

(1) Except for a person who is not qualified for jury service under RCW 2.36.070, no person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, excuse allowable under RCW 2.36.080(2), or any reason deemed sufficient by the court for a period of time the court deems necessary.

(2) At the discretion of the court's designee, after a request by a prospective juror to be excused, a prospective juror excused from juror service for a particular time may be assigned to another jury term within the twelve-month period. If the assignment to another jury term is made at the time a juror is excused from the jury term for which he or she was summoned, a second summons under RCW 2.36.095 need not be issued.

(3) When the jury source list has been fully summoned within a consecutive twelve-month period and additional jurors are needed, jurors who have already served during the consecutive twelve-month period may be summoned again for service. A juror who has previously served may only be excused if he or she served at least one week of juror service within the preceding twelve months. An excuse for prior service shall be granted only upon the written request of the prospective juror, which request shall certify the terms of prior service. Prior jury service may include service in superior court, in a court of limited jurisdiction, in the United States District Court, or on a jury of inquest."

Correct title.

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

Representative Kilduff spoke against the adoption of the amendment.

Amendment (766) was not adopted.

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

Representatives Kilduff, Rodne, Shea and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2398.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2398, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2398, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2576.

Representative Shea, 4 District

HOUSE BILL NO. 2678, by Representatives Tarleton, Hudgins, Jinkins, Ortiz-Self and Irwin

Modifying cybercrime provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2678 was substituted for House Bill No. 2678 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2678 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2678.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2678, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Graves.

SUBSTITUTE HOUSE BILL NO. 2678, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2699, by Representatives Stanford, Dent, Blake, Nealey and Eslick

Exempting alcohol manufacturers from the food storage warehouse license.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2699.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2699, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2699, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2725, by Representatives Blake, Chandler, Jenkin, Dent, Dye, Chapman, Wylie, Walsh, Ryu, Maycumber, Kretz, Wilcox, Van Werven, Haler, Steele, Condotta and McDonald

Updating laws concerning agricultural fairs, youth shows, and exhibitions.

The bill was read the second time.

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

Representatives Blake, Buys, Dent and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2725.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2725, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick,

Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2725, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2822, by Representatives Steele, McBride, Muri, Johnson, Caldier, Valdez, Eslick and Gregerson

Concerning service animals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2822 was substituted for House Bill No. 2822 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2822 was read the second time.

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

Representatives Steele, McBride and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2822.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2822, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2822, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2634, by Representatives Chapman, Graves, Fitzgibbon, Hayes, Tarleton, Hudgins and McBride

Concerning the use of antifouling paints on recreational water vessels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2634 was substituted for House Bill No. 2634 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2634 was read the second time.

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

Representatives Chapman and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2634.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2634, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2634, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1233, by Representatives Morris, Tarleton and Hudgins

Enabling electric utilities to prepare for the distributed energy future.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1233 was substituted for House Bill No. 1233 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1233 was read the second time.

Representative Morris moved the adoption of the striking amendment (772):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.280 RCW to read as follows:

(1) The legislature finds that the proliferation of distributed energy resources across the distribution system is rapidly transforming the relationships between electric utilities and their retail electric customers. The legislature finds that distributed energy resources planning processes will vary from one utility to another based on the unique characteristics of each system. However, distributed energy resources planning processes may allow electric utilities to better anticipate both the positive and negative impacts of this transformation by: Illuminating the interdependencies among customer-sited energy and capacity resources; identifying and quantifying customer values that are not represented in volumetric electricity rates; reducing, deferring, or eliminating unnecessary and costly transmission and distribution capital expenditures; maximizing system benefits for all retail electric customers; and identifying opportunities for improving access to transformative technologies for low-income and other underrepresented customer populations.

(2) Therefore, it is the policy of the state of Washington that any distributed energy resources planning process engaged in by an electric utility in the state should accomplish the following:

(a) Identify the data gaps that impede a robust planning process as well as any upgrades, such as but not limited to advanced metering and grid monitoring equipment, enhanced planning simulation tools, and potential cooperative efforts with other utilities in developing tools needed to obtain data that would allow

the electric utility to quantify the locational and temporal value of resources on the distribution system;

(b) Propose monitoring, control, and metering upgrades that are supported by a business case identifying how those upgrades will be leveraged to provide net benefits for customers;

(c) Identify potential programs and tariffs to fairly compensate customers for the value of their distributed energy resources, which may both produce and consume electricity and capacity from the distribution system individually or in groups, and ensure their optimal usage, including programs targeted at low-income customers;

(d) Forecast, using probabilistic models if available, the growth of distributed energy resources on the utility's distribution system;

(e) Provide, at a minimum, a ten-year plan for distribution system investments and an analysis of nonwires alternatives for major transmission and distribution investments. This plan should include a process whereby near-term assumptions, as well as any pilots or procurements initiated in accordance with subsection (3) of this section, regularly inform and adjust the long-term projections of the plan. The goal of the plan should be to provide the most affordable investments for all customers and avoid reactive expenditures to accommodate unanticipated growth in distributed energy resources. An analysis that fairly considers wire-based and nonwires alternatives on equal terms is foundational to achieving this goal. The electric utility should be financially indifferent to the technology that is used to meet a particular resource need. The distribution system investment planning process should utilize a transparent approach that involves opportunities for stakeholder input and feedback;

(f) Include the distributed energy resources identified in the plan in the electric utility's integrated resource plan developed under this chapter. Distribution system plans should be used as inputs to the integrated resource planning process. Distributed energy resources may be used to meet system needs when they are not needed to meet a local distribution need. Including select distributed energy resources in the integrated resource planning process

allows those resources to displace or delay system resources in the integrated resource plan;

(g) Include a high level discussion of how the electric utility is adapting cybersecurity and data privacy practices to the changing distribution system and the internet of things, including an assessment of the costs associated with ensuring customer privacy; and

(h) Include a discussion of lessons learned from the planning cycle and identify process and data improvements planned for the next cycle.

(3) To ensure that procurement decisions are based on current cost and performance data for distributed energy resources, a utility should procure the distributed energy resource needs identified in any distributed energy resources plan through a process that is price-based and technology neutral. Electric utilities should consider using competitive procurements tailored to meet a specific need, which may increase the utility's ability to identify the lowest cost and most efficient means of meeting distribution system needs. If the projected cost of a procurement is more than the calculated system net benefit of the identified distributed energy resources, the governing body, in the case of a consumer-owned utility, or the commission, in the case of an investor-owned utility, may approve a pilot process by which the electric utility will gain a better understanding of the costs and benefits of a distributed energy resource or resources.

(4) By January 1, 2023, the legislature shall conduct an initial review of the state's policy pertaining to distributed energy resources planning under this chapter. By January 1, 2026, and every four years thereafter, the legislature shall conduct a full review of the policy and determine how many electric utilities in the state have engaged in or are engaging in a distributed energy resources planning process, whether the process has met the eight goals specified under subsection (2) of this section, and whether these goals need to be expanded or amended."

Correct the title.

Representatives Morris and Smith spoke in favor of the adoption of the amendment.

The striking amendment (772) was adopted.

The bill was ordered engrossed.

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

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1233.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1233, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin and Taylor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1510, by Representatives Tarleton, McDonald, Ryu, Fitzgibbon, Tharinger, Clibborn, Santos and Fey

Concerning port district worker development and occupational training programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1510 was substituted for House Bill No. 1510 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1510 was read the second time.

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

Representatives Tarleton, Smith, Morris, Walsh and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1510, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2824, by Representatives Harris, Dolan and Muri

Exchanging and aligning specific powers, duties, and functions of the superintendent of public instruction and the state board of education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2824 was substituted for House Bill No. 2824 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2824 was read the second time.

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

Representatives Harris and Dolan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2824.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2824, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Pike and Taylor.

SUBSTITUTE HOUSE BILL NO. 2824, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2590, by Representatives Ortiz-Self, Harris, Kilduff, Stonier, Lovick, Gregerson, McBride, Fitzgibbon, Peterson, Valdez, Stanford, Doglio and Macri

Regarding the transitional bilingual instruction program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2590 was substituted for House Bill No. 2590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2590 was read the second time.

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

Representatives Ortiz-Self and Harris spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representative Wilcox was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2590, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative Wilcox.

SUBSTITUTE HOUSE BILL NO. 2590, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2415, by Representatives Chapman, Goodman, Tharinger, Jinkins and Appleton

Concerning access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2415 was substituted for House Bill No. 2415 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2415 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2415.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2415, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz,

Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler and McCaslin.

Excused: Representative Wilcox.

SUBSTITUTE HOUSE BILL NO. 2415, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2647, by Representatives Wylie, Stonier, Hudgins, Tarleton, Macri, Vick, Cody, Clibborn, Harris, Gregerson, Appleton, Fitzgibbon and Doglio

Applying campaign contribution limits to candidates for all special purpose districts authorized to provide freight and passenger transfer and terminal facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2647 was substituted for House Bill No. 2647 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2647 was read the second time.

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

Representatives Wylie, Pike, Stonier and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2647.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2647, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz,

Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

SUBSTITUTE HOUSE BILL NO. 2647, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2649, by Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton and McBride

Enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability.

The bill was read the second time.

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

Representatives Barkis and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2649.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2649, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

HOUSE BILL NO. 2649, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2961, by Representatives Kraft and Hudgins

Concerning election year restrictions on email updates from state legislators.

The bill was read the second time.

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

Representatives Kraft and Dolan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2961.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2961, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

HOUSE BILL NO. 2961, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2465, by Representatives Orwall, McCabe, Griffey, Harmsworth and Haler

Modifying the offense of rape in the third degree.

The bill was read the second time.

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

Representatives Orwall, Klippert and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2465.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2465, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

HOUSE BILL NO. 2465, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2360, by Representatives Pellicciotti, Kraft, Dolan, McDonald, Orwall, Hayes, Van Werven, Klippert, Lovick, Kloba, Fey, Tarleton, Johnson, Sawyer, Kirby, Stanford, Reeves, Jinkins, Ryu, Ortiz-Self, Riccelli and Gregerson

Increasing penalties for the crime of patronizing a prostitute. Revised for 1st Substitute: Concerning sexual exploitation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2360 was substituted for House Bill No. 2360 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2360 was read the second time.

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

Representatives Pellicciotti, Klippert and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2360.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2360, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

SUBSTITUTE HOUSE BILL NO. 2360, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2887, by Representatives Riccelli, Holy, Volz, Ormsby, Shea, McCaslin and Frame

Addressing county commissioner elections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2887 was substituted for House Bill No. 2887 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2887 was read the second time.

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

Representatives Riccelli, Holy, Volz and Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2887.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2887, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson,

Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Dye, Hargrove, Jenkin, Klippert, Kretz, Manweller, Maycumber, Orcutt, Schmick, Steele, Taylor and Vick.

Excused: Representative Wilcox.

SUBSTITUTE HOUSE BILL NO. 2887, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2887.

Representative McCabe, 14 District

HOUSE BILL NO. 1622, by Representatives Senn, Springer, Tharinger, Ormsby and Fey

Concerning the state building code council.

The bill was read the second time.

There being no objection Second Substitute House Bill No. 1622 was substituted for House Bill No. 1622 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1622 was read the second time.

Representative Senn moved the adoption of amendment (759):

On page 4, beginning on line 5, after "(d)" strike all material through "council" on line 21 and insert "((Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.)) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar private sector employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember appointed to represent a specific private sector

industry enters into employment outside of the industry, or outside of the private sector, he or she has been appointed to represent, then he or she must be removed from the council"

On page 4, beginning on line 33, after "the" strike "largest trade association" and insert "trade associations"

On page 4, line 35, after "trade" strike "association" and insert "associations"

On page 13, after line 9, insert the following:

"NEW SECTION. Sec. 11. Sections 1 through 8 of this act take effect July 1, 2018.

NEW SECTION. Sec. 12. Sections 9 and 10 of this act take effect October 1, 2018."

Correct the title.

Representatives Senn and Buys spoke in favor of the adoption of the amendment.

Amendment (759) was adopted.

The bill was ordered engrossed.

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

Representatives Senn, Buys and Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1622.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hayes, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier, Chandler, Condotta, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Holy, Jenkin, Johnson, Kraft, MacEwen, McCabe, McCaslin, McDonald, Pike, Schmick, Shea, Taylor, Vick, Volz and Young.

Excused: Representative Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2735, by Representatives Young, Peterson and Kretz

Concerning public disclosure of certain information procured or obtained pursuant to a loan or grant application under the underground storage tank revolving loan and grant program.

The bill was read the second time.

Representative Pollet moved the adoption of amendment (771):

On page 6, beginning on line 1, strike all of subsection (29) and insert the following:

"(29) (a) That portion of financial information, business plans, and commercial information and records that:

(i) Is certified by an applicant for a grant or loan under chapter 70.340 RCW to not be publicly available in any other forum or filing with any other governmental agency;

(ii) An applicant for a grant or loan under chapter 70.340 RCW certifies that the disclosure of which would result in competitive harm, disclosure of specific account information, or disclosure of personal financial information of an individual; and

(iii) Is required by an agency as an exhibit to a main application for a loan or grant provided under chapter 70.340 RCW or requested by an agency to aid in evaluating a business or individual's application for a loan or grant provided under chapter 70.340 RCW.

(b) The exemption in (a) of this subsection (29) does not apply to a main application for a grant or loan provided under chapter 70.340 RCW and resulting agency work product."

Representatives Pollet and Young spoke in favor of the adoption of the amendment.

Amendment (771) was adopted.

The bill was ordered engrossed.

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

Representatives Young and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2735.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2735, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

ENGROSSED HOUSE BILL NO. 2735, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Shea, Fitzgibbon, Wilcox, Tharinger, Dent, Doglio, Buys, Fey, Manweller, Peterson, Maycumber, Ryu, Nealey, Pettigrew, Johnson, Springer, Haler, Lytton, Stokesbary, Smith, Gregerson, Muri, McBride, Kloba and Goodman

Supporting the continued research, development, production, and application of biochar from our forests and agricultural lands.

The joint memorial was read the second time.

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

Representatives Shea, Blake and Nealey spoke in favor of the passage of the memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4014.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4014, and the joint memorial passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Excused: Representative Wilcox.

HOUSE JOINT MEMORIAL NO. 4014, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2362, by Representatives Pellicciotti, Sawyer, Robinson, Dolan, Chapman, Kilduff, Stanford, Macri, Ryu, Ormsby and Doglio

Concerning crime committed by business entities. Revised for 1st Substitute: Concerning crime committed by business entities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2362 was substituted for House Bill No. 2362 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2362 was read the second time.

Representative Klippert moved the adoption of amendment (711):

On page 3, line 30, after "action." insert "Notwithstanding any other provisions pertaining to legal financial obligations, all legal financial obligations imposed in a judgment against a business entity under this section bear interest from the date of the judgment until payment at the rate applicable to civil judgments under RCW 4.56.110."

On page 3, beginning on line 32, after "obligations." strike all material through "obligations" on line 36 and insert the following:

"(2) Except as otherwise provided under subsection (1) of this section, payments on legal financial obligations must be collected and distributed according to the requirements under RCW 3.50.100, RCW 3.62.020, RCW 3.62.040, RCW 9.92.070, RCW 9.94A.760, RCW 10.01.160, RCW 10.01.170, RCW 10.01.180, RCW 10.46.190, RCW 10.64.015, RCW 10.73.160, RCW 10.82.090, RCW 35.20.220, and any other sections applicable to legal financial obligations imposed as a result of a criminal conviction"

Re-number the remaining subsection consecutively and correct any internal references accordingly.

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

Amendment (711) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2362.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2362, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2362, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2362.

Representative Taylor, 15 District

HOUSE BILL NO. 2443, by Representatives Riccelli, Johnson, Cody, Schmick, Kloba, Vick, Ortiz-Self, Peterson, Stonier, Ryu, Tarleton, Haler, Graves, Harris, Stokesbary, Dent, Robinson, Muri, MacEwen, Clibborn, Maycumber, Appleton, Tharinger, Bergquist, Ormsby and Doglio

Adding the Washington State University college of medicine to the family medicine residency network.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2443.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2443, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2443, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2576, by Representatives Griffey, Springer and McBride

Allowing fire protection district annexations and mergers within a reasonable geographic proximity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2576 was substituted for House Bill No. 2576 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2576 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2576.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2576, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Dye, Jenkin, McCaslin, Nealey, Orcutt, Schmick and Taylor.

SUBSTITUTE HOUSE BILL NO. 2576, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2458, by Representatives Hayes and Goodman

Requiring the department of health to adopt rules establishing an abbreviated death certificate.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2458 was substituted for House Bill No. 2458 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2458 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2458.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2458, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2458, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2517, by Representatives Stonier, Vick, Kirby and Jenkin

Concerning penalties for alcohol manufacturers who have committed violations as part of its ancillary activities.

The bill was read the second time.

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

Representatives Stonier and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2517.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2517, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2517, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2557, by Representatives Maycumber, Lovick, Graves, Volz, DeBolt, Stambaugh, Chandler, Cody, Caldier, Fitzgibbon, Senn, Muri, Kretz, Ryu, Smith, Dent, Slatter, Eslick, Stanford, Doglio, Ormsby, Steele, Macri, Riccelli and Young

Concerning bone marrow donation information provided to driver's license and identicaid applicants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2557 was substituted for House Bill No. 2557 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2557 was read the second time.

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

Representatives Maycumber and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2557.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2557, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman,

Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2557, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2276, by Representatives Eslick, Haler and Young

Concerning notification of wildlife transfer, relocation, or introduction into a new location.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2276 was substituted for House Bill No. 2276 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2276 was read the second time.

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

Representatives Eslick, Blake, Wilcox, Senn, Harmsworth, Kraft, Steele, Kirby, Van Werven, MacEwen, Volz and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2276, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti,

Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Kristiansen.

SUBSTITUTE HOUSE BILL NO. 2276, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Kristiansen congratulated Representative Eslick on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 2710, by Representatives Reeves, Barkis, Kilduff and Graves

Adding proximity to working forests to the residential real estate disclosure statement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2710 was substituted for House Bill No. 2710 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2710 was read the second time.

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

Representatives Reeves, Vick and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2710.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2710, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves,

Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2710, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824, by House Committee on Environment (originally sponsored by Representatives Peterson, Lovick, Kagi, Ortiz-Self, Tarleton, Robinson, Stanford, Ormsby and Doglio)

Concerning electronic product recycling.

The bill was read the third time.

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

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1824.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1824, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824, having received the necessary constitutional majority, was declared passed.

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

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

SECOND READING

HOUSE BILL NO. 2514, by Representatives Kilduff, Muri, Sawyer, Frame, Jinkins, Gregerson, Valdez, Lovick, Stanford, Pollet, Santos and Stonier

Regarding discriminatory provisions found in written instruments related to real property.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2514 was substituted for House Bill No. 2514 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2514 was read the second time.

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

Representatives Kilduff and Graves spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representative Pike was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2514.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2514, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor,

Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Pike.

SUBSTITUTE HOUSE BILL NO. 2514, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2684, by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri and McBride

Defining the process for best interest determinations of students in out-of-home care.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2684 was substituted for House Bill No. 2684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2684 was read the second time.

Representative Caldier moved the adoption of amendment (753):

On page 1, beginning on line 18, after "student." strike all material through "student." on line 20

Representatives Caldier and Santos spoke in favor of the adoption of the amendment.

Amendment (753) was adopted.

The bill was ordered engrossed.

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

Representatives Caldier and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2684.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2684, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller,

Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Pike.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1849, by Representatives Sells, Doglio, Pollet, Ormsby, Tharinger and Farrell

Addressing compliance with apprenticeship utilization requirements.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1849 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Sells moved the adoption of the striking amendment (748):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.04.320 and 2015 3rd sp.s. c 40 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) through (d) of this subsection, from January 1, 2005, and thereafter, for all public works estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(b)(i) This section does not apply to contracts advertised for bid before July 1, 2007, for any public works by the department of transportation.

(ii) For contracts advertised for bid on or after July 1, 2007, and before July 1, 2008, for all public works by the department of transportation estimated to cost five million dollars or more, all specifications shall require that no less than ten percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after July 1, 2008, and before July 1, 2009, for all public works by the department of transportation estimated to cost three million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

(iv) For contracts advertised for bid on or after July 1, 2015, and before July 1, 2020, for all public works by the department of transportation estimated to cost three million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(v) For contracts advertised for bid on or after July 1, 2020, for all public works by the department of transportation estimated to cost two million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(c) (i) This section does not apply to contracts advertised for bid before January 1, 2008, for any public works by a school district, or to any project funded in whole or in part by bond issues approved before July 1, 2007.

(ii) For contracts advertised for bid on or after January 1, 2008, for all public works by a school district estimated to cost three million dollars or more, all specifications shall require that no less than ten percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after January 1, 2009, for all public works by a school district estimated to cost two million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

(iv) For contracts advertised for bid on or after January 1, 2010, for all public works by a school district estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(d) (i) For contracts advertised for bid on or after January 1, 2010, for all public works by a four-year institution of higher education estimated to cost three million dollars or more, all specifications must require that no less than ten percent of the labor hours be performed by apprentices.

(ii) For contracts advertised for bid on or after January 1, 2011, for all public works by a four-year institution of higher education estimated to cost two million dollars or more, all specifications must require that no less than twelve percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after January 1, 2012, for all public works by a four-year institution of higher education estimated to cost one million dollars or more, all specifications must require that no less than fifteen percent of the labor hours be performed by apprentices.

(2) Awarding entities may adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas;

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation;

(c) Participating contractors have demonstrated a good faith effort to comply with the requirements of RCW 39.04.300 and 39.04.310 and this section; or

(d) Other criteria the awarding entity deems appropriate, which are subject to review by the office of the governor.

(3) The secretary of the department of transportation shall adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas; or

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation.

(4) (a) This section applies to public works contracts awarded by the state, to public works contracts awarded by school districts, and to public works contracts awarded by state four-year institutions of higher education. However, this section does not apply to contracts awarded by state agencies headed by a separately elected public official.

(b) Within existing resources, awarding agencies are responsible for monitoring apprenticeship utilization hours by contractor. There must be a specific line item in the contract specifying that apprenticeship utilization goals should be met, monetary incentives for meeting the goals, monetary penalties for not meeting the goals, and an expected cost value to be included in the bid associated with meeting the goals. The awarding agency must report the apprenticeship utilization by contractor and subcontractor to the supervisor of apprenticeship at the department of labor and industries by final project acceptance. The electronic reporting system that is being developed by the department of labor and industries may be used for either or both monitoring and reporting apprenticeship utilization hours.

(c) In lieu of the monetary penalty and incentive requirements specified in (b) of this subsection, the Washington state department of transportation may use its three strike system for ensuring compliance including the allowance for a good faith effort.

(5) (a) The department of enterprise services must provide information and technical assistance to affected agencies and collect the following data from affected agencies for each project covered by this section:

(i) The name of each apprentice and apprentice registration number;

(ii) The name of each project;

(iii) The dollar value of each project;

(iv) The date of the contractor's notice to proceed;

(v) The number of apprentices and labor hours worked by them, categorized by trade or craft;

(vi) The number of journey level workers and labor hours worked by them, categorized by trade or craft; and

(vii) The number, type, and rationale for the exceptions granted under subsection (2) of this section.

(b) The department of labor and industries shall assist the department of enterprise services in providing information and technical assistance.

(6) The secretary of transportation shall establish an apprenticeship utilization advisory committee, which shall include statewide geographic representation and consist of equal numbers of representatives of contractors and labor. The committee must include at least one member representing contractor businesses with less than thirty-five employees. The advisory committee shall meet regularly with the secretary of transportation to discuss implementation of this section by the department of transportation, including development of the process to be used to adjust the requirements of this section for a specific project.

(7) At the request of the senate labor, commerce, research and development committee, the house of representatives commerce and labor committee, or their successor committees, and the governor, the department of enterprise services and the department of labor and industries shall compile and summarize the agency data and provide a joint report to both committees. The report shall include recommendations on modifications or improvements to the apprentice utilization program and information on skill shortages in each trade or craft.

(8) All contracts subject to this section must include specifications that a contractor or subcontractor may not be required to exceed the apprenticeship utilization requirements of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 49.04 RCW to read as follows:

(1) In addition to the duties established under RCW 49.04.030, the supervisor of apprenticeship must verify compliance by contractors, subcontractors, and awarding agencies of apprenticeship utilization requirements. The supervisor may coordinate with the department of enterprise services, the state department of transportation, the office of the superintendent of public instruction, and any other appropriate agency or organization to assist in tracking compliance.

(2) Compliance information must be made available to the apprenticeship council and must be used to determine compliance for purposes of RCW 39.04.350 and 39.12.055.

(3) The director of labor and industries must adopt rules to implement this section.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2020."

Correct the title.

Representatives Sells and Manweller spoke in favor of the adoption of the striking amendment.

The striking amendment (748) was adopted.

The bill was ordered engrossed.

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

Representatives Sells, Manweller and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1849.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1849, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Pike.

ENGROSSED HOUSE BILL NO. 1849, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 2009, by House Committee on Appropriations (originally sponsored by Representatives Reeves, Stonier, Riccelli, Peterson, Doglio, Jinkins, Kilduff, Lovick, Tarleton, McBride, Ormsby, Stanford, Orwall, Muri, Slatter, Ryu and Fey)

Providing higher education support for gold star families.

There being no objection, the rules were suspended, and SECOND SUBSTITUTE HOUSE BILL NO. 2009 was returned to second reading for the purpose of amendment.

SECOND READING

With the consent of the House, amendment (788) was withdrawn.

Representative Muri moved the adoption of amendment (832):

On page 4, beginning on line 25, strike all of section 2

Correct the title.

Representatives Muri and Hansen spoke in favor of the adoption of the amendment.

Amendment (832) was adopted.

The bill was ordered engrossed.

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

Representatives Reeves and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2009.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2009, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2177, by Representatives Chapman, Steele, Frame and Tharinger

Creating the rural county high employer demand jobs program. Revised for 2nd Substitute: Creating a rural county jobs program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2177 was substituted for House Bill No. 2177 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2177 was read the second time.

Representative Van Werven moved the adoption of amendment (835):

On page 5, line 2, after "82.14.370" insert "and also includes any county that shares a common border with Canada and has a population of over one hundred twenty five thousand"

Representatives Van Werven and Hansen spoke in favor of the adoption of the amendment.

Amendment (835) was adopted.

The bill was ordered engrossed.

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

Representatives Chapman, Holy, Hansen and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2177.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2177, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves,

Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2802, by Representatives Kloba, Johnson, Stonier, Macri, Valdez, Fey and Stanford

Concerning expanded learning opportunities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2802 was substituted for House Bill No. 2802 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2802 was read the second time.

Representative Steele moved the adoption of amendment (815):

On page 2, after line 16, insert the following:

"(4) This section expires June 30, 2021."

On page 2, after line 33, insert the following:

"(4) This section expires June 30, 2021."

On page 3, line 25, after "28A.300.136" insert ", the work-integrated learning advisory committee established in chapter . . ., Laws of 2018 (second substitute house bill 1600),"

On page 3, beginning on line 36, after "practices" strike all material through "menus" on line 37 and insert "~~(on the state menus)~~"

On page 4, beginning on line 9, after "(b)" strike all material through "councils" on line 10 and insert "~~(One)~~ Three representatives from regional workforce development councils that reflect industry and geographic diversity"

On page 4, beginning on line 34, after "necessary." strike all material through "locations." on page 5, line 2 and insert "Appointees of the advisory council shall be selected by May 30, 2014, or as necessary to comply with the requirements of chapter . . ., Laws of 2018 (this act). The ~~((council shall hold its first meeting before August 1, 2014. At the first meeting, the))~~ advisory council shall determine regularly scheduled meeting times and locations, and shall select a chair and vice chair from among its membership."

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

"(9) This section expires June 30, 2021."

On page 5, line 8, after "(1)" insert "(a)"

On page 5, line 10, after "the" strike "legislature" and insert "((legislature)) education committees of the house of representatives and the senate"

On page 5, line 15, after "The" strike all material through "2018," on line 16 and insert "annual report must also include a gap analysis that identifies, at the school district level, where expanded learning opportunity gaps exist for certain student populations, school districts, or both, and whether the provision of additional expanded learning opportunities would enhance student academic achievement. The analysis required by this subsection (1)(a) for the 2018 annual report must be a preliminary analysis, with a full analysis required in each subsequent annual report.

(b) The December 1, 2018 report"

On page 5, line 29, after "shall" insert "advise the office of the superintendent of public instruction on the awarding of related grants to prioritize districts with gaps identified in the analysis required by subsection (1) of this section,"

On page 6, after line 6, insert the following:

"(4) This section expires June 30, 2021."

On page 8, after line 20, insert the following:

"NEW SECTION. Sec. 8. Section 5 of this act expires June 30, 2021."

Correct the title.

Representatives Steele and Santos spoke in favor of the adoption of the amendment.

Amendment (815) was adopted.

The bill was ordered engrossed.

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

Representatives Kloba and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2802.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2802, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2802, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2530, by Representatives Senn, Graves, Caldier, Fey, Stonier, Kagi, McBride, Wylie and Doglio

Concerning foster youth health care benefits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2530 was substituted for House Bill No. 2530 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2530 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2530.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2530, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Kraft, Pike and Taylor.

SUBSTITUTE HOUSE BILL NO. 2530, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1433, by Representatives Stambaugh, Orwall, Haler, Tarleton, Jinkins, Pollet, Stonier, Ryu, Hargrove, Santos and Doglio

Decoupling services and activities fees from tuition.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1433 was substituted for House Bill No. 1433 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1433 was read the second time.

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

Representatives Stambaugh and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1433.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1433, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Klippert, Manweller, McCaslin, Shea, Taylor and Vick.

SECOND SUBSTITUTE HOUSE BILL NO. 1433, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1154, by Representatives Tarleton, Smith and Santos

Ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1154 was substituted for House Bill No. 1154 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1154 was read the second time.

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

Representatives Tarleton, Smith and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1154.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1154, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Frame.

SUBSTITUTE HOUSE BILL NO. 1154, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2667, by Representatives Macri, McBride, Ormsby, Stanford, Senn, Stonier, Kloba, Jinkins, Gregerson, Appleton, Ortiz-Self, Wylie, Doglio, Pollet, Slatter, Fey, Goodman and Santos

Concerning eligibility for the essential needs and housing support and the aged, blind, or disabled assistance programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2667 was substituted for House Bill No. 2667 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2667 was read the second time.

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

Representatives Macri and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2667.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2667, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Caldier, Chandler, Graves, Haler, Jenkin, Kraft, Nealey, Taylor, Vick and Walsh.

SUBSTITUTE HOUSE BILL NO. 2667, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2287, by Representatives Hayes, Ortiz-Self, Eslick, Ryu, Harmsworth, Sells, Peterson, Van Werven, Pellicciotti, Klippert, Goodman, Kloba, Tarleton, Fey, Santos, Smith, Tharinger, Dolan, Valdez, Stanford, Appleton, Lovick, Doglio, Griffey, Stonier and Gregerson

Establishing a criminal justice system diversion center pilot project.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2287 was substituted for House Bill No. 2287 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2287 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2287.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2287, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves,

Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2287, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2892, by Representatives Lovick, Hayes, Goodman, Klippert, Tarleton, Slatter, McDonald, Frame and Kloba

Establishing the mental health field response teams program.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2892.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2892, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2892, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2457, by Representatives Goodman and Klippert

Concerning timelines in criminal cases involving domestic violence.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2457.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2457, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1155, by House Committee on Public Safety (originally sponsored by Representatives Griffey, Orwall, Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio and Macri)

Making felony sex offenses a crime that may be prosecuted at any time after its commission.

The bill was read the third time.

Representatives Griffey, Goodman, Caldier, Kraft and Eslick spoke in favor of the passage of the bill.

Representative Frame spoke against the passage of the bill.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Appleton, Chandler, Frame, Jinkins, Kagi, Macri, Ortiz-Self, Pollet, Ryu, Santos and Taylor.

SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2563, by Representatives Condotta and Sawyer

Requiring retailers to post the total sale price of spirits for sale.

The bill was read the second time.

There being no objection Substitute House Bill No. 2563 was substituted for House Bill No. 2563 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2563 was read the second time.

Representative Sawyer moved the adoption of amendment (821):

On page 2, line 4, after "(3)" insert "Any advertisement of spirits by a retailer licensed under this title to conduct retail sales of spirits for off-premises consumption must include the total sale price, inclusive of all state and federal taxes and fees except state and local sales taxes, of the spirits product advertised.

(4) "

On page 2, at the beginning of line 9, strike "(4)" and insert "(5)"

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

Amendment (821) was adopted.

The bill was ordered engrossed.

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

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

Representative Harmsworth spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2563.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2563, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Harris, Holy, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Lovick, Lytton, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Chapman, Dent, Dye, Griffey, Harmsworth, Hayes, Irwin, Jenkin, Johnson, Klippert, Kristiansen, MacEwen, Manweller, McCabe, Steele, Van Werven and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2563, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2709, by Representatives Holy and Bergquist

Concerning the authority of the law enforcement officers' and firefighters' plan 2 retirement board to set the salary of the executive director.

The bill was read the second time.

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

Representatives Holy, Bergquist, Irwin, Klippert and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2709.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2709, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Jenkin, Kretz, McCaslin, McDonald, Nealey, Schmick, Shea, Taylor and Young.

HOUSE BILL NO. 2709, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2523, by Representatives Hudgins, DeBolt, Kloba, Tarleton, Smith and Morris

Concerning the annual reporting requirements for regulated utility and transportation companies.

The bill was read the second time.

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

Representatives Hudgins and McDonald spoke in favor of the passage of the bill.

Representative Harmsworth spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2523.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2523, and the bill passed the House by the following vote: Yeas, 78; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hayes, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, DeBolt, Harmsworth, Holy, Jenkin, Kretz, Maycumber, McCaslin, Pike, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

HOUSE BILL NO. 2523, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of HOUSE BILL NO. 1031 on second reading from Day 31, February 7, 2018.

HOUSE BILL NO. 1031, by Representatives Lytton, Morris, Tarleton, Fitzgibbon, Springer, Gregerson and Hudgins

Concerning the use of unmanned aerial systems near certain protected marine species.

With the consent of the House, amendments (791), (755), (776) and (777) were withdrawn.

Representative Morris moved the adoption of amendment (814):

On page 1, line 20, after "(2)" insert "It is not a violation of subsection (1)(a) of this section for a person to cause an unmanned aerial system to approach a southern resident orca whale solely by virtue of the unmanned aerial system being in active transit to an unrelated destination.

(3) "

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

Representatives Morris and Buys spoke in favor of the adoption of the amendment.

Amendment (814) was adopted.

The bill was ordered engrossed.

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

Representatives Lytton, Orcutt and Morris spoke in favor of the passage of the bill.

Representative Buys spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1031.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harris, Hayes, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, Macri, Maycumber, McBride, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Holy, Jenkin, Johnson, Klippert, Kraft, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, McDonald, Pike, Schmick, Shea, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Volz and Young.

ENGROSSED HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2538, by Representatives McBride, Barkis, Appleton, Peterson, Springer, Slatter, Gregerson, Kagi, Wylie, Chapman, Senn, Stanford, Kloba and Santos

Exempting impact fees for low-income housing development.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2538 was substituted for House Bill No. 2538 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2538 was read the second time.

Representative Taylor moved the adoption of amendment (802):

At the beginning of page 3, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.02 RCW to read as follows:

The department of commerce shall complete a study on the impact of impact fees on housing affordability and submit such study to the legislature by December 1, 2019."

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

Correct the title.

Representatives Taylor, Taylor (again) and Barkis spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

Amendment (802) was not adopted.

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

Representatives McBride and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2538.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2538, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti,

Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys and Chandler.

SUBSTITUTE HOUSE BILL NO. 2538, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2628, by Representatives Fey, Stambaugh and Jinkins

Concerning the compensation of commissioners of certain metropolitan park districts.

The bill was read the second time.

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

Representatives Fey and Stambaugh spoke in favor of the passage of the bill.

Representative Griffey spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2628.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2628, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Hargrove, Holy, Klippert, Kraft, Kretz, Kristiansen, Maycumber, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Steele, Taylor and Walsh.

HOUSE BILL NO. 2628, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2703, by Representatives Sells, McCabe, Doglio, Dolan, Gregerson and Ortiz-Self

Clarifying hours and wages for education employee compensation claims.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2703 was substituted for House Bill No. 2703 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2703 was read the second time.

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

Representatives Sells and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2703.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2703, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Jenkin, Nealey and Taylor.

SUBSTITUTE HOUSE BILL NO. 2703, having received the necessary constitutional majority, was declared passed.

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

**THIRD READING
RECONSIDERATION**

There being no objection, the House reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1155 passed the House.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1155, by House Committee on Public Safety (originally sponsored by Representatives Griffey, Orwall, Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio and Macri)

Making felony sex offenses a crime that may be prosecuted at any time after its commission.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1155 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Griffey moved the adoption of the striking amendment (831):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.04.080 and 2017 c 266 s 9, 2017 c 231 s 2, and 2017 c 125 s 1 are each reenacted and amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree;
- (viii) Rape in the second degree;
- (ix) Rape in the third degree;
- (x) Rape of a child in the first degree;
- (xi) Rape of a child in the second degree;
- (xii) Rape of a child in the third degree;
- (xiii) Child molestation in the first degree;

(xiv) Child molestation in the second degree;

(xv) Child molestation in the third degree;

(xvi) Sexual misconduct with a minor in the first degree;

(xvii) Sexually violating human remains;

(xviii) Custodial sexual misconduct in the first degree;

(xix) Incest in the first degree;

(xx) Incest in the second degree;

(xxi) Sexual exploitation of a minor;

(xxii) Commercial sexual abuse of a minor;

(xxiii) Promoting commercial sexual abuse of a minor;

(xxiv) Promoting travel for commercial sexual abuse of a minor.

(b) Except as provided in (c) of this subsection, the following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results;

~~(iii) ((A) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission.~~

~~(B) If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted more than three years after its commission;~~

~~(iv)) Indecent liberties under RCW 9A.44.100(1)(b); ((or~~

~~(v)) (iv) Attempted murder; or~~

~~((vi)) (v) Trafficking under RCW 9A.40.100.~~

(c) ~~A violation((s)) of ((the following statutes)) RCW 9A.44.100(1)(b) (indecent liberties), when committed against a victim under the age of eighteen, may be prosecuted up to the victim's thirtieth birthday((+ RCW 9A.44.040 (rape in the first degree), 9A.44.050 (rape in the second degree), 9A.44.073 (rape of a child in the first~~

degree), ~~9A.44.076 (rape of a child in the second degree), 9A.44.079 (rape of a child in the third degree), 9A.44.083 (child molestation in the first degree), 9A.44.086 (child molestation in the second degree), 9A.44.089 (child molestation in the third degree), 9A.44.100(1)(b) (indecent liberties), 9A.64.020 (incest), or 9.68A.040 (sexual exploitation of a minor))~~.

~~(d) ((A violation of any offense listed in this subsection (1)(d) may be prosecuted up to ten years after its commission or, if committed against a victim under the age of eighteen, up to the victim's thirtieth birthday, whichever is later:~~

~~(i) RCW 9.68A.100 (commercial sexual abuse of a minor);~~

~~(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a minor); or~~

~~(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor).~~

~~(e))~~ The following offenses shall not be prosecuted more than six years after their commission or their discovery, whichever occurs later:

(i) Violations of RCW 9A.82.060 or 9A.82.080;

(ii) Any felony violation of chapter 9A.83 RCW;

(iii) Any felony violation of chapter 9.35 RCW;

(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;

(v) Theft from a vulnerable adult under RCW 9A.56.400; or

(vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010.

~~((f))~~ (e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

~~((g))~~ (f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

~~((h))~~ (g) A violation of RCW 9A.56.030 must not be prosecuted more

than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

~~((i))~~ (h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

~~((j))~~ (i) No gross misdemeanor may be prosecuted more than two years after its commission.

~~((k))~~ (j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

Correct the title.

Amendment (831) was adopted.

The bill was ordered engrossed.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Frame, Jinkins, Kagi, Macri, Ortiz-Self, Pollet, Ryu and Santos.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1325
 HOUSE BILL NO. 1332
 SUBSTITUTE HOUSE BILL NO. 1377
 HOUSE BILL NO. 1487
 HOUSE BILL NO. 1488
 HOUSE BILL NO. 1539
 HOUSE BILL NO. 1558
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1851
 HOUSE BILL NO. 1889
 HOUSE BILL NO. 1896
 HOUSE BILL NO. 2001
 HOUSE BILL NO. 2015
 HOUSE BILL NO. 2259
 HOUSE BILL NO. 2280
 HOUSE BILL NO. 2282
 HOUSE BILL NO. 2309
 HOUSE BILL NO. 2319

HOUSE BILL NO. 2361
 HOUSE BILL NO. 2367
 HOUSE BILL NO. 2368
 HOUSE BILL NO. 2390
 HOUSE BILL NO. 2420
 HOUSE BILL NO. 2423
 HOUSE BILL NO. 2436
 HOUSE BILL NO. 2444
 HOUSE BILL NO. 2446
 HOUSE BILL NO. 2486
 HOUSE BILL NO. 2529
 HOUSE BILL NO. 2578
 HOUSE BILL NO. 2595
 HOUSE BILL NO. 2635
 HOUSE BILL NO. 2643
 HOUSE BILL NO. 2651
 HOUSE BILL NO. 2671
 HOUSE BILL NO. 2675
 HOUSE BILL NO. 2682
 HOUSE BILL NO. 2686
 HOUSE BILL NO. 2692
 HOUSE BILL NO. 2733
 HOUSE BILL NO. 2747
 HOUSE BILL NO. 2748
 HOUSE BILL NO. 2751
 HOUSE BILL NO. 2779
 HOUSE BILL NO. 2814
 HOUSE BILL NO. 2816
 HOUSE BILL NO. 2832
 HOUSE BILL NO. 2852
 HOUSE BILL NO. 2855
 HOUSE BILL NO. 2875
 HOUSE BILL NO. 2906
 HOUSE BILL NO. 2948

There being no objection, the House adjourned until 9:00 a.m., February 9, 2018, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 9, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ava Yurczyk and Lucien Willey. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Luke Hodges, Northstar Church, Tumwater, Washington.

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

RESOLUTION

HOUSE RESOLUTION NO. 2018-4669, by Representative Johnson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, John Vornbrock has exhibited true excellence throughout his personal, professional, and public life; and

WHEREAS, John Vornbrock has exhibited the highest levels of excellence during his lengthy years of public service; and

WHEREAS, John Vornbrock received a Bachelor of Science degree in industrial engineering from Northwestern University in 1970 and a master's degree in hospital administration from the University of Michigan in 1972; and

WHEREAS, John Vornbrock moved to Yakima in 1978, where he served as senior vice president and chief financial officer for what is now Virginia Mason Memorial Hospital until he retired in 2011; and

WHEREAS, John Vornbrock has held a number of board and leadership positions in various nonprofit organizations in Yakima, including Central Washington Comprehensive Mental Health, the Yakima Symphony Orchestra, Yakima Sunrise Rotary, and the Yakima Hearing and Speech Center; and

WHEREAS, John Vornbrock is the interim chief operations officer for Heritage University and serves as a consultant for the Pacific Northwest University of Health Sciences; and

WHEREAS, John Vornbrock served as cochair of the citizens' committee for the Yakima School District's 2001

levy and has strongly supported local education programs; and

WHEREAS, John Vornbrock has served with distinction and honor since 2005 as a member of the Yakima School District Board of Directors – Position 3; and

WHEREAS, John Vornbrock's top priority as a school board member and leader has been to ensure that every child receive a good education that is meaningful throughout their life and career; and

WHEREAS, Under John Vornbrock's leadership, the Yakima School District provided new and engaging alternative education programs for students, including the Eisenhower High School's Advanced Placement Program, Davis High School's International Baccalaureate Diploma Program, an online education program, and other sports and fine arts programs; and

WHEREAS, John Vornbrock, the father of three grown children, has announced his intention to step down from his school board position in February 2018 so that he can spend more time with his newly retired wife, Paula;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor John Vornbrock for his years of dedicated service, his personal and professional integrity, and for making Yakima and the State of Washington a better place to live, work, and raise a family; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to John Vornbrock.

There being no objection, HOUSE RESOLUTION NO. 4669 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4670, by Representatives Johnson, Appleton, Barkis, Buys, Dent, Dolan, Graves, Hayes, Jenkin, Kilduff, Kirby, McCabe, McDonald, Muri, Nealey, Peterson, Stambaugh, Tarleton, Taylor, Haler, Chandler, Holy, and Manweller

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Brian Winter has exhibited true excellence throughout his personal, professional, and public life; and

WHEREAS, Brian Winter has exhibited the highest levels of excellence during his lengthy years of public service; and

WHEREAS, Brian Winter served his country with distinction and honor in the United States Marine Corps, including combat deployment to Operation Desert Storm; and

WHEREAS, Brian Winter returned to the Yakima area to serve with the Yakima County Sheriff's Office, moving up to the position of lieutenant; and

WHEREAS, Brian Winter ran for and was elected Yakima County Sheriff in 2014 with almost sixty percent of the vote; and

WHEREAS, Sheriff Brian Winter has increased public safety during his time as sheriff, including strengthening Block Watch programs, building plans for active shooter situations, investing in a new crime tracking system, expanding training opportunities, and working to improve law enforcement relationships with the community; and

WHEREAS, Sheriff Brian Winter is retiring due to medical conditions after a successful career of nearly thirty years in law enforcement;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor Sheriff Brian Winter for his years of dedicated service, his personal and professional integrity, and for making Yakima County and the State of Washington a better place to live, work, and raise a family; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sheriff Brian Winter.

There being no objection, HOUSE RESOLUTION NO. 4670 was adopted.

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

MESSAGES FROM THE SENATE

February 7, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6115,
SENATE BILL NO. 6145,
SENATE BILL NO. 6179,
SUBSTITUTE SENATE BILL NO. 6221,
SENATE BILL NO. 6240,
SUBSTITUTE SENATE BILL NO. 6324,
SENATE BILL NO. 6563,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 7, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5522,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5998,
SUBSTITUTE SENATE BILL NO. 6012,
SUBSTITUTE SENATE BILL NO. 6051,
SENATE BILL NO. 6085,
SUBSTITUTE SENATE BILL NO. 6155,
SENATE BILL NO. 6177,
SENATE BILL NO. 6210,
SUBSTITUTE SENATE BILL NO. 6343,
SENATE BILL NO. 6580,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 8, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5442,
SUBSTITUTE SENATE BILL NO. 5633,
SUBSTITUTE SENATE BILL NO. 5683,
SUBSTITUTE SENATE BILL NO. 5996,
SECOND SUBSTITUTE SENATE BILL NO. 6086,
SUBSTITUTE SENATE BILL NO. 6133,
SUBSTITUTE SENATE BILL NO. 6419,
SENATE BILL NO. 6471,
SUBSTITUTE SENATE BILL NO. 6514,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 7, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5288,
ENGROSSED SENATE BILL NO. 5518,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6072,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6084,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,
ENGROSSED SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 8, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5987,
SENATE BILL NO. 6017,
SENATE BILL NO. 6053,
SENATE BILL NO. 6136,
SENATE BILL NO. 6163,
SUBSTITUTE SENATE BILL NO. 6318,
SUBSTITUTE SENATE BILL NO. 6334,
SENATE BILL NO. 6408,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1377, by Representatives Ortiz-Self, Stonier, Santos, Lovick, Gregerson, Peterson, Ryu, Appleton, Fitzgibbon, Goodman, Bergquist and Doglio

Improving students' mental health by enhancing nonacademic professional services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1377 was substituted for Substitute House Bill No. 1377 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1377 was read the second time.

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

Representatives Ortiz-Self and Harris spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1377.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1377, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba,

Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Muri, Nealey, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1377, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2686, by Representatives Ortiz-Self, Santos, Dolan, Frame, Bergquist, Doglio, Sells and Ryu

Concerning high school and beyond plans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2686 was substituted for House Bill No. 2686 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2686 was read the second time.

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

Representatives Ortiz-Self, Harris, Kraft, Santos and Harris (again) spoke in favor of the passage of the bill.

Representative Hargrove spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2686.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2686, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu,

Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Eslick, Haler, Hargrove, Hayes, Holy, Jenkin, Klippert, Manweller, McCaslin, McDonald, Nealey, Pike, Shea, Smith, Taylor and Volz.

SUBSTITUTE HOUSE BILL NO. 2686, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1896, by Representatives Dolan, Stonier, Lovick, Springer, Appleton, Bergquist, Manweller, Tarleton, Frame, Goodman and Ormsby

Expanding civics education in public schools. Revised for 2nd Substitute: Expanding civics education in public school.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1896 was substituted for House Bill No. 1896 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1896 was read the second time.

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

Representatives Dolan, Manweller, Irwin, Orcutt and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1896.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1896, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1896, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2748, by Representatives Santos, Stonier, Muri and Pollet

Modifying the learning assistance program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2748 was substituted for House Bill No. 2748 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2748 was read the second time.

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

Representatives Santos and Harris spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2748.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2748, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Manweller, Taylor and Van Werven.

SUBSTITUTE HOUSE BILL NO. 2748, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2832, by Representatives Kilduff, Stambaugh, Tarleton, Haler, Orwall, Graves, Kagi, Hudgins, Appleton, Doglio, Pollet, Gregerson and Santos

Ensuring the passport to college promise program is available to certain populations of foster youth.

The bill was read the second time.

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

Representatives Kilduff and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2832.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2832, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Klippert and Taylor.

HOUSE BILL NO. 2832, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2694, by Representatives Volz, Griffey, Holy, Ormsby, Maycumber, Muri and Condotta

Authorizing county treasurers to contract with other treasurers for services.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2694.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2694, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2694, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2382, by Representatives Ryu, Kagi and Valdez

Promoting the use of surplus public property for public benefit.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 2382 was substituted for House Bill No. 2382 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 2382 was read the second time.

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

Representatives Ryu and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 2382.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 2382, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

THIRD SUBSTITUTE HOUSE BILL NO. 2382, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2529, by Representatives Kraft, Hudgins and McBride

Concerning the costs of election administration.

The bill was read the second time.

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

Representatives Kraft and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2529.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2529, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2529, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2282, by Representatives Hansen, Cody, Goodman, Pettigrew, Tarleton, Fey, DeBolt, Bergquist, Springer, Santos, McBride, Smith, Chapman, Slatter, Peterson, Wylie, Fitzgibbon, Morris, Stonier, Lytton, Sawyer, Robinson, Tharinger, Kagi, Pellicciotti, Dolan, Orwall, Valdez, Haler, Kilduff, Senn, Frame, Sells, Kirby, Stanford, Blake, Reeves, Clibborn, Macri, Kloba, Appleton, Stambaugh, Jinkins, Ormsby, Ryu, Hayes, Pollet, Doglio, Ortiz-Self, Riccelli, McDonald and Gregerson

Protecting an open internet in Washington state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2282 was substituted for House Bill No. 2282 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2282 was read the second time.

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

Representatives Hansen and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2282.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2282, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Dye, Stokesbary, Vick and Wilcox.

SUBSTITUTE HOUSE BILL NO. 2282, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2361, by Representatives Pellicciotti, Goodman, Stanford, Macri, Jinkins, Ormsby and Kraft

Increasing access to emergency assistance for victims by providing immunity from prosecution for prostitution offenses in some circumstances.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2361 was substituted for House Bill No. 2361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2361 was read the second time.

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

Representatives Pellicciotti, Klippert and Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Hayes and Holy.

SUBSTITUTE HOUSE BILL NO. 2361, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2367, by Representatives Reeves, Slatter, Tharinger, Robinson, Kagi, Dolan, Kilduff, Chapman, Doglio, Riccelli and Stonier

Establishing a child care collaborative task force.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2367 was substituted for House Bill No. 2367 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2367 was read the second time.

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

Representatives Reeves and Dent spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2367.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2367, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Eslick, Haler, Hargrove, Harmsworth, Harris, Holy, Jenkin, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, Nealey, Pike, Rodne, Schmick, Shea, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

SUBSTITUTE HOUSE BILL NO. 2367, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2578, by Representatives Riccelli, Kirby, Macri, Peterson, Appleton, McBride, Frame, Doglio, Stanford, Goodman, Senn, Gregerson, Wylie, Sawyer, Kloba, Santos, Ormsby, Robinson and Bergquist

Preserving and expanding rental housing options for persons whose source of income is derived from or includes sources other than employment. Revised for 2nd Substitute: Ensuring housing options.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2578 was substituted for House Bill No. 2578 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2578 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (879):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program account to make the improvements;

(b) Expel a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income" does not include income derived in an illegal manner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and

administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a source of income in section 1(5) of this act are eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose source of income was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose source of income was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing; and

(c) Reimbursement for damages established pursuant to subsection (2) of this section.

(2) In order for a claim under subsection (1)(c) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection, before repair and after repair

photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant whose source of income is specified in section 1(5) of this act and who is using public rental assistance to pay for rent, such as a housing choice rental voucher.

(4) Damages from a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While damages may exceed five thousand dollars, reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion. Damages may also include unpaid rent, provided that the landlord can evidence it to the department's satisfaction, in an amount not to exceed twenty percent of the total claim submitted.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(c) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of

tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(b) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 43.31 RCW to read as follows:

(1) The landlord mitigation program account is created in the custody of the

state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims identified in section 2 of this act related to private market rental units during the time of their rental to tenants whose source of income is specified in section 1(5) of this act and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ten percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

Sec. 4. 2017 3rd sp.s. c 4 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Housing Improvement Program (30000863)

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

(1) Except as provided in subsection (2) of this section, the reappropriation is subject to the provisions of section 1010, chapter 35, Laws of 2016 sp. sess.

(2) The department may use the reappropriation to implement this act.

Reappropriation:

Washington Housing Trust Account—State	\$194,000
Prior Biennia (Expenditures) ..	\$31,000
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$225,000

Sec. 5. RCW 36.22.178 and 2011 c 110 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ~~((ten))~~ thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in section 3 of this act.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or

below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust."

Correct the title.

Representative Riccelli spoke in favor of the adoption of the striking amendment.

The striking amendment (879) was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Barkis, Stonier, Walsh and Macri spoke in favor of the passage of the bill.

Representatives Manweller, Irwin and Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2578.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2578, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harris, Holy, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Hayes, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1047, by Representatives Peterson, Appleton, Stanford, Robinson, Lytton, Ormsby, Senn, Jinkins, Bergquist, Frame, Gregerson, Doglio, Fey, Tharinger, Ryu, Kilduff, Macri, Hudgins, Farrell, Sawyer and Cody

Protecting the public's health by creating a system for safe and secure collection and disposal of unwanted medications.

The bill was read the second time.

There being no objection Substitute House Bill No. 1047 was substituted for House Bill No. 1047 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1047 was read the second time.

With the consent of the house, amendments (659), (670), (671), (679) and (682) were withdrawn.

Representative Peterson moved the adoption of the striking amendment (817):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) Abuse, fatal overdoses, and poisonings from prescription and over-the-counter medicines used in the home have emerged as an epidemic in recent years. Poisoning is the leading cause of unintentional injury-related death in Washington, and more than ninety percent of poisoning deaths are due to drug overdoses. Poisoning by prescription and over-the-counter medicines is also one of the most common means of suicide and suicide attempts, with poisonings involved in more than twenty-eight thousand suicide attempts between 2004 and 2013.

(2) Home medicine cabinets are the most common source of prescription drugs that are diverted and misused. Studies find about seventy percent of those who abuse prescription medicines obtain the drugs from family members or friends, usually for free. People who are addicted to heroin often first abused prescription opiate medicines. Unused, unwanted, and expired medicines that accumulate in homes increase risks of drug abuse, overdoses, and preventable poisonings.

(3) A safe system for the collection and disposal of unused, unwanted, and expired medicines is a key element of a comprehensive strategy to prevent prescription drug abuse, but disposing of medicines by flushing them down the toilet or placing them in the garbage can contaminate groundwater and other bodies of water, contributing to long-term harm to the environment and animal life.

(4) The legislature therefore finds that it is in the interest of public health to establish a single, uniform, statewide system of regulation for safe and secure collection and disposal of medicines through a uniform drug "take-back" program operated and funded by drug manufacturers.

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

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any

other means, to the body of the patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Authorized collector" means any of the following persons or entities that have entered into an agreement with a program operator to collect covered drugs:

(a) A person or entity that is registered with the United States drug enforcement administration and that qualifies under federal law to modify its registration to collect controlled substances for the purpose of destruction;

(b) A law enforcement agency; or

(c) An entity authorized by the department to provide an alternative collection mechanism for certain covered drugs that are not controlled substances, as defined in RCW 69.50.101.

(3) "Collection site" means the location where an authorized collector operates a secure collection receptacle for collecting covered drugs.

(4)(a) "Covered drug" means a drug from a covered entity that the covered entity no longer wants and that the covered entity has abandoned or discarded or intends to abandon or discard. "Covered drug" includes legend drugs and nonlegend drugs, brand name and generic drugs, drugs for veterinary use for household pets, and drugs in medical devices and combination products.

(b) "Covered drug" does not include:

(i) Vitamins, minerals, or supplements;

(ii) Herbal-based remedies and homeopathic drugs, products, or remedies;

(iii) Controlled substances contained in schedule I of the uniform controlled substances act, chapter 69.50 RCW;

(iv) Cosmetics, shampoos, sunscreens, lip balm, toothpaste, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.;

(v) Drugs for which manufacturers provide a pharmaceutical product

stewardship or drug take-back program as part of a federal food and drug administration managed risk evaluation and mitigation strategy under 21 U.S.C. Sec. 355-1;

(vi) Biological drug products, as defined by 21 C.F.R. 600.3 (h) as it exists on the effective date of this section, for which manufacturers provide a pharmaceutical product stewardship or drug take-back program and who provide the department with a report describing the program, including how the drug product is collected and safely disposed and how patients are made aware of the drug take-back program, and who updates the department on changes that substantially alter their drug take-back program;

(vii) Drugs that are administered in a clinical setting;

(viii) Emptied injector products or emptied medical devices and their component parts or accessories;

(ix) Exposed needles or sharps, or used drug products that are medical wastes; or

(x) Pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other forms.

(5) "Covered entity" means a state resident or other nonbusiness entity and includes an ultimate user, as defined by regulations adopted by the United States drug enforcement administration. "Covered entity" does not include a business generator of pharmaceutical waste, such as a hospital, clinic, health care provider's office, veterinary clinic, pharmacy, or law enforcement agency.

(6) "Covered manufacturer" means a person, corporation, or other entity engaged in the manufacture of covered drugs sold in or into Washington state. "Covered manufacturer" does not include a retail pharmacy that sells a drug under the retail pharmacy's store label if the manufacturer of the drug is identified under section 4 of this act.

(7) "Department" means the department of health.

(8) (a) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or

official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances other than food, minerals, or vitamins that are intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection.

(9) "Drug take-back organization" means an organization designated by a manufacturer or group of manufacturers to act as an agent on behalf of each manufacturer to develop and implement a drug take-back program.

(10) "Drug take-back program" or "program" means a program implemented by a program operator for the collection, transportation, and disposal of covered drugs.

(11) "Drug wholesaler" means an entity licensed as a wholesaler under chapter 18.64 RCW.

(12) "Generic drug" means a drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance characteristics, and intended use. The inactive ingredients in a generic drug need not be identical to the inactive ingredients in the chemically identical or bioequivalent brand name drug.

(13) "Legend drug" means a drug, including a controlled substance under chapter 69.50 RCW, that is required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use by practitioners only.

(14) "Mail-back distribution location" means a facility, such as a town hall or library, that offers prepaid, preaddressed mailing envelopes to covered entities.

(15) "Mail-back program" means a method of collecting covered drugs from covered entities by using prepaid, preaddressed mailing envelopes.

(16) "Manufacture" has the same meaning as in RCW 18.64.011.

(17) "Nonlegend drug" means a drug that may be lawfully sold without a prescription.

(18) "Pharmacy" means a place licensed as a pharmacy under chapter 18.64 RCW.

(19) "Program operator" means a drug take-back organization, covered manufacturer, or group of covered manufacturers that implements or intends to implement a drug take-back program approved by the department.

(20) "Retail pharmacy" means a place licensed as a pharmacy under chapter 18.64 RCW for the retail sale and dispensing of drugs.

(21) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. REQUIREMENT TO PARTICIPATE IN A DRUG TAKE-BACK PROGRAM. A covered manufacturer must establish and implement a drug take-back program that complies with the requirements of this chapter. A manufacturer that becomes a covered manufacturer after the effective date of this section must, no later than six months after the date on which the manufacturer became a covered manufacturer, participate in an approved drug take-back program or establish and implement a drug take-back program that complies with the requirements of this chapter. A covered manufacturer may establish and implement a drug take-back program independently, as part of a group of covered manufacturers, or through membership in a drug take-back organization.

NEW SECTION. Sec. 4. IDENTIFICATION OF COVERED MANUFACTURERS. (1) No later than ninety days after the effective date of this section, a drug wholesaler that sells a drug in or into Washington must provide a list of drug manufacturers to the department in a form agreed upon with the department. A drug wholesaler must provide an updated list to the department on January 15th of each year.

(2) No later than ninety days after the effective date of this section, a retail pharmacy must provide written notification to the department identifying the drug manufacturer from which the retail pharmacy obtains a drug that the retail pharmacy sells under its store label.

(3) A person or entity that receives a letter of inquiry from the department regarding whether or not it is a covered manufacturer under this chapter shall respond in writing no later than sixty days after receipt of the letter. If the person or entity does not believe it is a covered manufacturer for purposes of this chapter, it shall: (a) State the basis for the belief; (b) provide a list of any drugs it sells, distributes, repackages, or otherwise offers for sale within the state; and (c) identify the name and contact information of the manufacturer of the drugs identified under (b) of this subsection.

NEW SECTION. Sec. 5. DRUG TAKE-BACK PROGRAM APPROVAL. (1) By July 1, 2019, a program operator must submit a proposal for the establishment and implementation of a drug take-back program to the department for approval. The department shall approve a proposed program if the applicant submits a completed application, the proposed program meets the requirements of subsection (2) of this section, and the applicant pays the appropriate fee established by the department under section 12 of this act.

(2) To be approved by the department, a proposed drug take-back program must:

(a) Identify and provide contact information for the program operator and each participating covered manufacturer;

(b) Identify and provide contact information for the authorized collectors for the proposed program, as well as the reasons for excluding any potential authorized collectors from participation in the program;

(c) Provide for a collection system that complies with section 6 of this act;

(d) Provide for a handling and disposal system that complies with section 8 of this act;

(e) Identify any transporters and waste disposal facilities that the program will use;

(f) Adopt policies and procedures to be followed by persons handling covered drugs collected under the program to ensure safety, security, and compliance with regulations adopted by the United States drug enforcement administration, as well as any applicable laws;

(g) Ensure the security of patient information on drug packaging during collection, transportation, recycling, and disposal;

(h) Promote the program by providing consumers, pharmacies, and other entities with educational and informational materials as required by section 7 of this act;

(i) Demonstrate adequate funding for all administrative and operational costs of the drug take-back program, with costs apportioned among participating covered manufacturers;

(j) Set long-term and short-term goals with respect to collection amounts and public awareness; and

(k) Consider: (i) The use of existing providers of pharmaceutical waste transportation and disposal services; (ii) separation of covered drugs from packaging to reduce transportation and disposal costs; and (iii) recycling of drug packaging.

(3)(a) No later than one hundred twenty days after receipt of a drug take-back program proposal, the department shall either approve or reject the proposal in writing to the applicant. The department may extend the deadline for approval or rejection of a proposal for good cause. If the department rejects the proposal, it shall provide the reason for rejection.

(b) No later than ninety days after receipt of a notice of rejection under (a) of this subsection, the applicant shall submit a revised proposal to the department. The department shall either approve or reject the revised proposal in writing to the applicant within ninety days after receipt of the revised proposal, including the reason for rejection, if applicable.

(c) If the department rejects a revised proposal, the department may:

(i) Require the program operator to submit a further revised proposal;

(ii) Develop and impose changes to some or all of the revised proposal to address deficiencies;

(iii) Require the covered manufacturer or covered manufacturers that proposed the rejected revised proposal to participate in a previously approved drug take-back program; or

(iv) Find the covered manufacturer out of compliance with the requirements of this chapter and take enforcement action as provided in section 11 of this act.

(4) The program operator must initiate operation of an approved drug take-back program no later than one hundred eighty days after approval of the proposal by the department.

(5)(a) Proposed changes to an approved drug take-back program that substantially alter program operations must have prior written approval of the department. A program operator must submit to the department such a proposed change in writing at least fifteen days before the change is scheduled to occur. Changes requiring prior approval of the department include changes to participating covered manufacturers, collection methods, achievement of the service convenience goal described in section 6 of this act, policies and procedures for handling covered drugs, education and promotion methods, and selection of disposal facilities.

(b) For changes to a drug take-back program that do not substantially alter program operations, a program operator must notify the department at least seven days before implementing the change. Changes that do not substantially alter program operations include changes to collection site locations, methods for scheduling and locating periodic collection events, and methods for distributing prepaid, preaddressed mailers.

(c) A program operator must notify the department of any changes to the official point of contact for the program no later than fifteen days after the change. A program operator must notify the department of any changes in ownership or contact information for participating covered manufacturers no later than ninety days after such change.

(6) No later than four years after a drug take-back program initiates operations, and every four years thereafter, the program operator must submit an updated proposal to the department describing any substantive changes to program elements described in subsection (2) of this section. The department shall approve or reject the updated proposal using the process described in subsection (3) of this section.

(7) The department shall make all proposals submitted under this section available to the public and shall provide an opportunity for written public comment on each proposal.

NEW SECTION. **Sec. 6.** COLLECTION SYSTEM. (1)(a) At least one hundred twenty days prior to submitting a proposal under section 5 of this act, a program operator must notify potential authorized collectors of the opportunity to serve as an authorized collector for the proposed drug take-back program. A program operator must commence good faith negotiations with a potential authorized collector no later than thirty days after the potential authorized collector expresses interest in participating in a proposed program.

(b) A person or entity may serve as an authorized collector for a drug take-back program voluntarily or in exchange for compensation, but nothing in this chapter requires a person or entity to serve as an authorized collector.

(c) A drug take-back program must include as an authorized collector any retail pharmacy, hospital or clinic with an on-site pharmacy, or law enforcement agency that offers to participate in the program without compensation and meets the requirements of subsection (2) of this section. Such a pharmacy, hospital, clinic, or law enforcement agency must be included as an authorized collector in the program no later than ninety days after receiving the offer to participate.

(d) A drug take-back program may also locate collection sites at:

(i) A long-term care facility where a pharmacy, or a hospital or clinic with an on-site pharmacy, operates a secure collection receptacle;

(ii) A substance use disorder treatment program, as defined in RCW 71.24.025; or

(iii) Any other authorized collector willing to participate as a collection site and able to meet the requirements of subsection (2) of this section.

(2)(a) A collection site must accept all covered drugs from covered entities during the hours that the authorized collector is normally open for business with the public.

(b) A collection site located at a long-term care facility may only accept covered drugs that are in the possession of individuals who reside or have resided at the facility.

(c) A collection site must use secure collection receptacles in compliance with state and federal law, including any applicable on-site storage and collection standards adopted by rule pursuant to chapter 70.95 or 70.105 RCW and United States drug enforcement administration regulations. The program operator must provide a service schedule that meets the needs of each collection site to ensure that each secure collection receptacle is serviced as often as necessary to avoid reaching capacity and that collected covered drugs are transported to final disposal in a timely manner, including a process for additional prompt collection service upon notification from the collection site. Secure collection receptacle signage must prominently display a toll-free telephone number and web site for the program so that members of the public may provide feedback on collection activities.

(d) An authorized collector must comply with applicable provisions of chapters 70.95 and 70.105 RCW, including rules adopted pursuant to those chapters that establish collection and transportation standards, and federal laws and regulations governing the handling of covered drugs, including United States drug enforcement administration regulations.

(3)(a) A drug take-back program's collection system must be safe, secure, and convenient on an ongoing, year-round basis and must provide equitable and reasonably convenient access for residents across the state.

(b) In establishing and operating a collection system, a program operator must give preference to locating collection sites at retail pharmacies, hospitals or clinics with on-site pharmacies, and law enforcement agencies.

(c)(i) Each population center must have a minimum of one collection site, plus one additional collection site for every fifty thousand residents of the city or town located within the population center. Collection sites must be geographically distributed to provide reasonably convenient and equitable

access to all residents of the population center.

(ii) On islands and in areas outside of population centers, a collection site must be located at the site of each potential authorized collector that is regularly open to the public, unless the program operator demonstrates to the satisfaction of the department that a potential authorized collector is unqualified or unwilling to participate in the drug take-back program, in accordance with the requirements of subsection (1) of this section.

(iii) For purposes of this section, "population center" means a city or town and the unincorporated area within a ten-mile radius from the center of the city or town.

(d) A program operator must establish mail-back distribution locations or hold periodic collection events to supplement service to any area of the state that is underserved by collection sites, as determined by the department, in consultation with the local health jurisdiction. The program operator, in consultation with the department, local law enforcement, the local health jurisdiction, and the local community, must determine the number and locations of mail-back distribution locations or the frequency and location of these collections events, to be held at least twice a year, unless otherwise determined through consultation with the local community. The program must arrange any periodic collection events in advance with local law enforcement agencies and conduct periodic collection events in compliance with United States drug enforcement administration regulations and protocols and applicable state laws.

(e) Upon request, a drug take-back program must provide a mail-back program free of charge to covered entities and to retail pharmacies that offer to distribute prepaid, preaddressed mailing envelopes for the drug take-back program. A drug take-back program must permit covered entities to request prepaid, preaddressed mailing envelopes through the program's web site, the program's toll-free telephone number, and a request to a pharmacist at a retail pharmacy distributing the program's mailing envelopes.

(f) The program operator must provide alternative collection methods for any covered drugs, other than controlled

substances, that cannot be accepted or commingled with other covered drugs in secure collection receptacles, through a mail-back program, or at periodic collection events, to the extent permissible under applicable state and federal laws. The department shall review and approve of any alternative collection methods prior to their implementation.

NEW SECTION. Sec. 7. DRUG TAKE-BACK PROGRAM PROMOTION. (1) A drug take-back program must develop and provide a system of promotion, education, and public outreach about the safe storage and secure collection of covered drugs. This system may include signage, written materials to be provided at the time of purchase or delivery of covered drugs, and advertising or other promotional materials. At a minimum, each program must:

(a) Promote the safe storage of legend drugs and nonlegend drugs by residents before secure disposal through a drug take-back program;

(b) Discourage residents from disposing of covered drugs in solid waste collection, sewer, or septic systems;

(c) Promote the use of the drug take-back program so that where and how to return covered drugs is widely understood by residents, pharmacists, retail pharmacies, health care facilities and providers, veterinarians, and veterinary hospitals;

(d) Establish a toll-free telephone number and web site publicizing collection options and collection sites and discouraging improper disposal practices for covered drugs, such as flushing them or placing them in the garbage;

(e) Prepare educational and outreach materials that: Promote safe storage of covered drugs; discourage the disposal of covered drugs in solid waste collection, sewer, or septic systems; and describe how to return covered drugs to the drug take-back program. The materials must use plain language and explanatory images to make collection services and discouraged disposal practices readily understandable to all residents, including residents with limited English proficiency;

(f) Disseminate the educational and outreach materials described in (e) of this subsection to pharmacies, health

care facilities, and other interested parties for dissemination to covered entities;

(g) Work with authorized collectors to develop a readily recognizable, consistent design of collection receptacles, as well as clear, standardized instructions for covered entities on the use of collection receptacles. The department may provide guidance to program operators on the development of the instructions and design; and

(h) Annually report on its promotion, outreach, and public education activities in its annual report required by section 10 of this act.

(2) If more than one drug take-back program is approved by the department, the programs must coordinate their promotional activities to ensure that all state residents can easily identify, understand, and access the collection services provided by any drug take-back program. Coordination efforts must include providing residents with a single toll-free telephone number and single web site to access information about collection services for every approved program.

(3) Pharmacies and other entities that sell medication in the state are encouraged to promote secure disposal of covered drugs through the use of one or more approved drug take-back programs. Upon request, a pharmacy must provide materials explaining the use of approved drug take-back programs to its customers. The program operator must provide pharmacies with these materials upon request and at no cost to the pharmacy.

(4) The department, the health care authority, the department of social and health services, the department of ecology, and any other state agency that is responsible for health, solid waste management, and wastewater treatment shall, through their standard educational methods, promote safe storage of prescription and nonprescription drugs by covered entities, secure disposal of covered drugs through a drug take-back program, and the toll-free telephone number and web site for approved drug take-back programs. Local health jurisdictions and local government agencies are encouraged to promote approved drug take-back programs.

(5) The department:

(a) Shall conduct a survey of covered entities and a survey of pharmacists, health care providers, and veterinarians who interact with covered entities on the use of medicines after the first full year of operation of the drug take-back program, and again every two years thereafter. Survey questions must: Measure consumer awareness of the drug take-back program; assess the extent to which collection sites and other collection methods are convenient and easy to use; assess knowledge and attitudes about risks of abuse, poisonings, and overdoses from drugs used in the home; and assess covered entities' practices with respect to unused, unwanted, or expired drugs, both currently and prior to implementation of the drug take-back program; and

(b) May, upon review of results of public awareness surveys, direct a program operator for an approved drug take-back program to modify the program's promotion and outreach activities to better achieve widespread awareness among Washington state residents and health care professionals about where and how to return covered drugs to the drug take-back program.

NEW SECTION. Sec. 8. DISPOSAL AND HANDLING OF COVERED DRUGS. (1) Covered drugs collected under a drug take-back program must be disposed of at a permitted hazardous waste disposal facility that meets the requirements of 40 C.F.R. parts 264 and 265, as they exist on the effective date of this section.

(2) If use of a hazardous waste disposal facility described in subsection (1) of this section is unfeasible based on cost, logistics, or other considerations, the department, in consultation with the department of ecology, may grant approval for a program operator to dispose of some or all collected covered drugs at a permitted large municipal waste combustor facility that meets the requirements of 40 C.F.R. parts 60 and 62, as they exist on the effective date of this section.

(3) A program operator may petition the department for approval to use final disposal technologies or processes that provide superior environmental and human health protection than that provided by the technologies described in subsections (1) and (2) of this section,

or equivalent protection at less cost. In reviewing a petition under this subsection, the department shall take into consideration regulations or guidance issued by the United States environmental protection agency on the disposal of pharmaceutical waste. The department, in consultation with the department of ecology, shall approve a disposal petition under this section if the disposal technology or processes described in the petition provides equivalent or superior protection in each of the following areas:

- (a) Monitoring of any emissions or waste;
 - (b) Worker health and safety;
 - (c) Air, water, or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and
 - (d) Overall impact to the environment and human health.
- (4) If a drug take-back program encounters a safety or security problem during collection, transportation, or disposal of covered drugs, the program operator must notify the department as soon as practicable after encountering the problem.

NEW SECTION. Sec. 9. PROGRAM FUNDING.

(1) A covered manufacturer or group of covered manufacturers must pay all administrative and operational costs associated with establishing and implementing the drug take-back program in which they participate. Such administrative and operational costs include, but are not limited to: Collection and transportation supplies for each collection site; purchase of secure collection receptacles for each collection site; ongoing maintenance or replacement of secure collection receptacles when requested by authorized collectors; prepaid, preaddressed mailers; compensation of authorized collectors, if applicable; operation of periodic collection events, including the cost of law enforcement staff time; transportation of all collected covered drugs to final disposal; environmentally sound disposal of all collected covered drugs in compliance with section 8 of this act; and program promotion and outreach.

(2) A program operator, covered manufacturer, authorized collector, or other person may not charge:

- (a) A specific point-of-sale fee to consumers to recoup the costs of a drug take-back program; or
- (b) A specific point-of-collection fee at the time covered drugs are collected from covered entities.

NEW SECTION. Sec. 10. ANNUAL PROGRAM

REPORT. (1) By July 1st after the first full year of implementation, and each July 1st thereafter, a program operator must submit to the department a report describing implementation of the drug take-back program during the previous calendar year. The report must include:

- (a) A list of covered manufacturers participating in the drug take-back program;
- (b) The amount, by weight, of covered drugs collected, including the amount by weight from each collection method used;
- (c) The following details regarding the program's collection system: A list of collection sites with addresses; the number of mailers provided; locations where mailers were provided, if applicable; dates and locations of collection events held, if applicable; and the transporters and disposal facility or facilities used;
- (d) Whether any safety or security problems occurred during collection, transportation, or disposal of covered drugs, and if so, completed and anticipated changes to policies, procedures, or tracking mechanisms to address the problem and improve safety and security;
- (e) A description of the public education, outreach, and evaluation activities implemented;

(f) A description of how collected packaging was recycled to the extent feasible;

(g) A summary of the program's goals for collection amounts and public awareness, the degree of success in meeting those goals, and if any goals have not been met, what effort will be made to achieve those goals the following year; and

(h) The program's annual expenditures, itemized by program category.

(2) Within thirty days after each annual period of operation of an approved drug take-back program, the program operator shall submit an annual collection amount report to the department that provides the total amount, by weight, of covered drugs collected from each collection site during the prior year.

(3) The department shall make reports submitted under this section available to the public through the internet.

NEW SECTION. Sec. 11. ENFORCEMENT AND PENALTIES. (1) The department may audit or inspect the activities and records of a drug take-back program to determine compliance with this chapter or investigate a complaint.

(2)(a) The department shall send a written notice to a covered manufacturer that fails to participate in a drug take-back program as required by this chapter. The notice must provide a warning regarding the penalties for violation of this chapter.

(b) A covered manufacturer that receives a notice under this subsection (2) may be assessed a penalty if, sixty days after receipt of the notice, the covered manufacturer continues to sell a covered drug in or into the state without participating in a drug take-back program approved under this chapter.

(3)(a) The department may send a program operator a written notice warning of the penalties for noncompliance with this chapter if it determines that the program operator's drug take-back program is in violation of this chapter or does not conform to the proposal approved by the department. The department may assess a penalty on the program operator and participating covered manufacturers if the program does not come into compliance by thirty days after receipt of the notice.

(b) The department may immediately suspend operation of a drug take-back program and assess a penalty if it determines that the program is in violation of this chapter and the violation creates a condition that, in the judgment of the department, constitutes an immediate hazard to the public or the environment.

(4)(a) The department shall send a written notice to a drug wholesaler or a retail pharmacy that fails to provide a

list of drug manufacturers to the department as required by section 4 of this act. The notice must provide a warning regarding the penalties for violation of this chapter.

(b) A drug wholesaler or retail pharmacy that receives a notice under this subsection may be assessed a penalty if, sixty days after receipt of the notice, the drug wholesaler or retail pharmacy fails to provide a list of drug manufacturers.

(5) In enforcing the requirements of this chapter, the department:

(a) May require an informal administrative conference;

(b) May require a person or entity to engage in or refrain from engaging in certain activities pertaining to this chapter;

(c) May, in accordance with RCW 43.70.095, assess a civil fine of up to two thousand dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. In determining the appropriate amount of the fine, the department shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the entity in violation; and

(d) May not prohibit a covered manufacturer from selling a drug in or into the state of Washington.

NEW SECTION. Sec. 12. DEPARTMENT FEE. (1)(a) By July 1, 2019, the department shall: Determine its costs for the administration, oversight, and enforcement of the requirements of this chapter, including the survey required under section 20 of this act; pursuant to RCW 43.70.250, set fees at a level sufficient to recover the costs associated with administration, oversight, and enforcement; and adopt rules establishing requirements for program operator proposals.

(b) The department shall not impose any fees in excess of its actual administrative, oversight, and enforcement costs. The fees collected from each program operator in calendar year 2020 and any subsequent year may not exceed ten percent of the program's

annual expenditures as reported to the department in the annual report required by section 10 of this act and determined by the department.

(c) Adjustments to the department's fees may be made annually and shall not exceed actual administration, oversight, and enforcement costs. Adjustments for inflation may not exceed the percentage change in the consumer price index for all urban consumers in the United States as calculated by the United States department of labor as averaged by city for the twelve-month period ending with June of the previous year.

(d) The department shall collect fees from each program operator by October 1, 2019, and annually thereafter.

(2) All fees collected under this section must be deposited in the secure drug take-back program account established in section 13 of this act.

NEW SECTION. **Sec. 13.** SECURE DRUG TAKE-BACK PROGRAM ACCOUNT. The secure drug take-back program account is created in the state treasury. All receipts received by the department under this chapter must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for administering and enforcing this chapter.

NEW SECTION. **Sec. 14.** ANTITRUST IMMUNITY. The activities authorized by this chapter require collaboration among covered manufacturers. These activities will enable safe and secure collection and disposal of covered drugs in Washington state and are therefore in the best interest of the public. The benefits of collaboration, together with active state supervision, outweigh potential adverse impacts. Therefore, the legislature intends to exempt from state antitrust laws, and provide immunity through the state action doctrine from federal antitrust laws, activities that are undertaken, reviewed, and approved by the department pursuant to this chapter that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities not provided for by this chapter, and the legislature neither exempts nor provides immunity for such activities.

NEW SECTION. **Sec. 15.** FEDERAL LAW. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection of covered drugs that substantially meets the intent of this chapter, including the creation of a funding mechanism for collection, transportation, and proper disposal of all covered drugs in the United States.

NEW SECTION. **Sec. 16.** LOCAL LAWS. (1)(a) For a period of twelve months after a drug take-back program approved under section 5 of this act begins operating, a county may enforce a grandfathered ordinance. During that twelve-month period, if a county determines that a covered manufacturer is in compliance with its grandfathered ordinance, the department shall find the covered manufacturer in compliance with the requirements of this chapter with respect to that county.

(b) In any county enforcing a grandfathered ordinance as described in (a) of this subsection, the program operator of an approved drug take-back program must work with the county and the department to incorporate the local program into the approved drug take-back program on or before the end of the twelve-month period.

(2) After the effective date of this section, a political subdivision may not enact or enforce a local ordinance that requires a retail pharmacy, clinic, hospital, or local law enforcement agency to provide for collection and disposal of covered drugs from covered entities.

(3) At the end of the twelve-month period provided in subsection (1) of this section, this chapter preempts all laws enacted by a county, city, town, or other political subdivision of the state regarding a drug take-back program for the collection, transportation, and disposal of covered drugs, or promotion, education, and public outreach relating to such a program.

(4) For purposes of this section, "grandfathered ordinance" means a pharmaceutical product stewardship or drug take-back ordinance that: (a) Is in effect on the effective date of this section; and (b) the department determines meets or exceeds the requirements of this chapter with respect to safe and secure collection and disposal of unwanted medicines from

residents, including the types of drugs covered by the program, the convenience of the collection system for residents, and required promotion of the program.

NEW SECTION. **Sec. 17.** PUBLIC DISCLOSURE. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270. The department may use and disclose such information in summary or aggregated form that does not directly or indirectly identify financial, production, or sales data of an individual covered manufacturer or drug take-back organization.

NEW SECTION. **Sec. 18.** RULE MAKING. The department shall adopt any rules necessary to implement and enforce this chapter.

NEW SECTION. **Sec. 19.** REPORT TO LEGISLATURE. (1) No later than thirty days after the department first approves a drug take-back program under section 5 of this act, the department shall submit an update to the legislature describing rules adopted under this chapter and the approved drug take-back program.

(2) By November 15th after the first full year of operation of an approved drug take-back program and biennially thereafter, the department shall submit a report to the legislature. The report must:

(a) Describe the status of approved drug take-back programs;

(b) Evaluate the secure medicine collection and disposal system and the program promotion, education, and public outreach requirements established by this chapter;

(c) Evaluate, in conjunction with an academic institution that is not an agency of the state and is qualified to conduct and evaluate research relating to prescription and nonprescription drug use and abuse and environmental impact, to the extent feasible, the impact of approved drug take-back programs on: Awareness and compliance of residents with safe storage of medicines in the home and secure disposal of covered drugs; rates of misuse, abuse, overdoses, and poisonings from prescription and nonprescription drugs; and diversions of covered drugs from sewer, solid waste,

and septic systems. To conduct this evaluation, the department and the academic institution may rely on available data sources, including the public awareness surveys required under this chapter, and the prescription drug monitoring program and public health surveys such as the Washington state healthy youth survey. The department and the academic institution may also consult with other state and local agencies and interested stakeholders; and

(d) Provide any recommendations for legislation.

NEW SECTION. **Sec. 20.** (1) (a) The department shall contract with the statewide program of poison and drug information services identified in RCW 18.76.030 to conduct a survey of residents to measure whether the secure medicine collection and disposal system and the program promotion, education, and public outreach requirements established in this chapter have led to statistically significant changes in: (i) Resident attitudes and behavior on safe storage and secure disposal of prescription and nonprescription medications used in the home; and (ii) the rates of abuse or misuse of or accidental exposure to prescription and nonprescription drugs.

(b) The survey of residents must include telephone follow-up with users of the program's emergency telephone service. The survey must be conducted before the secure medicine collection and disposal system is implemented and again no earlier than four years after the system is implemented.

(2) The statewide program of poison and drug information services shall report the survey results to the legislature and the department of health within six months of completion of the survey.

(3) This section expires July 1, 2026.

Sec. 21. RCW 42.56.270 and 2017 c 317 s 17 are each amended to read as follows:

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

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request

for disclosure when disclosure would produce private gain and public loss;

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

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

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

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

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

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

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

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

(10) (a) Financial information, including but not limited to account numbers and values, and other

identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

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

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

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

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

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

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

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

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

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

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

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

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

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

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

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

result in private loss to providers of this information;

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

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

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

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

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access,

submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; ~~(and)~~

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board; and

(29) Proprietary information filed with the department of health under chapter 69.--- RCW (the new chapter created in section 25 of this act).

Sec. 22. RCW 69.41.030 and 2016 c 148 s 11 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and

surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral

contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.--- RCW (the new chapter created in section 25 of this act).

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor.

NEW SECTION. Sec. 23. A new section is added to chapter 69.50 RCW to read as follows:

It is not a violation of this chapter to possess or deliver a controlled substance in compliance with chapter 69.-- RCW (the new chapter created in section 25 of this act).

NEW SECTION. Sec. 24. A new section is added to chapter 70.95 RCW to read as follows:

An authorized collector regulated under chapter 69.--- RCW (the new chapter created in section 25 of this act) is not required to obtain a permit under RCW 70.95.170 unless the authorized collector is required to obtain a permit under RCW 70.95.170 as a consequence of activities that are not directly associated with the collection facility's activities under chapter 69.-- RCW (the new chapter created in section 25 of this act).

NEW SECTION. Sec. 25. Sections 2 through 20 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 43.131 RCW to read as follows:

The authorization for drug take-back programs created in this act shall be terminated on January 1, 2029, as provided in section 27 of this act.

NEW SECTION. Sec. 27. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2030:

(1)RCW 69.--.--- and 2018 c ... s 2 (section 2 of this act);

(2)RCW 69.--.--- and 2018 c ... s 3 (section 3 of this act);

(3)RCW 69.--.--- and 2018 c ... s 4 (section 4 of this act);

(4)RCW 69.--.--- and 2018 c ... s 5 (section 5 of this act);

(5)RCW 69.--.--- and 2018 c ... s 6 (section 6 of this act);

(6)RCW 69.--.--- and 2018 c ... s 7 (section 7 of this act);

(7)RCW 69.--.--- and 2018 c ... s 8 (section 8 of this act);

(8)RCW 69.--.--- and 2018 c ... s 9 (section 9 of this act);

(9)RCW 69.--.--- and 2018 c ... s 10 (section 10 of this act);

(10)RCW 69.--.--- and 2018 c ... s 11 (section 11 of this act);

(11)RCW 69.--.--- and 2018 c ... s 12 (section 12 of this act);

(12)RCW 69.--.--- and 2018 c ... s 13 (section 13 of this act);

(13)RCW 69.--.--- and 2018 c ... s 14 (section 14 of this act);

(14)RCW 69.--.--- and 2018 c ... s 15 (section 15 of this act);

(15)RCW 69.--.--- and 2018 c ... s 16 (section 16 of this act);

(16)RCW 69.--.--- and 2018 c ... s 17 (section 17 of this act);

(17)RCW 69.--.--- and 2018 c ... s 18 (section 18 of this act);

(18)RCW 69.--.--- and 2018 c ... s 19 (section 19 of this act); and

(19)RCW 69.--.--- and 2018 c ... s 20 (section 20 of this act)."

Correct the title.

Representatives Peterson and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (817) was adopted.

The bill was ordered engrossed.

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

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

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1047.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1047, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Dye, Klippert, Kraft, MacEwen, Manweller, McCaslin, Pike, Shea, Taylor and Vick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2821, by Representatives McCabe, Manweller, Sells and Gregerson

Concerning delegation of inspection duties.

The bill was read the second time.

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

Representatives McCabe and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2821.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2821, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2821, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 2259, by Representatives Dolan, Doglio, Hudgins and Jinkins

Addressing the state auditor's duties and procedures.

The bill was read the second time.

With the consent of the house, amendment (847) was withdrawn.

Representative Taylor moved the adoption of amendment (873):

On page 1, line 10, after "auditor" strike "may" and insert "must"

Representatives Taylor and Dolan spoke in favor of the adoption of the amendment.

Amendment (873) was adopted.

The bill was ordered engrossed.

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

Representatives Dolan and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2259.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2259, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2259, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1827, by Representatives Santos, Tarleton, Fey, Doglio, Pollet and Ortiz-Self

Relating to expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities. Revised for 4th Substitute: Expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality pro

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1827 was substituted for House Bill No. 1827 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1827 was read the second time.

With the consent of the house, amendment (800) was withdrawn.

Representative Doglio moved the adoption of amendment (878):

On page 51, beginning on line 28, strike all material through "compensation" on line 34 and insert: "(exclusively as either a substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); and (3) the employing school district compensates the district's substitute teachers at a rate that is at least eighty-five percent of the full daily amount allocated by the state to the district for substitute teacher compensation)) in _____ a nonadministrative capacity"

On page 51, after line 34, insert the following:

"NEW SECTION. Sec. 305. A new section is added to chapter 41.35 RCW to read as follows:

In addition to the postretirement employment options available in RCW 41.35.060, a retiree in the school employees retirement system plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retiree reenters employment more than one calendar month after his or her accrual date; and (2) the retiree is employed in a nonadministrative position.

NEW SECTION. Sec. 306. 2016 c 233 s 19 (uncodified) is repealed."

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

Correct the title.

Representatives Doglio and Harris spoke in favor of the adoption of the amendment.

Amendment (878) was adopted.

The bill was ordered engrossed.

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

Representatives Santos and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1827.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1827, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1827, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2839, by Representatives Morris, Slatter, Doglio and Fitzgibbon

Authorizing an alternative form of regulation of electrical and natural gas companies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2839 was substituted for House Bill No. 2839 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2839 was read the second time.

With the consent of the house, amendments (822), (823), (870) and (872) were withdrawn.

Representative Morris moved the adoption of the striking amendment (787):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the electrical and natural gas utility industry is facing a transformational change brought on by new technology, rapidly changing costs, and emerging opportunities for customers.

The legislature finds that similar changes in technology and customer preferences have swiftly altered other industries and intends for Washington's electrical and natural gas utility regulatory environment to continue to protect consumers while enabling regulated utilities to systematically respond to new technologies and opportunities. The legislature intends to ensure that consumers receive cost-effective and reliable services that are environmentally responsible services by authorizing the Washington utilities and transportation commission to employ alternative forms of regulation to traditional rate-based, rate of return regulation for electrical and gas companies. The legislature finds that a similar update to the utilities and transportation commission's statutory grant of authority for telecommunications customers a decade ago serves as a reasonable model. The legislature intends that the utilities and transportation commission will utilize alternative forms of regulation to further the state's public policy goals by ensuring that electrical and gas companies are incentivized to invest to meet state policy objectives.

The legislature intends that an alternative form of regulation should: Enable utility services designed to support optimal and efficient use of the electrical or natural gas system and utility operations; align utility regulatory incentives with the public interest; maintain and enhance overall electrical or natural gas system reliability, resilience, and security; allow electrical or natural gas companies to support and participate in market transformation for enabling technologies, without harming competition; maximize the value of new business opportunities to utility customers, especially low-income customers; protect utility customers from short and long-term risk; ensure an appropriate level of consumer protection; and support the achievement of state emissions reduction goals while avoiding adverse environmental impacts.

Sec. 2. RCW 80.28.005 and 1994 c 268 s 1 are each amended to read as follows:

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

(1) "Bondable conservation investment" means all expenditures made by electrical, gas, or water companies with respect to energy or water conservation measures and services intended to improve the efficiency of electricity, gas, or water end use, including related carrying costs if:

(a) The conservation measures and services do not produce assets that would be bondable utility property under the general utility mortgage of the electrical, gas, or water company;

(b) The commission has determined that the expenditures were incurred in conformance with the terms and conditions of a conservation service tariff in effect with the commission at the time the costs were incurred, and at the time of such determination the commission finds that the company has proven that the costs were prudent, that the terms and conditions of the financing are reasonable, and that financing under this chapter is more favorable to the customer than other reasonably available alternatives;

(c) The commission has approved inclusion of the expenditures in rate base and has not ordered that they be currently expensed; and

(d) The commission has not required that the measures demonstrate that energy savings have persisted at a certain level for a certain period before approving the cost of these investments as bondable conservation investment.

(2) "Conservation bonds" means bonds, notes, certificates of beneficial interests in trusts, or other evidences of indebtedness or ownership that:

(a) The commission determines at or before the time of issuance are issued to finance or refinance bondable conservation investment by an electrical, gas or water company; and

(b) Rely partly or wholly for repayment on conservation investment assets and revenues arising with respect thereto.

(3) "Conservation investment assets" means the statutory right of an electrical, gas, or water company:

(a) To have included in rate base all of its bondable conservation investment and related carrying costs; and

(b) To receive through rates revenues sufficient to recover the bondable conservation investment and the costs of equity and debt capital associated with it, including, without limitation, the payment of principal, premium, if any, and interest on conservation bonds.

(4) "Finance subsidiary" means any corporation, company, association, joint stock association, or trust that is beneficially owned, directly or indirectly, by an electrical, gas, or water company, or in the case of a trust issuing conservation bonds consisting of beneficial interests, for which an electrical, gas, or water company or a subsidiary thereof is the grantor, or an unaffiliated entity formed for the purpose of financing or refinancing approved conservation investment, and that acquires conservation investment assets directly or indirectly from such company in a transaction approved by the commission.

(5) "Greenhouse gas" and "greenhouse gases" has the same meaning as defined in RCW 70.235.010.

(6) "Greenhouse gas planning adder" means a calculation of the economic impacts associated with an incremental increase in greenhouse gas emissions in a calendar year and must be an amount equal to the greater of: (a) The minimum annual greenhouse gas planning adder for such a calendar year; or (b) the applicable carbon or greenhouse gas tax rate, if any, as expressed in dollars per metric ton of carbon dioxide or greenhouse gas for such a calendar year.

(7) "Intermediate-term resource options" means a new or renewed contract for electricity or natural gas with a term of more than three but less than five years for the provision of electricity or natural gas to retail end-use customers in this state.

(8) "Long-term resource options" means:

(a) Either a new ownership interest in an electric or gas plant or an upgrade to an existing electric plant; or

(b) A new or renewed contract for electricity or natural gas with a term of five or more years for the provision of electricity or natural gas to retail end-use customers in this state.

(9) "Minimum annual greenhouse gas planning adder" means, for calendar year

2018, forty dollars per metric ton of greenhouse gas, which amount must be increased each January 1st by one and one-fourth percent, rounded to the nearest dollar.

(10) "Qualified biomass energy" has the same meaning as defined in RCW 19.285.030.

(11) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of an electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage.

Sec. 3. RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15th through March 15th if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15th, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15th through March 15th. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of

the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

(9) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

(10) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

(11)(a) Electrical companies, gas companies, and the commission shall use the greenhouse gas planning adder when evaluating and selecting conservation policies, programs, and targets.

(b)(i) Electrical companies shall use the greenhouse gas planning adder in developing and evaluating integrated resource plans pursuant to chapter 19.280 RCW; and

(ii) Gas companies shall use the greenhouse gas planning adder in developing integrated resource plans that describe a mix of natural gas, biogas, or synthetic gas and conservation designated to meet current and future needs at the lowest reasonable costs to the gas company and its customers.

(c) Electrical companies and gas companies shall use the greenhouse gas planning adder in evaluating and selecting intermediate-term and long-term resource options.

(d) The commission shall use the greenhouse gas planning adder in evaluating integrated resource plans and intermediate-term and long-term resource options selected by electrical companies and gas companies under this subsection.

(e) For the purposes of this subsection: (i) Gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters must be considered a nonemitting resource; and (ii) qualified biomass energy must be considered a nonemitting resource.

(f) A multistate electric company with retail customers and generation located outside the state of Washington shall use the greenhouse gas planning adder pursuant to this subsection beginning January 1, 2020.

NEW SECTION. Sec. 4. A new section is added to chapter 80.28 RCW to read as follows:

(1) The legislature declares that changes in technology and the structure of the energy industry may produce conditions under which traditional rate of return, rate-based regulation of electrical and gas companies may not in all cases provide the most efficient and effective means of achieving the legislature's intent and the public policy goals of this state as declared in chapters 19.280 and 19.285 RCW and this title. The commission should be authorized to employ an alternative form of regulation if that alternative is better suited to achieving those policy goals.

(2)(a) Subject to the conditions set forth in this chapter, the commission may regulate an electrical or gas company by authorizing an alternative form of regulation. The commission may determine the manner and extent of any alternative form of regulation as may be appropriate in the public interest, including, but not limited to, authorizing an alternative form of regulation for all or individual utility services.

(b) The commission shall consider, to the extent applicable, the extent to which an alternative form of regulation is expected to:

(i) Align utility regulatory incentives with the public interest;

(ii) Maintain and enhance the ability of the electrical or gas company to furnish safe, adequate, and efficient service to its customers;

(iii) Support prudent and efficient use of the electrical or natural gas system and utility operations;

(iv) Maintain and enhance overall electrical or natural gas system reliability, security, and resilience;

(v) Allow an electrical or gas company to support and participate in market transformation for enabling technologies without harming competition;

(vi) Allow an electrical or gas company to be financially indifferent as to: (A) The ownership of the property necessary to furnish service to its customers, except where appropriate for facilities furnished to establish a person as a customer of the electrical or gas company; or (B) the quantity of electricity or gas sold to its customers;

(vii) Reasonably protect customers, including low-income customers, from associated short and long-term risks;

(viii) Ensure an appropriate level of consumer protection;

(ix) Support the achievement of state emissions reduction goals;

(x) Consider adverse environmental impacts;

(xi) Provide the electrical or gas company with the opportunity to earn a reasonable rate of return on investment; and

(xii) Provide for broad customer engagement to promote participation by a diversity of customers, particularly underserved communities or segments thereof, in the associated programs to help achieve the criteria identified in this subsection (2)(b).

(3) An electrical or gas company may petition the commission to establish an alternative form of regulation. The electrical or gas company shall submit with the petition a plan for an alternative form of regulation, which may include provisions establishing a reasonable range for rate of return on investment. The plan must contain a proposal for transition to the alternative form of regulation and the proposed duration of the plan. The development of a plan, which must include customer and stakeholder input, shall contain a proposal for appropriate performance metrics and enforcement or remedial provisions in the event the company fails to meet such metrics. The commission also may initiate consideration of alternative forms of regulation for a company or companies on its own motion. The commission, after notice and hearing, shall issue an order accepting, modifying, or rejecting the plan within eleven months after the petition or motion is filed, unless extended by the commission for good cause. Nothing in this section may be interpreted as requiring an electrical or gas company to submit a petition for a

plan for an alternative form of regulation as part of or concurrent with a general rate case or other proceeding for recovery of costs of such a company.

(4) Not later than sixty days from the entry of the commission's order, the electrical or gas company affected by the order shall file with the commission: (a) An election to proceed with the alternative form of regulation as authorized by the commission; or (b) an election not to proceed with the alternative form of regulation as authorized by the commission.

(5) The commission may waive such a regulatory requirement under this title for an electrical or gas company subject to an alternative form of regulation as may be appropriate to facilitate the implementation of this section. However, as part of a proceeding to consider alternative forms of regulation, the commission may not waive any grant of legal rights to any person contained in this chapter and chapter 80.04 RCW. The commission may waive different regulatory requirements for different electrical or gas companies or services if the different treatment is in the public interest.

(6) Upon petition by the electrical or gas company, or on motion by the commission when evaluating the achievement of metrics developed in subsection (3) of this section, and after notice and hearing, the commission may rescind or modify an alternative form of regulation in the manner requested by the electrical or gas company.

(7) The commission or any person may file a complaint under RCW 80.04.110 alleging that an electrical or gas company under an alternative form of regulation has not complied with the terms and conditions set forth in the alternative form of regulation. The complainant bears the burden of proving the allegations in the complaint.

(8) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the operation or enforcement of this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population.

(9) The provisions of this section apply only to alternative forms of

regulation submitted to the commission pursuant to this section. Nothing contained in this section may be construed to alter, amend, repeal, modify, interpret, or be in conflict with this chapter. Nothing in this section may be construed to expand or alter the commission's jurisdiction to regulate in the public interest and ensure just, fair, reasonable, and sufficient rates for electrical and gas companies.

NEW SECTION. Sec. 5. A new section is added to chapter 80.28 RCW to read as follows:

(1) After notice and a hearing, the commission may order one or more electrical companies to provide direct access to nonresidential customers or to a subset of nonresidential customers if the commission finds that doing so is in the public interest.

(2) For the purposes of this section, "direct access" means the ability of a customer of an electrical company, as a consequence of a commission order issued under this section, to purchase electricity and certain ancillary services at retail directly from an entity other than the electrical company that is responsible for delivering electricity to the customer."

Correct the title.

Representative DeBolt moved the adoption of amendment (871) to the striking amendment (787):

On page 7, after line 35 of the striking amendment, insert the following:

"(g) This section takes effect upon the effective date of any act by the legislature that imposes a tax, fee, or other monetary price on the carbon content of fossil fuels and electricity sold or used within the state.

(h) The commission must provide notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the commission."

Correct the title.

Representatives DeBolt and Morris spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (871) to the striking amendment (787) was adopted.

Representative Smith moved the adoption of amendment (869) to the striking amendment (787):

On page 8, line 7 of the striking amendment, after "goals." insert "The legislature further declares that in considering an alternative form of regulation, it is in the public interest that the commission do so by rule in accordance with chapter 34.05 RCW."

On page 8, line 9 of the striking amendment, after "authorizing" insert ", by rule, and in accordance with chapter 34.05 RCW,"

On page 9, beginning on line 17 of the striking amendment, after "commission," strike all material through "cause" on line 20 of the striking amendment and insert "in accordance with chapter 34.05 RCW, shall reject the plan or adopt a rule accepting or modifying the plan."

On page 9, line 25 of the striking amendment, after "from the" strike "entry" and insert "adoption"

On page 9, at the beginning of line 26 of the striking amendment, strike "order" and insert "rule"

On page 9, line 37 of the striking amendment, after "chapter" strike "and chapter 80.04 RCW" and insert ", chapter 80.04 RCW, and chapter 34.05 RCW"

On page 10, beginning on line 1 of the striking amendment, after "company," strike all material through "company" on line 5 of the striking amendment and insert "or upon its own motion and in compliance with chapter 34.05 RCW, the commission may by rule rescind or modify an alternative form of regulation"

Correct the title.

Representative Smith spoke in favor of the adoption of the amendment to the striking amendment.

Representative Morris spoke against the adoption of the amendment to the striking amendment.

Amendment (869) to the striking amendment (787) was not adopted.

Representative Morris moved the adoption of amendment (896) to the striking amendment (787):

On page 10, beginning on line 26 of the striking amendment, strike all of section 5

Correct the title.

Representative Morris spoke in favor of the adoption of the amendment to the striking amendment.

Representative Smith spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 51 - YEAS; 47 - NAYS.

Amendment (896) to the striking amendment (787) was adopted.

Representatives Morris and DeBolt spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (787) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Morris and DeBolt spoke in favor of the passage of the bill.

Representative Smith spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2839.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2839, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harmsworth, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, Orcutt, Pike, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2839, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2489, by Representatives Cody, Rodne, Harris, Caldier, Macri, Robinson, Jinkins, Muri, Kagi, McBride, Wylie, Peterson, Slatter, Hayes, Sawyer, Pollet, Doglio, Kloba, Tharinger, Ormsby, Johnson and Kilduff

Concerning opioid use disorder treatment, prevention, and related services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2489 was substituted for House Bill No. 2489 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2489 was read the second time.

Representative Stokesbary moved the adoption of amendment (880):

On page 6, line 10, after "(1)" insert the following:

"(a) "Drug injection site" means any building, structure, site, facility, or program, including but not limited to safe consumption or safe injection programs, with a function of providing a space or area for either use or consumption, or both, of federally controlled substances and prohibited by (b) and (c) of this subsection.

(b) Notwithstanding any grant of authority to a local board of health or local health officer contained in chapter 70.05 RCW, the state of Washington fully occupies and preempts the entire field of drug injection site regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, use, authorization, or any other element relating to drug injection sites. Cities, towns, and counties or other municipalities may only enact laws and ordinances relating to drug injection sites that are specifically authorized by state law and are consistent with this chapter. Such local ordinances have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the enacting city, town, county, or municipality.

(c) Each local health board must provide annual certification to the

legislature and state board of health that no private or public drug injection sites are operating in its local health department jurisdiction.

(2) "

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

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (880) to Engrossed Substitute House Bill No. 2489.

SPEAKER'S RULING

Mr. Speaker (Representative Orwall presiding): Substitute House Bill 2489 is titled "*an act relating to opioid use disorder treatment, prevention and related services.*"

The proposed amendment relates to drug injection sites, which are not treatment programs, prevention programs, or services related to such programs.

The Speaker therefore finds and rules that the amendment is beyond the scope of the bill as defined by its title.

The point of order is well taken."

Representative Stokesbary moved the adoption of amendment (881):

On page 6, after line 31, insert the following:

"(3) (a) The department shall adopt rules by December 31, 2018, regarding the siting and operation of drug injection sites that allow the consumption or injection of federally regulated illegal controlled substances, except those substances that a person may lawfully possess under state law.

(b) The rules adopted by the department must have provisions that prohibit drug injection sites operated within one mile of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, game arcade, or any facility where children are likely to be present.

(c) The rules must require that:

(i) Upon each visit to an injection site and prior to any injections, a person must undergo at least one hour of drug counseling by a certified chemical dependency professional; the drug counselor must meet the certification

requirements pursuant to chapter 246-811 WAC;

(ii) The sites maintain an appropriate supply of drugs that prevent the effects of the illegal substance, help cure opioid substance abuse disorder, and that block the effects of the drug in the event of an overdose;

(iii) The sites meet minimum staffing ratios of at least two health professionals per visitor, one of whom must be a physician; and

(iv) Staff be allowed to take uninterrupted meal and rest periods that are not intermittent and that staff may not be required to work overtime.

(d) The rules must require bi-weekly reporting to the department regarding the number of individuals served, the services provided, and the cost of providing such services, including an apportionment of all reasonable operating expenses per person served. The report must also include the outcomes of the service, such as whether the person served returned for an injection or for other services, the number of instances where naloxone was administered, and the number of fatalities at the site.

(e) The rules may not allow for any existing-use exemptions.

(f) The rules must provide for penalties for violation of the provisions regarding the siting and the operational requirements specified by the department.

(g) The department has authority to adopt emergency rules to implement the requirements of this subsection."

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (881) to Substitute House Bill No. 2489.

SPEAKER'S RULING

Mr. Speaker (Representative Orwall presiding): "Substitute House Bill 2489 is titled *an act relating to opioid use disorder treatment, prevention and related services*.

The proposed amendment relates to drug injection sites, which are not treatment programs, prevention programs, or services related to such programs.

The Speaker therefore finds and rules that the amendment is beyond the scope of the bill as defined by its title.

The point of order is well taken."

Representative Graves moved the adoption of amendment (768):

On page 26, line 15, after "(7)" insert "This section does not apply to practitioners licensed under chapter 18.92 RCW.

(8) "

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

Amendment (768) was adopted.

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

Representatives Cody, Schmick, Griffey, Barkis, McCabe, Irwin, Hayes and Harris spoke in favor of the passage of the bill.

Representatives Jenkin and Haler spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2489.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2489, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2489, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2570, by Representatives Stambaugh, Robinson, Jinkins, Wylie, Muri, Graves, Doglio, Fitzgibbon, Pollet, Hayes, Riccelli and Stonier

Concerning a database of pharmacies offering vaccines and self-administered hormonal contraceptives through collaborative drug therapy agreements.

The bill was read the second time.

With the consent of the house, amendment (845) was withdrawn.

Representative Stambaugh moved the adoption of the striking amendment (849):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:

(1) By July 1, 2020, the department shall establish, in consultation with pharmacists and pharmacies, a searchable database available on its web site of pharmacies that have one or more pharmacists on staff with collaborative drug therapy agreements to prescribe vaccines or self-administered hormonal contraceptives. The database must include:

(a) The name and location of every pharmacy in the state with one or more pharmacists on staff that through a collaborative drug agreement prescribe:

- (i) Vaccines; or
- (ii) Self-administered hormonal contraceptives;

(b) A listing, by pharmacy, of the general categories and types of vaccines and self-administered hormonal contraceptives, as determined by the pharmacy quality assurance commission, that one or more pharmacists on staff at each pharmacy in (a) of this subsection are authorized to prescribe under a collaborative drug therapy agreement; and

(c) A statement that the names and locations provided are provided for information only and are subject to change.

(2) The searchable database must allow users to search by zip code and include a map function displaying the closest locations to the user based on zip code.

(3) The department shall update the database quarterly.

(4) If the department determines that a statewide association of pharmacists or pharmacies provides a publicly available database substantially similar to the requirement of this section, the department is no longer required to establish or operate the database required under subsection (1) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 18.64 RCW to read as follows:

Beginning April 1, 2020, any pharmacy in the state with one or more pharmacists on staff that prescribe vaccines or self-administered hormonal contraceptives through a collaborative drug therapy agreement shall electronically provide the department with the information required by section 1 of this act, as requested by the department and in a format identified by the department."

Correct the title.

Representative Stambaugh moved the adoption of amendment (898) to the striking amendment (849):

On page 2, at the beginning of line 3 of the striking amendment, strike "Beginning" and insert "(1) Except as provided in subsection (2) of this section, beginning"

On page 2, line 6 of the striking amendment, after "shall" strike "electronically"

On page 2, line 8 of the striking amendment, after "department." insert the following:

"(2) This section does not apply, if the department determines that there is a substantially similar database and forgoes establishing or operating the database as provided by section 1 of this act."

Representatives Stambaugh and Macri spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (898) to the striking amendment (849) was adopted.

Representative Stambaugh spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (849) as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Stambaugh and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2570.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2570, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Hargrove, Holy, Kristiansen, MacEwen, McCaslin, Rodne, Shea, Smith, Taylor, Vick and Volz.

ENGROSSED HOUSE BILL NO. 2570, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2612, by Representatives Condotta and Steele

Concerning tow truck operators.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2612 was substituted for House Bill No. 2612 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2612 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2612.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2612, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2612, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2565, by Representative Schmick

Concerning drug and gene therapy payment for medicaid managed care organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2565 was substituted for House Bill No. 2565 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2565 was read the second time.

Representative Schmick moved the adoption of amendment (767):

On page 1, line 16, after "drugs and" strike "gene" and insert "innovative"

On page 1, at the beginning of line 18, strike "gene" and insert "innovative"

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

Amendment (767) was adopted.

Representative Slatter moved the adoption of amendment (907):

On page 1, line 16, after "of" strike "drugs and gene therapies" and insert "new drugs and innovative therapies compared to other equally effective, more conservative, or substantially less costly courses of treatment that are available or suitable"

On page 1, line 19, after "chapter." insert "Any consideration of the cost of the drug by the drug utilization review board must reflect: (a) the total cost of care associated with the course of treatment for which the drug is prescribed, such as transportation, housing and treatment of adverse events; (b) costs to the state medical assistance program that may be incurred if the patient does not receive the prescribed course of treatment; and (c) examples of other services offered through the state medical assistance program that could be funded. To the extent that the drug utilization review board has mutual membership and jurisdiction with the pharmacy and therapeutics committee established by the authority pursuant to RCW 70.14.050, the drug utilization review board's recommendations and conclusions related to cost-effectiveness shall be separated from the deliberations of the pharmacy and therapeutics committee."

On page 2, after line 2, insert the following:

"(4) For the purposes of this section, the term "course of treatment" may include mere observation or, where appropriate, no medical treatment at all."

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

Amendment (907) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565, and the bill

passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1600, by Representatives Santos, Pettigrew, Harris, Young, Stonier, Pike, Appleton, Johnson, Fey, Bergquist, Hudgins, Kraft, Slatter and Tarleton

Increasing the career and college readiness of public school students.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1600 was substituted for House Bill No. 1600 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1600 was read the second time.

Representative Santos moved the adoption of the striking amendment (908):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The work-integrated learning initiative is established. The purpose of the initiative is to promote work-integrated learning experiences for students by providing:

(a) An opportunity for students to engage in work-based academic programs with public and private sector employers, such as internships, externships, and registered apprenticeships; and

(b) A framework for the development and replication of successful work-integrated learning programs throughout the state.

(2) Local applicant schools receiving funding through participation in the initiative must:

(a) Provide academic curricula in a work-integrated and career-contextualized manner and include an external mentor for each student in the program;

(b) Demonstrate collaboration with and input from students, parents or guardians, local employers, community members, a workforce development council, and a labor organization. Evidence of local collaborations may include but are not limited to partnerships with a dropout reengagement organization, an apprenticeship sponsor, a community and technical college, a STEM network, or a homeless youth service organization;

(c) Reflect local circumstances, including local industries, employers, and labor markets;

(d) Comply with graduation requirements established by the state board of education; and

(e) Align the high school and beyond plans of participating students to reflect opportunities that may be available through the initiative.

(3)(a) Local applicant schools selected to participate in the work-integrated learning initiative must, in accordance with this section and section 3 of this act, submit to the work-integrated learning advisory committee created in section 3 of this act an interim and an end-of-project report that includes numeric and other data summarizing the effects of their work-integrated learning project programs on high school graduation rates, state test scores, and community partnerships, including partnerships with local employers and industries.

(b) In complying with this subsection (3), local applicant schools must also provide other data and information as requested by the work-integrated learning advisory committee in accordance with section 3 of this act.

(4) For the purposes of this section and sections 2 and 3 of this act, "work-integrated learning" includes but is not limited to early, frequent, and systematic learning experiences that are essential for preparing Washington youth for high-demand, family-wage jobs in Washington state, and that engage

students in grades five through twelve or through high school dropout reengagement plans.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction may contract with a statewide nonprofit organization with expertise in promoting and supporting work-integrated learning from early learning through postsecondary education to establish a matching grant program to fund projects implemented by local applicant schools identified in section 1 of this act.

(b) The matching grant program shall include the following minimum requirements for local applicant schools:

(i) Measurable and accountable focus on low-income youth, homeless youth, and youth of color;

(ii) Accountability for increasing registered youth apprenticeships, internships, mentors, career planning, and other work-integrated learning experiences;

(iii) Regional coordinators or liaisons to facilitate links between schools, higher education institutions, business, labor, and the community in developing internships and other work-integrated learning experiences; and

(iv) System-wide support for work-integrated learning experiences, including but not limited to career awareness, career explorations, career counseling, and career preparation and training.

(2)(a) Grant funds awarded in accordance with this section may be expended only to the extent that they are equally matched by private sector cash contributions for the program. Grantees must provide reports to the work-integrated learning advisory committee in accordance with section 3 of this act.

(b) By November 15, 2020, and yearly thereafter, the office of the superintendent of public instruction must provide an evaluation to the governor and the education and economic development committees of the house of representatives and the senate.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction, in consultation with the employment security department and the workforce training and education coordinating board, shall convene a work-integrated learning advisory committee to provide advice to the legislature and the education and workforce sectors on creating opportunities for students to: Explore and understand a wide range of career-related opportunities through applied learning; engage with industry mentors; and plan for career and college success.

(2) The committee shall:

(a) Assist the office of the superintendent of public instruction in the development of an application process and the selection of local applicant schools to participate in the initiative established in section 1 of this act;

(b) Advise the superintendent of public instruction on the development and implementation of work-integrated learning instructional programs;

(c) Review the instructional programs of projects funded through the career connect Washington program with grant moneys from the federal workforce innovation and opportunity act, P.L. 113-128, related to work-integrated learning, a type of learning that is also referred to as "career connected learning," and of local applicant schools selected to develop and implement work-integrated learning project programs under section 1 of this act. The purpose of the review required by this subsection (2)(c) is to determine:

(i) The impact on in-school progress, high school graduation rates, state test scores, indicators of career and college readiness, employment outcomes, and community partnerships. In accordance with this subsection (2)(c), and to the maximum extent practicable, the review must consider both overall impacts and reductions or other changes in opportunity gaps;

(ii) Best practices for partnering with industry and the local community to create opportunities for applied learning through internships, externships, registered youth apprenticeships, and mentorships; and

(iii) Best practices for linking high school and beyond plans with work-integrated and career-related learning opportunities and increasing college readiness;

(d) Analyze barriers to statewide adoption of work-integrated and career-

related learning opportunities and instructional programs;

(e) Recommend policies to implement work-integrated and career-related strategies that increase college and career readiness of students statewide. Policies recommended under this subsection (2)(e) may include, but are not limited to: (i) Policies related to aligning career and technical education programs with statewide and local industry projections and career cluster needs evidenced through economic development data and appropriate longitudinal data; and (ii) the completion of remedial courses required by colleges and universities;

(f) Consult with individuals from the public and private sectors with expertise in career and technical education and work-integrated training, including representatives of labor unions, professional technical organizations, and business and industry; and

(g) Work collaboratively, as appropriate, with the expanded learning opportunities advisory council as provided in chapter . . ., Laws of 2018 (Engrossed Substitute House Bill No. 2802).

(3) The committee must, at a minimum, be composed of the following members:

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

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

(c) The superintendent of public instruction or the superintendent's designee;

(d) One educator representing the K-12 career and technical education sector, appointed by the superintendent of public instruction, as determined from recommendations of the association for career and technical education;

(e) One school counselor appointed by the superintendent of public instruction, as determined from recommendations of the school counselor association;

(f) One educator representing the community and technical colleges, appointed by the state board for community and technical colleges;

(g) One member of the governor's office specializing in career and technical education and workforce needs, appointed by the governor; and

(h) One member of the workforce training and education coordinating

board, designated by the workforce training and education coordinating board.

(4) The committee shall convene a subcommittee that includes members representing manufacturing, industry, labor, apprenticeships, and other members with specialized expertise.

(5) The chair or cochairs of the committee and subcommittee must be selected by the members of the committee.

(6) Staff support for the committee and the subcommittee must be provided by the office of the superintendent of public instruction.

(7) The committee shall report its findings and recommendations to the state board for community and technical colleges, the state board of education, the student achievement council, and, in accordance with RCW 43.01.036, the education committees and economic development committees of the house of representatives and the senate by July 1, 2022.

(8) This section expires September 1, 2022."

Correct the title.

Representatives Santos and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (908) was adopted.

The bill was ordered engrossed.

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

Representatives Santos and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1600.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1600, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall,

Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

February 9, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5213,
SENATE BILL NO. 6024,
SENATE BILL NO. 6231,
SENATE BILL NO. 6292,
SUBSTITUTE SENATE BILL NO. 6294,
SENATE BILL NO. 6298,
SENATE BILL NO. 6371,
SUBSTITUTE SENATE BILL NO. 6399,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 8, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6065,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

SSB 5522 by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Palumbo, Fain and Nelson)

AN ACT Relating to requiring the department of social and health services to collect and publicly report

information on the safe surrender of newborn children; amending RCW 13.34.360; and creating a new section.

Referred to Committee on Early Learning & Human Services.

SSB 5596 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille, Hunt, Hasegawa, Kuderer and Saldaña)

AN ACT Relating to phasing out use of the valid court order exception to place youth in detention for noncriminal behavior; amending RCW 7.21.030, 13.32A.250, 28A.225.090, and 43.185C.260; adding a new section to chapter 7.21 RCW; creating a new section; repealing RCW 43.185C.270; repealing 1998 c 296 s 35 (uncodified); and providing effective dates.

Referred to Committee on Early Learning & Human Services.

SSB 5998 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Keiser, Rivers, Carlyle, Fain, Cleveland, Lias, Van De Wege, Conway, Chase, Saldaña and King)

AN ACT Relating to health care provider and health care facility whistleblower protections; amending RCW 43.70.075; and adding a new section to chapter 7.71 RCW.

Referred to Committee on Judiciary.

SSB 6012 by Senate Committee on Transportation (originally sponsored by Senators King, Sheldon, Angel, Rolfes, Van De Wege, Keiser, Hunt, Conway, Chase, Short, O'Ban, Saldaña and Mullet)

AN ACT Relating to requirements for the issuance of a driver's license that includes a veteran designation; and amending RCW 46.20.161.

Referred to Committee on Transportation.

SSB 6051 by Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Keiser, Walsh, Frockt, Saldaña, Darneille, Pedersen, Conway, Kuderer and Mullet)

AN ACT Relating to the medicaid fraud control unit; and adding a new chapter to Title 74 RCW.

Referred to Committee on Judiciary.

SB 6085 by Senators Hasegawa, Keiser, Chase and Mullet

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030; and reenacting and amending RCW 43.86A.060.

Referred to Committee on Appropriations.

SB 6115 by Senators McCoy, Darneille, Keiser, Palumbo, Nelson, Lias, Van De Wege, Hunt, Chase, Saldaña, Kuderer and Hasegawa

AN ACT Relating to residential custody services for tribal youth; and adding a new section to chapter 72.05 RCW.

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

SB 6145 by Senators Saldaña, Keiser, Dhingra and Kuderer

AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 6155 by Senate Committee on Transportation (originally sponsored by Senators Short, King, Hobbs, Takko, Brown, Padden, Saldaña and Keiser)

AN ACT Relating to bone marrow donation; amending RCW 70.54.280; adding a new section to chapter 46.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SB 6177 by Senators King, Takko and Mullet

AN ACT Relating to allowing excess local infrastructure financing revenues to be carried forward; amending RCW 39.102.020; and repealing 2010 c 164 s 13, 2009 c 518 s 25, 2009 c 267 s 9, 2008 c 209 s 2, and 2007 c 229 s 17 (uncodified).

Referred to Committee on Finance.

SB 6179 by Senators Carlyle, Ranker, Hunt and Sheldon

AN ACT Relating to the annual reporting requirements for regulated utility and transportation companies; amending RCW 80.04.080 and 81.04.080; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

SB 6210 by Senators Conway, Schoesler, McCoy, Hobbs, Rolfes and Hunt

AN ACT Relating to the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact; amending RCW 28A.715.010, 41.32.010, and 41.35.01; and creating a new section.

Referred to Committee on Appropriations.

SSB 6221 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Walsh and Darneille)

AN ACT Relating to the Washington achieving a better life experience program account; and amending RCW 43.330.460, 43.330.462, and 43.330.464.

Referred to Committee on Early Learning & Human Services.

SB 6240 by Senators Sheldon, Angel, Rolfes and Van De Wege

AN ACT Relating to miniature hobby boilers; and amending RCW 70.79.070 and 70.79.080.

Referred to Committee on Labor & Workplace Standards.

SSB 6324 by Senate Committee on Law & Justice (originally sponsored by Senators Angel and Takko)

AN ACT Relating to the destruction of court exhibits by county clerks; and amending RCW 7.52.160 and 36.23.070.

Referred to Committee on Judiciary.

SSB 6343 by Senate Committee on Labor & Commerce (originally sponsored by Senators Brown, Keiser, Hasegawa, Palumbo and Saldaña)

AN ACT Relating to establishing the healthy energy workers task force; and adding a new section to chapter 70.98 RCW.

Referred to Committee on Health Care & Wellness.

SB 6563 by Senators Billig, Carlyle and Palumbo

AN ACT Relating to reestablishing the sustainable aviation biofuels work group; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

SB 6580 by Senator Rolfes

AN ACT Relating to human immunodeficiency virus (HIV) testing; creating a new section; and repealing RCW 70.24.330 and 70.24.335.

Referred to Committee on Health Care & Wellness.

**SUPPLEMENTAL INTRODUCTION & FIRST
READING**

ESB 5288 by Senators Hunt, Liias and Kuderer

AN ACT Relating to authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters; amending RCW 82.14.045; and providing an effective date.

Referred to Committee on Finance.

SB 5442 by Senators Fortunato and Pedersen

AN ACT Relating to expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities; and amending RCW 79A.60.630, 79A.60.650, and 79A.60.640.

Referred to Committee on Appropriations.

ESB 5518 by Senators Miloscia, Cleveland, Keiser, O'Ban and Fortunato

AN ACT Relating to fair reimbursement for chiropractic services; amending RCW 48.43.190; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SSB 5633 by Senate Committee on Law & Justice (originally sponsored by Senators Palumbo, Rossi, Angel, Pedersen, O'Ban, Wilson, Zeiger and Padden)

AN ACT Relating to changing the definition of theft; and amending RCW 9A.56.020.

Referred to Committee on Appropriations.

SSB 5683 by Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Kuderer, Cleveland, Hasegawa, Darneille, Hunt, Conway, Keiser, Hobbs, McCoy and Pedersen)

AN ACT Relating to health care for Pacific Islanders residing in Washington under a compact of free association; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5987 by Senator Padden

AN ACT Relating to pretrial release programs to protect the public from harm; amending RCW 10.21.015, 10.21.017, 10.21.030, and 10.21.050; and creating a new section.

Referred to Committee on Public Safety.

ESSB 5990 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Van De Wege, Pedersen and Kuderer)

AN ACT Relating to the uniform emergency volunteer health practitioners act; amending RCW 38.52.010; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5996 by Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Darneille, Frockt, Van De Wege, Pedersen, Hunt, Chase, Saldaña, Kuderer and Hasegawa)

AN ACT Relating to encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 6017 by Senators Fain, Conway, McCoy, Frockt, Hasegawa, Saldaña, Sheldon, Zeiger, Rolfes, Liias, Keiser, Pedersen, Chase, O'Ban and Kuderer

AN ACT Relating to consumer protections for military service members on active duty; amending RCW 38.42.010, 38.42.130, and 38.42.140; and adding a new section to chapter 38.42 RCW.

Referred to Committee on Judiciary.

ESSB 6037 by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Walsh, Takko, Fain, Rivers, Billig, Ranker, Cleveland, Kuderer, Van De Wege, Hobbs, Liias, Palumbo, Frockt, Hasegawa, Mullet, Hunt, Saldaña, Rolfes, Dhingra, Carlyle, Darneille, Chase, Conway, Nelson, Wellman, McCoy and Keiser)

AN ACT Relating to the uniform parentage act; adding a new chapter to Title 19 RCW; adding a new chapter to Title 26 RCW; repealing RCW 26.26.011, 26.26.021, 26.26.031, 26.26.041, 26.26.051, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.210, 26.26.220, 26.26.230, 26.26.240, 26.26.250, 26.26.260, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320, 26.26.325, 26.26.330, 26.26.335, 26.26.340, 26.26.345, 26.26.350, 26.26.355, 26.26.360, 26.26.365, 26.26.370, 26.26.375, 26.26.400, 26.26.405, 26.26.410, 26.26.415, 26.26.420, 26.26.425, 26.26.430, 26.26.435, 26.26.440, 26.26.445, 26.26.450, 26.26.500, 26.26.505, 26.26.510, 26.26.515, 26.26.520, 26.26.525, 26.26.530, 26.26.535, 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575, 26.26.585, 26.26.590, 26.26.600, 26.26.605, 26.26.610, 26.26.615, 26.26.620, 26.26.625, 26.26.630, 26.26.700, 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730, 26.26.735, 26.26.740, 26.26.750, 26.26.760, 26.26.903, 26.26.904, 26.26.911, and 26.26.914; providing an effective date; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6053 by Senators Keiser, Frockt, Pedersen, Kuderer and Mullet

AN ACT Relating to medicaid fraud false claims civil penalties; amending RCW 74.66.020; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

ESSB 6072 by Senate Committee on Local Government (originally sponsored by Senators Takko, Chase and Short)

AN ACT Relating to clarifying the authority and procedures for unit priced contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Referred to Committee on Capital Budget.

ESSB 6084 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Kuderer, Keiser, Liias, Chase and Conway)

AN ACT Relating to requiring maintenance of minimum essential health care coverage; adding new sections to chapter 48.43 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

2SSB 6086 by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Rolfes, Van De Wege, Chase, Carlyle, Saldaña, Dhingra, Darneille, Wellman, Keiser, Billig, Hunt, Conway, Palumbo and Kuderer)

AN ACT Relating to protecting the state's marine waters from the release of nonnative finfish from marine finfish aquaculture sites; amending RCW 77.115.010, 77.115.030, 77.115.040, 77.125.030, 77.12.047, 90.48.220, and 50.04.075; adding a new section to chapter 79.105 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6127 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Van De Wege)

AN ACT Relating to improving the management of the state's halibut fishery; and amending RCW 77.32.430.

Referred to Committee on Agriculture & Natural Resources.

SSB 6133 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Zeiger, Wellman, Keiser, Hasegawa and Kuderer)

AN ACT Relating to expanding statewide career and technical education course equivalency options; and amending RCW 28A.700.070.

Referred to Committee on Education.

SB 6136 by Senators Rolfes, Zeiger, Wellman and Hasegawa

AN ACT Relating to removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics; and reenacting and amending RCW 28A.230.097.

Referred to Committee on Education.

ESSB 6143 by Senate Committee on Local Government (originally sponsored by Senator Takko)

AN ACT Relating to clarifying the authority and procedures for unit priced contracting by cities; and amending RCW 35.22.620 and 35.23.352.

Referred to Committee on Local Government.

SB 6163 by Senators Becker, Cleveland, Fain, Bailey, Brown, Wilson, Short, Conway, Keiser and Kuderer

AN ACT Relating to extending the duration of the collaborative for the advancement of telemedicine; and amending 2016 c 68 s 2 (uncodified).

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet and supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SUBSTITUTE SENATE BILL NO. 6343 which was referred to the Committee on Labor & Workplace Standards.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1144
HOUSE BILL NO. 1603

HOUSE BILL NO. 1669
HOUSE BILL NO. 1953
HOUSE BILL NO. 2208
HOUSE BILL NO. 2229
HOUSE BILL NO. 2286
HOUSE BILL NO. 2288
HOUSE BILL NO. 2289
HOUSE BILL NO. 2290
HOUSE BILL NO. 2292
HOUSE BILL NO. 2308
HOUSE BILL NO. 2317
HOUSE BILL NO. 2327
HOUSE BILL NO. 2356
HOUSE BILL NO. 2369
HOUSE BILL NO. 2373
HOUSE BILL NO. 2381
HOUSE BILL NO. 2387
HOUSE BILL NO. 2402
HOUSE BILL NO. 2408
HOUSE BILL NO. 2430
HOUSE BILL NO. 2449
HOUSE BILL NO. 2475
HOUSE BILL NO. 2510
HOUSE BILL NO. 2512
HOUSE BILL NO. 2516
HOUSE BILL NO. 2527
HOUSE BILL NO. 2528
HOUSE BILL NO. 2541
HOUSE BILL NO. 2544
HOUSE BILL NO. 2558
HOUSE BILL NO. 2572
HOUSE BILL NO. 2627
HOUSE BILL NO. 2640
HOUSE BILL NO. 2669
HOUSE BILL NO. 2704
HOUSE BILL NO. 2712
HOUSE BILL NO. 2715
HOUSE BILL NO. 2741
HOUSE BILL NO. 2757
HOUSE BILL NO. 2759
HOUSE BILL NO. 2786
HOUSE BILL NO. 2799
HOUSE BILL NO. 2808
HOUSE BILL NO. 2831
HOUSE BILL NO. 2903
HOUSE BILL NO. 2944
HOUSE BILL NO. 2957
HOUSE BILL NO. 2962
HOUSE JOINT RESOLUTION NO. 4210

There being no objection, the House adjourned until 9 am a.m., February 12, 2018, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 12, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tanner Sims and Alicia Stanaway. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Vicki Kraft, 17th Legislative District, Washington.

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

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

MESSAGES FROM THE SENATE

February 9, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5108,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5407,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 9, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5944,
SUBSTITUTE SENATE BILL NO. 6009,
SENATE BILL NO. 6030,
SUBSTITUTE SENATE BILL NO. 6038,
SENATE BILL NO. 6039,
SENATE BILL NO. 6093,
SENATE BILL NO. 6134,
SENATE BILL NO. 6182,
SENATE BILL NO. 6190,
SUBSTITUTE SENATE BILL NO. 6195,
SENATE BILL NO. 6205,
SENATE BILL NO. 6207,
SENATE BILL NO. 6218,
SECOND SUBSTITUTE SENATE BILL NO. 6245,

SENATE BILL NO. 6248,
SENATE BILL NO. 6252,
SENATE BILL NO. 6287,
SENATE BILL NO. 6321,
SUBSTITUTE SENATE BILL NO. 6347,
SUBSTITUTE SENATE BILL NO. 6544,
SUBSTITUTE SENATE BILL NO. 6560,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 9, 2018

MR. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6015,
SUBSTITUTE SENATE BILL NO. 6066,
SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6214,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 10, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5746,
SUBSTITUTE SENATE BILL NO. 6175,
SENATE BILL NO. 6180,
SUBSTITUTE SENATE BILL NO. 6330,
SUBSTITUTE SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6452,
SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6566,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 10, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6079,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 10, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO.
5251,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5588,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6199,
ENGROSSED THIRD SUBSTITUTE SENATE BILL NO.
6353,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 9, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6109,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

ESSB 6065 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Wellman, Hunt and Hasegawa)

AN ACT Relating to school district policy and procedures for interviews and interrogations of students on school premises; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

ESSB 6068 by Senate Committee on Law & Justice (originally sponsored by Senators Frockt, Pedersen, Palumbo, Conway, Saldaña, Kuderer and Mullet)

AN ACT Relating to the applicability of nondisclosure agreements in civil actions for sexual harassment or assault; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

ESSB 6257 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators

Billig, Zeiger, Kuderer, Keiser, Palumbo and Saldaña)

AN ACT Relating to provision of early intervention services for eligible children with disabilities from birth through two years of age; amending RCW 28A.155.065, 43.216.572, 43.216.574, and 43.216.576; adding a new section to chapter 43.216 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

SSB 6318 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Takko, Warnick and Van De Wege)

AN ACT Relating to clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions; amending RCW 69.04.040, 69.04.710, 69.04.810, 69.04.820, 69.04.850, 69.04.928, 69.04.932, 69.04.935, 69.04.938, 15.28.015, 15.36.012, 15.36.401, 15.36.541, 15.44.015, 15.65.033, 15.66.017, 15.88.025, 15.89.025, 16.49.095, 16.67.035, 69.07.060, 69.07.110, 69.07.120, 69.07.160, 69.10.005, 69.10.010, 69.10.030, 69.10.045, and 69.10.050; reenacting and amending RCW 9.94A.515; adding a new chapter to Title 15 RCW; adding a new chapter to Title 77 RCW; recodifying RCW 69.04.928, 69.04.932, 69.04.933, 69.04.934, 69.04.935, and 69.04.938; repealing RCW 69.04.021, 69.04.022, 69.04.023, 69.04.024, 69.04.025, 69.04.123, 69.04.190, 69.04.200, 69.04.205, 69.04.206, 69.04.207, 69.04.210, 69.04.220, 69.04.231, 69.04.240, 69.04.245, 69.04.250, 69.04.260, 69.04.270, 69.04.280, 69.04.290, 69.04.300, 69.04.310, 69.04.320, 69.04.330, 69.04.331, 69.04.333, 69.04.334, 69.04.335, 69.04.340, 69.04.345, 69.04.350, 69.04.360, 69.04.380, 69.04.390, 69.04.392, 69.04.394, 69.04.396, 69.04.398, 69.04.400, 69.04.870, 69.04.900, 69.04.905, 69.04.910, 69.04.915, 69.04.920, 69.04.930, 69.04.940, 69.04.950, 69.04.955, 69.04.960, 69.04.965, 69.04.970, 69.04.975, and 69.04.980; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 6334 by Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Angel and Darneille)

AN ACT Relating to child support, but only including a parent's obligation to provide medical support, use of electronic funds transfers, notice of noncompliance, adoption of the economic table recommended by the child support work group, and references to the federal poverty level in self-support reserve limitations; amending RCW 26.09.105, 26.18.020, 26.18.170,

26.23.050, 26.26.165, 26.26.375, 74.20A.055, 74.20A.056, 74.20A.059, 74.20A.300, 74.20A.350, 26.19.020, and 26.19.065; adding a new section to chapter 26.23 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 6408 by Senators Padden and Pedersen

AN ACT Relating to body worn cameras, but only with respect to making existing requirements and public records act provisions governing body worn cameras permanent and applicable to all law enforcement and corrections agencies deploying body worn cameras, strengthening privacy protections for intimate images in body worn camera recordings, and clarifying records retention requirements for body worn camera recordings; amending RCW 10.109.010 and 10.109.030; and reenacting and amending RCW 42.56.240.

Referred to Committee on Judiciary.

SSB 6419 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rolfes, Zeiger, Billig, Wellman, Conway, Darneille, Kuderer, Palumbo and Walsh)

AN ACT Relating to promoting access to the Washington early childhood education and assistance program; amending RCW 43.216.555; adding a new section to chapter 43.216 RCW; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

SB 6471 by Senators Keiser, Walsh, Rolfes, Dhingra, Bailey, Darneille, Hasegawa, Frockt, Conway, Chase, Kuderer and Saldaña

AN ACT Relating to developing model policies to create workplaces that are safe from sexual harassment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SSB 6514 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Brown, O'Ban, Darneille, Palumbo and Saldaña)

AN ACT Relating to implementing a comprehensive approach to suicide prevention and behavioral health in higher education, with enhanced services to student veterans; adding new sections to chapter 43.70 RCW; adding a new section to chapter 28B.77 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

ESJM 8008 by Senator Chase

Requesting Congress to reform the harbor maintenance tax.

Referred to Committee on Technology & Economic Development.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 2001, by House Committee on Finance (originally sponsored by Representative Nealey)

Concerning taxes on in-state broadcasters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2001 was substituted for House Bill No. 2001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2001 was read the second time.

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

Representatives Nealey and Lytton spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2001, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinks, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh,

Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2001, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2308, by Representatives Jinkins, Graves, Stokesbary, Kilduff, Valdez, Ortiz-Self, Santos, Goodman, Fey, Bergquist, Sawyer, Tharinger, Pellicciotti, Dolan, Haler, Frame, Stanford, Macri, Kloba, Ryu, Appleton, Doglio, Young and Stonier

Concerning civil legal aid.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2308 was substituted for House Bill No. 2308 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2308 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2308.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2308, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dent, Dye, Irwin, Jenkin, Manweller, McCaslin, Nealey, Pike, Schmick, Shea, Taylor and Vick.

SUBSTITUTE HOUSE BILL NO. 2308, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2368, by Representatives Goodman, Rodne, Sawyer, Haler and Appleton

Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2368.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2368, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2368, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2387, by Representatives Hudgins, Tarleton and Young

Concerning mandatory election audits of ballot counting equipment.

The bill was read the second time.

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

Representatives Hudgins and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2387.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2387, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2387, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2527, by Representatives Hudgins, McBride and Shea

Evaluating random check procedures for ballot counting equipment.

The bill was read the second time.

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

Representatives Hudgins and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2527.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2527, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins,

Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2527, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1558, by Representatives Kilduff, MacEwen, Sawyer, Hayes, Harris, Griffey, Ormsby, Riccelli, Bergquist, Dolan, Doglio, Lovick, Ryu, Goodman, Peterson, Fitzgibbon, Muri, Stanford and Fey

Authorizing membership in the Washington public safety employees' retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1558 was substituted for House Bill No. 1558 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1558 was read the second time.

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

Representatives Kilduff and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1558.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1558, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer,

Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Graves, Haler, Manweller, McCaslin, Nealey, Pike, Shea, Taylor and Vick.

SUBSTITUTE HOUSE BILL NO. 1558, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2390, by Representatives Pollet, Haler, Tarleton, McBride, Peterson, Dolan, Frame, Valdez, Kilduff, Senn, Stanford, Kloba, Clibborn, Macri, Ryu, Doglio, Riccelli and Gregerson

Regulating opioid medications at educational institutions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2390 was substituted for House Bill No. 2390 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2390 was read the second time.

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

Representatives Pollet and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2390.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2390, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Irwin, Jenkin, Kraft, Manweller, McCabe, Pike,

Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2390, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2446, by Representatives Graves, Jinkins, Cody, Macri, Robinson, Riccelli and Kloba

Concerning physical therapist supervision of assistive personnel.

The bill was read the second time.

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

Representatives Graves and Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2446.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2446, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Calder, Schmick and Taylor.

HOUSE BILL NO. 2446, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2541, by Representatives Kilduff, Rodne and Eslick

Expanding the classes of persons who may provide informed consent for certain patients who are not competent to consent.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2541 was substituted for House Bill No. 2541 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2541 was read the second time.

Representative Kilduff moved the adoption of amendment (942):

On page 2, line 16, after "physician;" strike "or"

On page 2, line 17, after "health care facility" insert ", nursing home,"

On page 2, line 18, after "care" insert "; or a person who receives compensation to provide care to the patient"

Representatives Kilduff and Rodne spoke in favor of the adoption of the amendment.

Amendment (942) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2541.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2541, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dent, Dye, Haler, Klippert, Kraft, Manweller, McCaslin, Schmick, Shea, Smith, Taylor and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2651, by Representatives Stanford, Johnson, Macri, Haler, Tharinger, Goodman, Caldier, Appleton, Harris, Jinkins, Barkis, Dolan, Senn, Gregerson, Wylie, Tarleton, McBride, Doglio, Eslick, Pollet, Slatter, Fey and Santos

Increasing the personal needs allowance for people in residential and institutional care settings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2651 was substituted for House Bill No. 2651 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2651 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2651.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2651, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2651, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2712, by Representatives Gregerson, Appleton, Bergquist, Stokesbary, Pollet, Dent, Senn, Caldier, Irwin, Stambaugh, Lovick, Sells, Pettigrew, Hudgins, Wylie, Tarleton, Macri, Sullivan, McBride, Stanford, Doglio, Dolan, Kloba, Valdez, Chapman, Slatter, Orwall, Riccelli, Jinkins, Pellicciotti, Ormsby, Kilduff, Sawyer, McDonald, Peterson, Tharinger, Frame, Goodman, Santos and Kagi

Eliminating lunch copays for students who qualify for reduced-price lunches.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2712 was substituted for House Bill No. 2712 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2712 was read the second time.

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

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

Representative Harris spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2712.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2712, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Schmick,

Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2712, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2779, by Representatives Senn, Dent, Eslick, Bergquist, Tharinger, Goodman, Doglio, Pollet, Kloba, Macri and Santos

Improving access to mental health services for children and youth.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2779 was substituted for House Bill No. 2779 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2779 was read the second time.

Representative Senn moved the adoption of amendment (864):

Beginning on page 2, line 3, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. (1) A children's mental health work group is established to identify barriers to and opportunities for accessing mental health services for children and families and to advise the legislature on statewide mental health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state. Members of the children's mental health work group created in chapter 96, Laws of 2016, and serving on the work group as of December 1, 2017, may continue to serve as members of the work group without reappointment.

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state

agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint one member representing each of the following:

- (i) Behavioral health organizations;
 - (ii) Community mental health agencies;
 - (iii) Medicaid managed care organizations;
 - (iv) A regional provider of co-occurring disorder services;
 - (v) Pediatricians or primary care providers;
 - (vi) Providers specializing in infant or early childhood mental health;
 - (vii) Child health advocacy groups;
 - (viii) Early learning and child care providers;
 - (ix) The evidence-based practice institute;
 - (x) Parents or caregivers who have been the recipient of early childhood mental health services;
 - (xi) An education or teaching institution that provides training for mental health professionals;
 - (xii) Foster parents;
 - (xiii) Providers of culturally and linguistically appropriate health services to traditionally underserved communities;
 - (xiv) Pediatricians located east of the crest of the Cascade mountains; and
 - (xv) Child psychiatrists.
- (e) The governor shall request participation by a representative of tribal governments.
- (f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.
- (g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.
- (h) The work group shall choose three cochairs, two from among its legislative

membership and one representative of a state agency. The two legislative cochairs must represent the minority and the majority caucuses in the house of representatives. The representative from the health care authority shall convene at least two, but not more than four, meetings of the work group each year.

(3) The work group shall:

- (a) Monitor the implementation of enacted legislation, programs, and policies related to children's mental health, including provider payment for depression screenings for youth and new mothers, consultation services for child care providers caring for children with symptoms of trauma, home visiting services, and streamlining agency rules for providers of behavioral health services;
- (b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems; and
- (c) Identify opportunities to remove barriers to treatment and strengthen mental health service delivery for children and youth.

(4) Staff support for the work group, including administration of work group meetings and preparation of the updated report required under subsection (6) of this section, must be provided by the health care authority. Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

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

(6) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report to the governor and the appropriate committees of the legislature by December 1, 2020.

(7) This section expires December 30, 2020."

Representatives Senn and Dent spoke in favor of the adoption of the amendment.

Amendment (864) was adopted.

Representative Bergquist moved the adoption of amendment (844):

On page 10, after line 26, insert the following:

"**NEW SECTION. Sec. 11.** Subject to the availability of amounts appropriated for this specific purpose, the child and adolescent psychiatry residency program at the University of Washington shall offer one additional twenty-four month residency position that is approved by the accreditation council for graduate medical education to one resident specializing in child and adolescent psychiatry. The residency must include a minimum of twelve months of training in settings where children's mental health services are provided under the supervision of experienced psychiatric consultants and must be located west of the crest of the Cascade mountains.

NEW SECTION. Sec. 12. Section 11 takes effect July 1, 2020."

Correct the title.

Representatives Bergquist and Dent spoke in favor of the adoption of the amendment.

Amendment (844) was adopted.

The bill was ordered engrossed.

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

Representatives Senn, Dent and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2779.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2779, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey,

Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dye, Holy, Jenkin, Kraft, McCaslin, Nealey, Pike, Schmick, Shea, Taylor, Vick and Volz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2855, by Representatives Stonier, Appleton, Haler, Lovick, Orwall, Sells, Wylie, Eslick and Hayes

Concerning the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2855 was substituted for House Bill No. 2855 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2855 was read the second time.

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

Representatives Stonier and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2855.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2855, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald,

Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2855, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2894, by Representatives Schmick and Cody

Concerning certificate of need exemptions for certain ambulatory facilities and centers.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2894.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2894, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2894, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Community Development, Housing & Tribal Affairs was relieved of HOUSE JOINT MEMORIAL NO. 4011 the bill was placed on the third reading calendar.

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

SECOND READING

HOUSE BILL NO. 2396, by Representatives Reeves, Robinson, Kagi, Valdez, Doglio, Riccelli and Stonier

Establishing the working families' child care access and affordability through regional employers act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2396 was substituted for House Bill No. 2396 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2396 was read the second time.

With the consent of the House, amendments (815), (914), (903), (902), (867), (866), (856) and (838) were withdrawn.

Representative Reeves moved the adoption of the striking amendment (852):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that high quality child care helps build foundational skills to prepare our children for the future. These skills strengthen the next generation of workers and contribute to the success of businesses and the economic well-being of our state.

(2) The legislature further finds that working families are experiencing an affordability crisis when it comes to caring for their young children. Child care is one of the largest household expenses for most families, with the cost all too often being too much for a family to manage. At the same time, child care providers and private businesses across all sectors are facing a workforce shortage and are reporting worker losses due to extended vacancies, absenteeism, and a shortage of skilled workers. To remain in the workforce, parents with young children need reliable child care to be able to improve their skills through education, resulting in retained employment and increased productivity. A

recent report by the United States chamber of commerce foundation found that high quality child care is an under-recognized and promising strategy for addressing America's growing workforce crisis.

(3) The legislature also finds that the bureau of labor statistics reports less than forty percent of the workforce is offered dependent care flexible spending accounts by their employers. Further, the legislature finds that employees with higher wages and those working for larger employers are more likely to have access to this benefit.

(4) Therefore, the legislature intends to partner with private employers to implement and support strategies to increase access to quality child care and early learning opportunities, preparing children for school and supporting parents as productive members of the workforce.

(5) The legislature further intends to create a pilot program with small businesses that increases the affordability of child care for working families by providing meaningful incentives for employers to contribute to the child care costs of their employees. If the pilot program is successful, the legislature intends to expand the incentive to additional employers.

Part I

Employer Supported Child Care

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must consult with the department of commerce to develop a web site containing current resources for businesses regarding employer-supported child care. The web site must be available to the public within one year of the effective date of this section and must be updated regularly. Web site resources must include, at a minimum:

(a) Information about the benefits to employers and employees associated with employer-supported child care;

(b) Guidance for the provision of on-site care at the workplace, including permitting and licensing resources to facilitate the development and construction of child care facilities;

(c) Tools and guidance for the provision of financial assistance to employees for child care expenses;

(d) A model policy for the establishment of a "bring your infant to work" program for employees who are the parent or legal guardian of an infant up to six months of age; and

(e) A link to a licensed child care registry developed and maintained by a professional organization of child care providers jointly with participating employers.

(2) The department must consult with the office of financial management to modify the "bring your infant to work" policy established in this section for use in state agencies.

(3) In accordance with RCW 43.01.036 the department must submit a report to the governor and the appropriate committees of the legislature by November 1, 2020. The report must include a summary of the resources provided on the site created under subsection (1) of this section and information about activities undertaken by other states related to incentivizing businesses to provide employer-supported child care.

(4) For the purposes of this section, "employer-supported child care" means:

(a) A licensed child care center operated at or near the workplace by an employer for the benefit of employees; or

(b) Financial assistance provided by an employer for licensed child care expenses incurred by an employee.

Sec. 102. RCW 43.330.060 and 2010 c 165 s 2 are each amended to read as follows:

(1) The department shall (a) assist in expanding the state's role as an international center of trade, culture, and finance; (b) promote and market the state's products and services both nationally and internationally; (c) work in close cooperation with other private and public international trade efforts; (d) act as a centralized location for the assimilation and distribution of trade information; and (e) establish and operate foreign offices promoting overseas trade and commerce.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance

to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in workforce training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools; by assisting in targeting and improving the efficiency of existing investment mechanisms; and by assisting in the procurement of managerial and technical assistance necessary to attract potential investors.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to entrepreneurial success. The department shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. Instruction shall be offered in major population centers throughout the state at times and locations that are convenient for minority and women small business owners.

~~(6) ((a) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2010, the department, in conjunction with the small business development center, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the department and the center may consult with the Washington state microenterprise association, and with~~

~~other government, nonprofit, and private organizations as necessary. The plan must identify:~~

~~(i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;~~

~~(ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;~~

~~(iii) Workable solutions to filling the gaps and removing barriers identified in (a) (ii) of this subsection; and~~

~~(iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.~~

~~(b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.~~

~~(c) The department and the center must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting.)~~ The department must assist businesses with identifying resources for the provision of employer-supported child care as defined in section 101 of this act and conduct outreach to businesses located in rural and underserved areas about the incentives in sections 302 and 303 of this act.

NEW SECTION. Sec. 103. The office of financial management must:

(1) Consult with the department of children, youth, and families to modify the model policy developed under section 101 of this act as appropriate for implementation at state agencies; and

(2) Provide the model policy and implementation guidelines to state agency directors by December 1, 2018. The implementation guidelines must require agencies to adopt the policy by June 1, 2019, and allow agencies to modify the policy or limit its application as appropriate based on the working conditions and job duties of agency personnel.

(3) This section expires July 1, 2019.

Part II

Child Care Workforce Conditional Scholarship and Loan Repayment Program

NEW SECTION. Sec. 201. A new section is added to chapter 43.216 RCW to read as follows:

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

(1) "Conditional scholarship" means a loan that is given to an eligible student under an agreement in which the eligible student will be relieved of his or her obligation to repay all or part of the loan in exchange for his or her providing early learning services in the state of Washington and meeting all other requirements of the agreement.

(2) "Early learning services" has the same meaning as "early learning" as defined in RCW 43.216.010.

(3) "Eligible student" means a student who is registered for at least three credit hours or the equivalent, is a resident student as defined by RCW 28B.15.012(2) and 28B.15.013, and has a declared intention to complete an approved program of study and provide early learning services in the state of Washington and meet all other requirements under a conditional scholarship agreement entered into between the student and the department.

(4) "Equalization fee" means the additional amount added to the principal of a loan under this chapter to equate the debt to that which the student would have incurred if the loan had been received through the federal direct Stafford student loan program.

(5) "Institution of higher education" or "institution" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the student achievement council.

(6) "Loan repayment" means a student loan that is repaid in whole or in part if the recipient renders early learning services in the state under requirements of an agreement entered into under this chapter.

(7) "Participant" means an individual who has received a conditional scholarship or loan repayment under this chapter.

(8) "Rural and underserved area" means an area where credentialed early learning

providers are in short supply, as determined by the department of children, youth, and families.

(9) "Satisfied" means paid in full.

(10) "Service obligation" means an obligation by the participant to provide early learning services for a period to be established as provided for in this chapter.

NEW SECTION. Sec. 202. A new section is added to chapter 43.216 RCW to read as follows:

(1) The child care workforce conditional scholarship and loan repayment program is established. The program is comprised of the following two components:

(a) Conditional scholarships awarded to eligible students attending an institution of higher education who meet the requirements established under this chapter; and

(b) Loan repayments for participants providing early learning services in the state and who meet the requirements for loan repayment established under this chapter.

(2) The program must be administered by the department of children, youth, and families. In administering the program, the department must:

(a) Select eligible students to be awarded conditional scholarships;

(b) Select participants to receive loan repayments;

(c) Adopt rules and develop guidelines to administer the program;

(d) Publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the workforce;

(e) Collect and manage repayments from conditional scholarship participants who do not meet their required service obligations or otherwise fail to meet the requirements under their agreements; and

(f) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 203. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department must establish a planning committee to assist in developing criteria for the selection of participants. Planning committee members must include representatives of the department of social and health services; the department of children, youth, and families; private business; child day care center providers; family day care providers; and a union representing child care providers.

(2) When selecting participants, the department must give priority to individuals providing early learning services in:

(a) Rural and underserved areas; and

(b) Low-income neighborhoods or in a low-income child care provider settings as defined in RCW 43.216.010.

NEW SECTION. Sec. 204. A new section is added to chapter 43.216 RCW to read as follows:

To receive disbursements from a conditional scholarship under this chapter, an eligible student must be considered by his or her institution of higher education to be in a satisfactory progress condition, in addition to any other requirements established in an agreement between the eligible student and the department.

NEW SECTION. Sec. 205. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department may award conditional scholarships or provide loan repayments to eligible participants from private donations, or any other funds given to the department for this program.

(2) The amount of the conditional scholarship or loan repayment awarded a participant must not exceed five thousand dollars per year for priority participants and must not exceed two thousand, five hundred dollars per year for all other participants. Participants are eligible to receive conditional scholarships or loan repayments for a maximum of six years.

NEW SECTION. Sec. 206. A new section is added to chapter 43.216 RCW to read as follows:

(1) Upon documentation of student loan indebtedness, the department may enter into agreements with participants to repay all or part of a student loan in exchange for the participant providing

early learning services in the state of Washington and meeting all other requirements under the agreement.

(2) The agreement must specify in detail the obligations of the department and the participant, including the amount of loan repayment the participant will receive in exchange for his or her satisfying all requirements of the agreement and any geographic location or area of service requirements that are part of the agreement.

(3)(a) At the end of each year, a participant under this section must provide evidence to the department that the participant has met his or her service obligation and any other requirements under the agreement. Upon receipt of the evidence, the department must pay the participant the agreed-upon amount for one year of full-time service or a prorated amount for less than full-time service.

(b) To qualify for additional loan repayments, the participant must be engaged in continuous service as defined by the department and meet any other requirements established in the agreement.

(4) The department may, at its discretion, arrange to make the loan repayment directly to the holder of the participant's student loan.

(5) The department's obligations to a participant under this section ceases when:

(a) The terms of the agreement have been fulfilled;

(b) The participant fails to maintain continuous service as determined by the department or otherwise fails to fulfill any other term of the agreement; or

(c) The participant's student loans that are subject to the agreement have been repaid.

(6) The department must adopt rules governing loan repayments, including approved leaves of absence from continuous service and other deferments as may be necessary.

NEW SECTION. Sec. 207. A new section is added to chapter 43.216 RCW to read as follows:

(1) A participant in the conditional scholarship program is obligated to repay the conditional scholarship, with interest and an equalization fee, unless

he or she renders early learning services for each year of scholarship received and meets all other requirements as provided under the agreement between the participant and the department.

(2) A participant who fails to complete the required service obligation or otherwise fails to fulfill the terms of the agreement will incur an equalization fee based on the remaining unforgiven balance of the loan. The equalization fee must be added to the remaining balance owed by the participant.

(3) The department must set the minimum payment. The maximum period for repayment is ten years, with payments of principal and interest commencing six months from the date the participant completes or discontinues the course of study. The interest rate must be determined by the department and be established in rule. Provisions for deferral of payment must be determined by the department. The department must establish an appeal process in rule.

(4) The entire principal and interest of each payment must be forgiven for each payment period in which the participant provides early learning services in the state and meets all other requirements of the agreement, until the entire repayment obligation is satisfied. Should the participant cease to provide early learning services in this state before the participant's service obligation is completed or otherwise fails to fulfill the terms of the agreement, payments on the unsatisfied portion of the principal and interest must begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied.

(5) The department is responsible for collection of repayments made under this section and must exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of repayments under this section must be pursued using the full extent of the law, including wage garnishment if necessary. The department must maintain all necessary records of payments made by participants.

(6) Receipts from the payment of principal or interest or any other subsidies to which the office as administrator is entitled, which are paid by or on behalf of participants under

this section, must be deposited in the child care workforce conditional scholarship and loan repayment account and must be used to cover the costs of granting the conditional scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The department must maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs must be used to grant conditional scholarships to eligible students.

(7) The department must adopt rules to define the terms of repayment, including applicable interest rates, fees, and deferments.

NEW SECTION. **Sec. 208.** A new section is added to chapter 43.216 RCW to read as follows:

The child care workforce conditional scholarship and loan repayment account is created in the custody of the state treasurer. All moneys received for the child care workforce conditional scholarship and loan repayment program must be deposited into the account. Expenditures from the account may be used only for conditional loans and loan repayments to participants in the child care workforce conditional scholarship and loan repayment program established by this chapter and costs associated with program administration by the department. Only the director or the director's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, except for moneys used for program administration and an appropriation is not required for expenditures.

Part III

Employer Contributions to Dependent Care Accounts

NEW SECTION. **Sec. 301.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 302 and 303, chapter . . ., Laws of 2018 (sections 302 and 303 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preferences in this act as ones

intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage employers to assist their employees with child care expenses by contributing to employee dependent care flexible spending accounts.

(4) To measure the effectiveness of the tax preferences provided in sections 302 and 303, chapter . . ., Laws of 2018 (sections 302 and 303 of this act) in achieving the public policy objective in subsection (3) of this section, the joint legislative audit and review committee must provide the following in a published evaluation of the tax preference by July 31, 2022:

(a) The number of employers applying for credits;

(b) The average amount of credit claimed by employers;

(c) The types of businesses claiming credits;

(d) The annual median employee wages paid by each employer claiming a credit; and

(e) The number of employees receiving a qualifying contribution with annual wages in each of the following wage bands:

(i) Less than forty-five thousand dollars;

(ii) Greater than or equal to forty-five thousand dollars, but less than ninety thousand dollars; and

(iii) Greater than or equal to ninety thousand dollars, but less than one hundred twenty-five thousand dollars.

(5) If a review finds that employers request more credits than are available each year, it is the legislature's intent to increase the annual amount of statewide credits and expand the program to additional employers.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data available from the department of revenue and the employment security department.

NEW SECTION. **Sec. 302.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, an employer with at least five but no more than one hundred employees is allowed a credit against the tax imposed under this chapter for qualifying contributions made to dependent care flexible spending accounts for eligible employees.

(2) The credit is equal to the full amount of qualifying contributions to dependent care flexible spending accounts for eligible employees during the calendar year, minus any qualifying contributions returned to the employer from the third-party administrator. The credit under this section and section 303 of this act may not exceed five thousand dollars per eligible employee and fifty thousand dollars per employer in any calendar year.

(3) The department must keep a running total of all credits approved under this section and section 303 of this act for each calendar year. The department may not approve any credits under this section and section 303 of this act that would cause the total amount of approved credits statewide to exceed five hundred thousand dollars in any calendar year.

(4) Application for tax credits under this section must be submitted to the department before making qualifying contributions to employee dependent care assistance accounts. The application must be made to the department in a form and manner prescribed by the department. The application must include the proposed amount of qualifying contributions to employee dependent care assistance accounts, the proposed number of eligible employees receiving contributions, and other information required by the department to determine eligibility under this section. The application may not contain personal employee information such as names or social security numbers, but must identify the number of employees receiving wages in each wage band, as provided under section 301(4) of this act, for whom the employer makes a qualifying contribution. The department must rule on the application within forty-five days. Applications must be approved on a first-come basis.

(5) The credit may be claimed only in the calendar year immediately following the calendar year in which the credit was

approved by the department and the qualifying contributions were made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. Credits may not be carried over to subsequent years. No refunds may be granted for any unused credits.

(6) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(7) The department may not accept any applications before January 1, 2019, or after December 31, 2028. The department may not allow any credit to be claimed before January 1, 2020, or after December 31, 2029.

(8) A person that was approved for credit as provided in this section must make the total approved contribution by the end of the calendar year in which the contribution was approved.

(9) A person that does not make a contribution as required in subsection (8) of this section forfeits all credits for the approved contribution.

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

(a) "Dependent care flexible spending account" means dependent care assistance as defined in 26 U.S.C. Sec. 129 of the federal internal revenue as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule.

(b) "Eligible employee" means an employee with annual wages of less than one hundred twenty-five thousand dollars.

(c) "Qualifying contribution" means a contribution by an employer to a dependent care flexible spending account for an eligible employee used to pay for the care of a child under age thirteen.

(d) "Third-party administrator" means a person contracted by an employer to administer dependent care flexible spending accounts for eligible employees.

NEW SECTION. **Sec. 303.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Subject to the limitations in this section, an employer with at least five but no more than one hundred employees is allowed a credit against the tax imposed under this chapter for qualifying contributions made to dependent care flexible spending accounts for eligible employees.

(2) The credit is equal to the full amount of qualifying contributions to dependent care flexible spending accounts for eligible employees during the calendar year, minus any qualifying contributions returned to the employer from the third-party administrator. The credit under this section and section 302 of this act may not exceed five thousand dollars per eligible employee and fifty thousand dollars per employer in any calendar year.

(3) The department must keep a running total of all credits approved under this section and section 302 of this act for each calendar year. The department may not approve any credits under this section and section 302 of this act that would cause the total amount of approved credits statewide to exceed five hundred thousand dollars in any calendar year.

(4) Application for tax credits under this section must be submitted to the department before making qualifying contributions to employee dependent care assistance accounts. The application must be made to the department in a form and manner prescribed by the department. The application must include the proposed amount of qualifying contributions to employee dependent care assistance accounts, the proposed number of eligible employees receiving contributions, and other information required by the department to determine eligibility under this section. The application may not contain personal employee information such as names or social security numbers, but must identify the number of employees receiving wages in each wage band, as provided under section 301(4) of this act, for whom the employer makes a qualifying contribution. The department must rule on the application

within forty-five days. Applications must be approved on a first-come basis.

(5) The credit may be claimed only in the calendar year immediately following the calendar year in which the credit was approved by the department and the qualifying contributions were made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. Credits may not be carried over to subsequent years. No refunds may be granted for any unused credits.

(6) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(7) The department may not accept any applications before January 1, 2019, or after December 31, 2028. The department may not allow any credit to be claimed before January 1, 2020, or after December 31, 2029.

(8) A person that was approved for credit as provided in this section must make the total approved contribution by the end of the calendar year in which the contribution was approved.

(9) A person that does not make a contribution as required in subsection (8) of this section forfeits all credits for the approved contribution.

(10) The definitions in section 302 of this act apply to this section.

Part IV

Miscellaneous Provisions

NEW SECTION. **Sec. 401.** (1) Sections 201 through 207 of this act take effect on the date that the contributions to the child care workforce conditional scholarship and loan repayment account, created in section 208 of this act, exceed one hundred thousand dollars.

(2) The department of children, youth, and families must provide written notice of the effective date of sections 201 through 207 of this act to affected

parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

Correct the title.

Representative Young moved the adoption of amendment (956) to the striking amendment (852):

On page 11, beginning on line 15 of the striking amendment, after "annual" strike all material through "dollars" on line 20 and insert "gross wages that do not exceed ninety-eight thousand eight hundred eighty dollars"

On page 12, line 20 of the striking amendment, after "of" insert "eligible"

On page 12, line 21 of the striking amendment, after "wages" strike "in each wage band"

On page 13, beginning on line 17 of the striking amendment, after "annual" strike "wages of less than one hundred twenty-five thousand dollars" and insert "gross wages that do not exceed ninety-eight thousand eight hundred eighty dollars"

On page 14, line 17 of the striking amendment, after "of" insert "eligible"

On page 14, line 18 of the striking amendment, after "wages" strike "in each wage band"

Representatives Young and Senn spoke in favor of the adoption of amendment to the striking amendment.

Amendment (956) to the striking amendment (852) was adopted.

Representative Reeves spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (852), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Reeves, Dent, Senn and Irwin spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Ormsby was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2396.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2396, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Jenkin, Kraft, Manweller, McCaslin, Nealey, Pike, Schmick, Shea and Taylor.

Excused: Representative Ormsby.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2396, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1470, by Representatives Hudgins, Koster, Halder, Griffey, Manweller and Doglio

Modifying declaration of candidacy provisions.

The bill was read the second time.

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

Representatives Hudgins and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1470.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1470, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan,

Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

HOUSE BILL NO. 1470, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2962, by Representative Hudgins

Revising statutory deadlines for redistricting plans.

The bill was read the second time.

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

Representatives Hudgins and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2962.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2962, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

HOUSE BILL NO. 2962, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2356, by Representatives Cody, Johnson, McBride, Jinkins, Ryu and Ormsby

Concerning stem cell therapies not approved by the United States food and drug administration.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2356 was substituted for House Bill No. 2356 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2356 was read the second time.

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

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 2356 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Cody moved the adoption of amendment (951):

On page 2, line 1, after "(3)" insert "A license holder who is required to provide written notice under subsection (1) of this section must also obtain a signed consent form before performing the therapy. The consent form must be signed by the patient, or, if the patient is legally not competent, the patient's representative, and must state, in language the patient could reasonably be expected to understand:

(a) The nature and character of the proposed treatment, including the treatment's food and drug administration approval status;

(b) The anticipated results of the proposed treatment;

(c) The recognized possible alternative forms of treatment; and

(d) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

(4) "

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

On page 2, line 13, after "(b)" strike "An" and insert "A license holder

who performs a stem cell therapy pursuant to an employment or other contract to perform the therapy on behalf of or under the auspices of an"

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

Amendment (951) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2356.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2356, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1889, by Representatives Pettigrew, Appleton, Peterson, Stanford and Pollet

Creating an office of the corrections ombuds.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1889 was substituted for House Bill No. 1889 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1889 was read the second time.

Representative Holy moved the adoption of amendment (927):

On page 2, line 1, after "ombuds" strike all material through "and"

On page 2, line 2, after "secretary." insert "The office of the corrections ombuds must have a clearly delineated budget separate from the overall budget for the office of the governor."

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

Amendment (927) was adopted.

The bill was ordered engrossed.

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

Representatives Pettigrew and Holy spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1889.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1889, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Harris, Jenkin, Klippert, Kraft, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick and Young.

Excused: Representative Ormsby.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2264, by Representatives Cody, Harris, Slatter, Macri, Stonier, Robinson, DeBolt, Johnson, McBride, Tharinger, Dolan, Kloba, Appleton, Jinkins and Ormsby

Concerning hospital privileges for advanced registered nurse practitioners and physician assistants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2264 was substituted for House Bill No. 2264 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2264 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2264.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2264, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

SUBSTITUTE HOUSE BILL NO. 2264, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2309, by Representatives Kirby and Vick

Concerning service contract providers.

The bill was read the second time.

Representative Kirby moved the adoption of the striking amendment (855):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.110.017 and 2013 c 117 s 2 are each amended to read as follows:

This chapter does not prohibit a service contract provider from covering, in whole or in part, residential water, sewer, plumbing, electrical, heating and cooling systems, utilities, or similar systems, including items intended to be attached to or installed in any real property, with or without coverage of appliances, or from sharing contract revenue with local governments or other third parties for endorsements and marketing services.

Sec. 2. RCW 48.110.030 and 2016 c 224 s 1 are each amended to read as follows:

(1) A person may not act as, or offer to act as, or hold himself or herself out to be a service contract provider in this state, nor may a service contract be sold to a consumer in this state, unless the service contract provider has a valid registration as a service contract provider issued by the commissioner.

(2) Applicants to be a service contract provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) All basic organizational documents of the service contract provider, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, bylaws, and other applicable documents, and all amendments to those documents;

(b) The identities of the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business, and, if more than fifty percent of the service contract provider's gross revenue is derived from the sale of service contracts, the identities of the service contract

provider's directors and stockholders having beneficial ownership of ten percent or more of any class of securities;

(c)(i) For service contract providers relying on RCW 48.110.050(2) (a) or (b) or 48.110.075(2) (a) to assure the faithful performance of its obligations to service contract holders, the most recent audited annual financial statements, if available, or the most recent audited financial statements which prove that the applicant (~~is solvent~~) has and maintains a minimum net worth or stockholder's equity of two hundred thousand dollars or more calculated in accordance with section 6 of this act and the ability to pay its debts when debts become due. In lieu of submitting audited financial statements, a service contract provider relying on RCW 48.110.050(2) (a) or 48.110.075(2) (a) to assure the faithful performance of its obligations to service contract holders may comply with the requirements of this subsection (2)(c)(i) by submitting the most recent annual financial statements, if available, or the most recent financial statements of the applicant that are certified as accurate by two or more officers of the applicant; or

(ii) For service contract providers relying on RCW 48.110.050(2) (c) to assure the faithful performance of its obligations to service contract holders, the most recent audited annual financial statements, if available, or the most recent audited financial statements or form 10-K or form 20-F filed with the securities and exchange commission which prove that the applicant has and maintains a net worth or stockholder's equity of one hundred million dollars or more. However, if the service contract provider is relying on its parent company's net worth or stockholder's equity to meet the requirements of RCW 48.110.050(2) (c) and the service contract provider has provided the commissioner with a written guarantee by the parent company in accordance with RCW 48.110.050(2) (c), then the most recent audited annual financial statements, if available, or the most recent audited financial statements or form 10-K or form 20-F filed with the securities and exchange commission of the service contract provider's parent company must be filed and the applicant need not submit its own financial statements or demonstrate a minimum net worth or stockholder's equity; and

(d) An application fee of two hundred fifty dollars, which must be deposited into the general fund.

(3) Each registered service contract provider must appoint the commissioner as the service contract provider's attorney to receive service of legal process issued against the service contract provider in this state upon causes of action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the service contract provider.

(a) With the appointment the service contract provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the service contract provider, and remains in effect for as long as there could be any cause of action against the service contract provider arising out of any of the service contract provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(4) The commissioner may refuse to issue a registration if the commissioner determines that the service contract provider, or any individual responsible for the conduct of the affairs of the service contract provider under subsection (2)(b) of this section, is not competent, trustworthy, ~~((financially responsible))~~ cannot demonstrate a minimum net worth or stockholder's equity and the ability to pay its debts when debts become due in accordance with the applicable requirements of subsection (2)(c) of this section, or has had a license as a service contract provider or similar license denied or revoked for cause by any state.

(5) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the service contract provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the service contract provider and payment of a fee of two hundred dollars, which must be deposited into the general fund. If not so renewed,

the registration expires on the June 30th next preceding.

(6) A service contract provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

Sec. 3. RCW 48.110.055 and 2016 c 224 s 4 are each amended to read as follows:

(1) This section applies to protection product guarantee providers.

(2) A person must not act as, or offer to act as, or hold himself or herself out to be a protection product guarantee provider in this state, nor may a protection product be sold to a consumer in this state, unless the protection product guarantee provider has:

(a) A valid registration as a protection product guarantee provider issued by the commissioner; and

(b) Either demonstrated its financial responsibility or assured the faithful performance of the protection product guarantee provider's obligations to its protection product guarantee holders by insuring all protection product guarantees under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten

million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one.

(3) Applicants to be a protection product guarantee provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) The names of the protection product guarantee provider's executive officer or officers directly responsible for the protection product guarantee provider's protection product guarantee business and their biographical affidavits on a form prescribed by the commissioner;

(b) The name, address, and telephone number of any administrators designated by the protection product guarantee provider to be responsible for the administration of protection product guarantees in this state;

(c) A copy of the protection product guarantee reimbursement insurance policy or policies;

(d) A copy of each protection product guarantee the protection product guarantee provider proposes to use in this state;

(e) The most recent annual financial statements, if available, or the most recent financial statements certified as accurate by two or more officers of the applicant which prove that the applicant (~~is solvent~~) has and maintains a minimum net worth or stockholder's equity of two hundred thousand dollars or more calculated in accordance with section 6 of this act and the ability to pay its debts when debts become due; and

(f) A nonrefundable application fee of two hundred fifty dollars.

(4) Each registered protection product guarantee provider must appoint the commissioner as the protection product guarantee provider's attorney to receive service of legal process issued against the protection product guarantee provider in this state upon causes of action arising within this state. Service

upon the commissioner as attorney constitutes effective legal service upon the protection product guarantee provider.

(a) With the appointment the protection product guarantee provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the protection product guarantee provider, and remains in effect for as long as there could be any cause of action against the protection product guarantee provider arising out of any of the protection product guarantee provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(5) The commissioner may refuse to issue a registration if the commissioner determines that the protection product guarantee provider, or any individual responsible for the conduct of the affairs of the protection product guarantee provider under subsection (3)(a) of this section, is not competent, trustworthy, (~~financially responsible~~) cannot demonstrate a minimum net worth or stockholder's equity in accordance with the applicable requirements of subsection (3)(e) of this section and the ability to pay its debts when debts become due, or has had a license as a protection product guarantee provider or similar license denied or revoked for cause by any state.

(6) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the protection product guarantee provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the protection product guarantee provider and payment of a fee of two hundred fifty dollars. If not so renewed, the registration expires on the June 30th next preceding.

(7) A protection product guarantee provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the

end of the month in which the change or addition occurs.

Sec. 4. RCW 48.110.130 and 2006 c 274 s 14 are each amended to read as follows:

(1) The commissioner may, subject to chapter 48.04 RCW, deny, suspend, or revoke the registration of a service contract provider or protection product guarantee provider if the commissioner finds that the service contract provider or protection product guarantee provider:

(a) Has violated this chapter or the commissioner's rules and orders;

(b) Has refused to be investigated or to produce its accounts, records, and files for investigation, or if any of its officers have refused to give information with respect to its affairs or refused to perform any other legal obligation as to an investigation, when required by the commissioner;

(c) Has, without just cause, refused to pay proper claims or perform services arising under its contracts or has, without just cause, caused service contract holders or protection product guarantee holders to accept less than the amount due them or caused service contract holders or protection product guarantee holders to employ attorneys or bring suit against the service contract provider or protection product guarantee provider to secure full payment or settlement of claims;

(d) Is affiliated with or under the same general management or interlocking directorate or ownership as another service contract provider or protection product guarantee provider which unlawfully transacts business in this state without having a registration;

(e) At any time fails to meet any qualification for which issuance of the registration could have been refused had such failure then existed and been known to the commissioner;

(f) Has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony;

(g) Is under suspension or revocation in another state with respect to its service contract business or protection product business;

(h) Has made a material misstatement in its application for registration;

(i) Has obtained or attempted to obtain a registration through misrepresentation or fraud;

(j) Has, in the transaction of business under its registration, used fraudulent, coercive, or dishonest practices;

(k) Has failed to pay any judgment rendered against it in this state regarding a service contract or protection product guarantee within sixty days after the judgment has become final; or

(l) Has failed to respond promptly to any inquiry from the insurance commissioner relative to service contract or protection product business. A lack of response within fifteen business days from receipt of an inquiry is untimely. A response must be in writing, unless otherwise indicated in the inquiry.

(2) (a) The commissioner may, without advance notice or hearing thereon, immediately suspend the registration of a service contract provider or protection product guarantee provider if the commissioner finds that any of the following circumstances exist:

~~((a))~~ (i) The provider ~~((is insolvent))~~ either does not maintain the minimum net worth required by this chapter or cannot pay its debts when debts become due, or both;

~~((b))~~ (ii) A proceeding for receivership, conservatorship, rehabilitation, or other delinquency proceeding regarding the service contract provider or protection product guarantee provider has been commenced in any state; or

~~((c))~~ (iii) The ~~((financial condition or))~~ business practices of the service contract provider or protection product guarantee provider otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

(b) However, nothing in this subsection shall in any way be construed to limit the authority of the commissioner to take action against a service contract provider or a protection product guarantee provider granted by this chapter.

(3) If the commissioner finds that grounds exist for the suspension or revocation of a registration issued under

this chapter, the commissioner may, in lieu of suspension or revocation, impose a fine upon the service contract provider or protection product guarantee provider in an amount not more than two thousand dollars per violation.

Sec. 5. RCW 48.110.902 and 2016 c 224 s 5 are each amended to read as follows:

(1) RCW 48.110.030 (2)(a) and (b), (3), and (4), 48.110.040, 48.110.060, 48.110.100, 48.110.110, 48.110.075 (2)(a) and (b) and (4)(e), and 48.110.073 (1) and (2) do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor. ~~((For purposes of this section, "motor vehicle service contract" includes a contract or agreement sold for separately stated consideration for a specific duration to perform any of the services set forth in RCW 48.110.020(18)(b).))~~

(2) RCW 48.110.030(2)(c) does not apply to a publicly traded motor vehicle manufacturer or import distributor.

(3) RCW 48.110.030 (2)(a) through (c), (3), and (4), 48.110.040, and 48.110.073(2) do not apply to wholly owned subsidiaries of motor vehicle manufacturers or import distributors. For purposes of this subsection, a company is considered a wholly owned subsidiary as long as it is ultimately owned, directly or indirectly, one hundred percent by single or multiple motor vehicle manufacturers or import distributors.

(4) The adoption of chapter 274, Laws of 2006 does not imply that a vehicle protection product warranty was insurance prior to October 1, 2006.

(5) For purposes of this section, "motor vehicle service contract" includes a contract or agreement sold for separately stated consideration for a specific duration to perform any of the services set forth in RCW 48.110.020(18)(b).

NEW SECTION. Sec. 6. A new section is added to chapter 48.110 RCW to read as follows:

(1) A service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service

contract holders shall calculate the minimum net worth or stockholder's equity required by this chapter in accordance with generally accepted accounting principles as set forth by the financial accounting standards board. A service contract provider must follow generally accepted accounting principles, as set forth by the financial accounting standards board, in regard to either unearned service contract fees or expected service contract claims, or both, when determining its net worth. A service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) may elect to use statutory accounting principles in lieu of generally accepted accounting principles if it so chooses.

(2) A service contract provider relying on RCW 48.110.050(2)(b) or (c) to assure the faithful performance of its obligations to service contract holders shall calculate the minimum net worth or stockholder's equity required by this chapter in accordance with generally accepted accounting principles as set forth by the financial accounting standards board but must exclude from its assets all intangible assets including, but not limited to, goodwill, franchises, customer lists, patents or trademarks, and receivables from or advances to officers, directors, employees, salesmen, and affiliated companies when calculating net worth or stockholder's equity. However, a service contract provider relying on RCW 48.110.050(2)(b) or (c) may include receivables from affiliated companies if the affiliated company provides a written irrevocable guarantee to assure repayment of all receivables to the service contract provider and the guaranteeing organization has a net worth or stockholder's equity in excess of one hundred million dollars and submits a statement from a certified public accountant attesting that the net worth or stockholder's equity of the guaranteeing organization meets or exceeds the requirements of this subsection.

(3) A protection product guarantee provider that has elected to assure the faithful performance of its obligations to its protection product guarantee holders by insuring all protection product guarantees under a reimbursement insurance policy in accordance with RCW 48.110.055(2)(b) shall calculate the minimum net worth or stockholder's equity required by this chapter in accordance

with generally accepted accounting principles as set forth by the financial accounting standards board. A protection product guarantee provider will follow generally accepted accounting principles, as set forth by the financial accounting standards board, in regard to either unearned protection product guarantee contract fees or expected protection product guarantee contract claims, or both, when determining net worth. A protection product guarantee provider may elect to use statutory accounting principles in lieu of generally accepted accounting principles."

Correct the title.

Representatives Kirby and Vick spoke in favor of the adoption of the striking amendment.

The striking amendment (855) was adopted.

The bill was ordered engrossed.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2309.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2309, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

ENGROSSED HOUSE BILL NO. 2309, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2420, by Representatives Hargrove and Sullivan

Concerning state board of health rules regarding on-site sewage systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2420 was substituted for House Bill No. 2420 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2420 was read the second time.

Representative Hargrove moved the adoption of amendment (969):

On page 2, beginning on line 28, strike all material through page 3, line 25

Representatives Hargrove and Peterson spoke in favor of the adoption of the amendment.

Amendment (969) was adopted.

The bill was ordered engrossed.

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

Representatives Hargrove, Peterson and Irwin spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2420, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves,

Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Dye.

Excused: Representative Ormsby.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2420, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2682, by Representatives Buys, Blake, Dent, Chandler and Fitzgibbon

Exempting hop grower lot information used in the state department of agriculture export document from public disclosure.

The bill was read the second time.

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

Representatives Buys and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2682.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2682, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

HOUSE BILL NO. 2682, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2733, by Representatives Orcutt, Chapman, Maycumber, Tharinger, Dent, Kretz, Blake, Fitzgibbon and Muri

Establishing a prescribed burn certification program at the department of natural resources.

The bill was read the second time.

There being no objection the substitute bill by the committee on Agriculture & Natural Resources was not substituted for House Bill No. 2733.

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

Representatives Orcutt, Blake, Irwin and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2733.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2733, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

HOUSE BILL NO. 2733, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2861, by Representatives Ortiz-Self, Lovick, Klippert, Kilduff, Kagi, Frame, Jinkins, Macri, Kloba, Pollet and Goodman

Expanding the provision of trauma-informed child care.

The bill was read the second time.

Representative Klippert moved the adoption of amendment (804):

On page 2, line 8, after "develop a" strike "ten-year" and insert "five-year"

On page 2, line 13, after "develop a" strike "ten-year" and insert "five-year"

On page 2, line 16, after "The" strike "ten-year" and insert "five-year"

On page 2, line 25, after "the" strike "ten-year" and insert "five-year"

On page 2, line 33, after "over" strike "ten" and insert "five"

On page 3, line 22, after "submit the" strike "ten-year" and insert "five-year"

Representatives Klippert and Senn spoke in favor of the adoption of the amendment.

Amendment (804) was adopted.

The bill was ordered engrossed.

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

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2861.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2861, and the bill passed the House by the following vote: Yeas, 70; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harris, Hayes, Holy, Irwin, Jenkin, Kretz, Manweller, Maycumber, McCaslin, Nealey, Pike, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

Excused: Representative Ormsby.

ENGROSSED HOUSE BILL NO. 2861, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2914, by Representatives Smith, Fitzgibbon, Doglio and Senn

Concerning Washington's economic development potential as a world leader in the responsible management of postconsumer materials.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2914 was substituted for House Bill No. 2914 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2914 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (899):

On page 3, at the beginning of line 13, strike "and campaign"

Representatives Fitzgibbon and Smith spoke in favor of the adoption of the amendment.

Amendment (899) was adopted.

The bill was ordered engrossed.

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

Representatives Smith and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2914.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2914, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves,

Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Ormsby.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2914, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2833, by Representatives Morris, Schmick and Hudgins

Transferring duties of the life sciences discovery fund.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2833 was substituted for House Bill No. 2833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2833 was read the second time.

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

Representatives Morris and Harmsworth spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2833.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2833, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Ormsby.

SUBSTITUTE HOUSE BILL NO. 2833, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2381, by Representatives Macri, Cody, Tarleton, Santos, Johnson, McBride, Muri, Tharinger, Robinson, Valdez, Stanford, Reeves, Appleton, Harris and Stonier

Allowing certain adult family homes to increase capacity to eight beds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2381 was substituted for House Bill No. 2381 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2381 was read the second time.

With the consent of the House, amendment (783) was withdrawn.

Representative Macri moved the adoption of amendment (971):

On page 2, beginning on line 34, strike all of subsection (b)

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

On page 3, beginning on line 2, after "actions" strike all material through "beds" on line 3

On page 3, line 6, after "home;" strike "and"

On page 3, line 7, after "(f)" insert "The home has demonstrated to the department the ability to comply with the emergency evacuation standards established by the department in rule, as existing on the effective date of this section. As an alternate method of compliance with the evacuation standards, the applicant or licensee may install an automatic fire sprinkler system for the home; and

(g) "

On page 3, beginning on line 9, after "applications" strike all material through "application" on line 14 and insert "under RCW 70.128.060(13) for a seven or eight bed adult family home only if:

(a) The new provider is a provider of a currently licensed adult family home that has been licensed for a period of no less than twenty-four months since the

issuance of the initial adult family home license;

(b) The new provider's current adult family home has been licensed for six residents for at least twelve months prior to application; and

(c) The adult family home has completed two full inspections that have resulted in no enforcement actions"

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

Amendment (971) was adopted.

Representative Macri moved the adoption of amendment (974):

On page 3, line 16, after "shall" strike "conduct" and insert ":

(a) Notify the local jurisdiction in which the home is located, in writing, of the applicant's request to increase bed capacity; and

(b) Conduct"

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

Amendment (974) was adopted.

The bill was ordered engrossed.

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

Representatives Macri, Schmick and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2381.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2381, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall,

Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2229, by Representative Macri

Concerning the applicability of dental practice laws to integrated care delivery systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2229 was substituted for House Bill No. 2229 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2229 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2229.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2229, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2229, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2175, by Representatives Maycumber, Blake, Buys, Taylor and Shea

Concerning natural resource management activities.

The bill was read the second time.

There being no objection the substitute bill by the committee on Agriculture & Natural Resources was not substituted for House Bill No. 2175.

Representative Fitzgibbon moved the adoption of amendment (968):

On page 1, line 17, after "techniques" insert ", and shall develop mitigation actions where appropriate"

Representatives Fitzgibbon and Maycumber spoke in favor of the adoption of the amendment.

Amendment (968) was adopted.

The bill was ordered engrossed.

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

Representatives Maycumber, Blake, Manweller, Taylor and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2175.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2175, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2175, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2704, by Representatives Hudgins, Muri and McBride

Concerning election ballot space and voter informations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2704 was substituted for House Bill No. 2704 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2704 was read the second time.

Representative Young moved the adoption of amendment (986):

On page 4, after line 33, insert the following:

"Sec. 8. RCW 29A.32.121 and 2004 c 271 s 168 are each amended to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, (~~one hundred words~~) state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office."

Correct the title.

Representatives Young and Hudgins spoke in favor of the adoption of the amendment.

Amendment (986) was adopted.

The bill was ordered engrossed.

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

Representatives Hudgins, McDonald and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2704.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2704, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2704, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2528, by Representatives Hudgins and Wylie

Providing for the coordination of continuity of operations efforts for elections.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2528 was substituted for House Bill No. 2528 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2528 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2528.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2528, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2528, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2406, by Representatives Hudgins, Stanford and Ormsby

Concerning election security practices around auditing and equipment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2406 was substituted for House Bill No. 2406 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2406 was read the second time.

Representative Shea moved the adoption of amendment (978):

On page 2, beginning on line 2, after "conduct" strike all material through "methods:" on line 3 and insert "a random check of the ballot counting equipment in accordance with RCW 29A.60.170, and an audit of duplicated ballots. The audit of duplicated ballots must involve a comparison of ballots duplicated under RCW 29A.60.125 to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots."

(2) In addition to the random check performed in subsection (1) of this section, the county auditor may conduct an audit using one of the following methods:"

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

On page 2, beginning on line 26, after "(b)" strike all material through "(c)" on line 28

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

On page 4, line 16, after "party" insert "consistent with RCW 29A.40.100"

On page 4, beginning on line 22, after "equipment" strike all material through "auditor" on line 24 and insert "((may)) must be conducted ((upon mutual agreement of the political party observers or at the discretion of the county auditor)) at least once per day that incoming ballots are processed until the results are certified. The first random check for each day must occur when the first set of ballots are processed through the ballot counting equipment"

On page 4, line 30, after "involve" insert ", for each machine,"

On page 4, line 32, after "county" insert ", but not less than one hundred ballots per random check. If there is not at least one hundred ballots to randomly check for any given day, then a random check must be conducted for all ballots processed for that day"

Beginning on page 4, line 36, after "board" strike all material through "day" on page 5, line 6 and insert "((and the check must be completed no later than forty-eight hours after election day)). The random check procedures must include a process, consistent with RCW 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed"

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

"Sec. 8. RCW 29A.40.100 and 2011 c 10 s 40 are each amended to read as follows:

County auditors must request that observers be appointed by the major political parties to be present during the processing of ballots at the counting center and other locations where incoming ballots are handled or processed by election officials. County auditors have discretion to also request that observers be appointed by any campaigns or organizations. Appointed observers must be allowed access to view each stage of processing of incoming ballots including, but not limited to: Postelection audits conducted under RCW 29A.60.185 and 29A.60.170, removal of ballots from drop boxes, opening and sorting of ballots, signature verification, envelope review, ballot review, scanning, tabulation, and adjudication including duplication of ballots pursuant to RCW 29A.60.125. The absence of the observers will not prevent the processing of ballots if the county auditor has requested their presence.

Sec. 9. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, ~~((or))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 10. RCW 29A.60.235 and 2017 c 300 s 1 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;

(p) The number of overseas and service ballots rejected by mail, email, or facsimile;

(q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;

(r) The number of nonoverseas and nonservice ballots received by email or facsimile;

(s) The number of nonoverseas and nonservice ballots that were rejected for:

(i) Failing to send an original or hard copy of the ballot by the certification deadline; or

(ii) Any other reason, including the reason for rejection;

(t) The number of voters credited with voting; ~~((and))~~

(u) The number of replacement ballots requested;

(v) The number of replacement ballots issued;

(w) The number of replacement ballots received;

(x) The number of replacement ballots counted;

(y) The number of replacement ballots rejected; and

(z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3) (a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months

after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

Correct the title.

Representatives Shea and Hudgins spoke in favor of the adoption of the amendment.

Amendment (978) was adopted.

Representative Hudgins moved the adoption of amendment (762):

On page 2, line 25, after "audit" insert ". As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces a voting record of each vote cast using the system"

Representatives Hudgins and McDonald spoke in favor of the adoption of the amendment.

Amendment (762) was adopted.

Representative Bergquist moved the adoption of amendment (975):

On page 3, after line 39, insert the following:

"(4) The county auditor must develop methods to regularly audit electronic ballot return systems to ensure accuracy when one hundred or more ballots in any election have been returned electronically by voters who are not overseas voters or service voters."

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

Amendment (975) was adopted.

The bill was ordered engrossed.

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

Representatives Hudgins and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2406.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2406, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Kagi.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2406.

Representative Kagi, 32 District

HOUSE BILL NO. 2289, by Representatives Kilduff, Muri, Jinkins, Fey, Sawyer and Gregerson

Concerning the release and commitment of persons involuntarily committed after the dismissal of a felony.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2289 was substituted for House Bill No. 2289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2289 was read the second time.

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

Representatives Kilduff and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2289.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2289, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Goodman.

SUBSTITUTE HOUSE BILL NO. 2289, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1539, by Representatives McCabe, Orwall, Griffey, Caldier, Senn, Dent, Gregerson, Smith, Kraft, Doglio and Kagi

Regarding a curriculum for the prevention of sexual abuse of students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1539 was substituted for House Bill No. 1539 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1539 was read the second time.

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

Representatives McCabe, Santos and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1539.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1539, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1539, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1513, by Representatives Bergquist, Stambaugh, Frame, Hudgins, Sawyer, Slatter, Macri, Gregerson, Peterson, McBride, Doglio, Appleton, Fitzgibbon, Goodman, Tharinger, Farrell, Pollet, Ormsby, Dolan and Riccelli

Concerning the collection of youth voter registration sign up information. Revised for 2nd Substitute: Collecting youth voter registration sign up information.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1513 was substituted for House Bill No. 1513 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1513 was read the second time.

Representative Irwin moved the adoption of amendment (952):

On page 17, line 9, strike "July 1" and insert "December 15"

Representatives Irwin, Harmsworth, Irwin (again) and Harmsworth (again) spoke in favor of the adoption of the amendment.

Representatives Hudgins and Dolan spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 48 - YEAS; 50 - NAYS.

Amendment (952) was not adopted.

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

Representatives Bergquist, Riccelli, Hudgins, Dolan and Stambaugh spoke in favor of the passage of the bill.

Representatives Kraft, McDonald, Van Werven, Orcutt, Jenkin, Irwin, Steele, Taylor, Johnson, Young and Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1513.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1513, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1513, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2595, by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti,

Jenkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson and Stonier

Concerning procedures in order to automatically register citizens to vote.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2595 was substituted for House Bill No. 2595 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2595 was read the second time.

Representative Stokesbary moved the adoption of amendment (950):

On page 2, after line 9, insert the following:

"NEW SECTION. **Sec. 3.** The legislature recognizes that the voting process is a public benefit unrelated to transportation and the transportation budget. The legislature expects the department of licensing to biennially detail all of its costs to implement the automatic voter registration system described in this act, including information technology upgrades and personnel costs, and submit that total amount as an agency request for funding from the state general fund."

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

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (950) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri,

McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (950) was not adopted.

Representative Hudgins moved the adoption of amendment (949):

On page 3, line 3, after "vote and" strike "is applying for or" and insert "has received or is"

On page 3, line 28, after "date of" strike "application" and insert "issuance"

On page 4, beginning on line 20, after "(4)" strike all material through "law" on line 26 and insert "The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state"

On page 4, line 32, after "vote, who" strike "are applying for or" and insert "has been issued or is"

Representatives Hudgins and Irwin spoke in favor of the adoption of the amendment (949).

Amendment (949) was adopted.

Representative Irwin moved the adoption of amendment (945):

On page 4, after line 28, insert the following:

"(5) The secretary of state, in consultation with county auditors and the department of licensing, must identify instances where an enhanced driver's license or identicard licensee, whose license has been canceled, had been registered to vote, pursuant to section 102 of this act, whether such person is ineligible to vote, and has voted in an election. By November 20th of each year, the secretary of state must report to the legislature, and issue a press release, identifying in how many instances an ineligible voter became registered to vote pursuant to section 102 of this act, and cast a vote in an election as well as the precinct where each vote was cast."

Representative Irwin and Irwin (again) spoke in favor of the adoption of the amendment (945).

Representative Hudgins spoke against the adoption of the amendment (945).

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (945) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (945) was not adopted.

Representative Harmsworth moved the adoption of amendment (948):

On page 5, after line 12, insert the following:

"**Sec. 107.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration,

the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license and identification of the incorrect information."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Harmsworth and Hudgins spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (948) and the amendment was adopted by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker .

Amendment (948) was adopted.

Representative Irwin moved the adoption of amendment (946):

On page 9, after line 28, insert the following:

"NEW SECTION. Sec. 301. The department of licensing and the health benefit exchange must conduct an annual review of its respective processes for collecting applicant information to identify any office or staff position that exhibits higher than average rates of processing information transferred to the secretary of state, pursuant to this act, that is later determined to be incomplete, incorrect, or fraudulent."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 10, line 37, after "202" strike "and" and insert ",,"

On page 10, line 38, after "207" insert ", and 301"

Representative Irwin and Irwin (again) spoke in favor of the adoption of the amendment (946).

Representative Hudgins spoke against the adoption of the amendment (946).

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (946) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (946) was not adopted.

Representative Irwin moved the adoption of amendment (947):

On page 9, after line 28, insert the following:

"Sec. 208. RCW 46.17.040 and 2014 c 59 s 2 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall collect a service fee of:

(a) Twelve dollars for changes in a certificate of title, with or without registration renewal, or for verification of record and preparation of an affidavit of lost title other than at the time of the certificate of title application or transfer; and

(b) Five dollars for a registration renewal, issuing a transit permit, or any

other service under this section. When this service fee is collected by a county auditor or other agent appointed by the director, four dollars must be credited to the capital vessel replacement account under RCW 47.60.322, and the remainder must be retained by the county auditors to implement the provisions of this act.

(2) Service fees collected under this section by the department or county auditor or other agent appointed by the director, except as directed in subsection (1)(b) of this section, must be credited to the capital vessel replacement account under RCW 47.60.322."

Correct the title.

Representatives Irwin, Orcutt and Irwin (again) spoke in favor of the adoption of the amendment (947).

Representative Fey spoke against the adoption of the amendment (947).

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (947) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (947) was not adopted.

The bill was ordered engrossed.

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

Representatives Hudgins and Clibborn spoke in favor of the passage of the bill.

Representatives McDonald, Irwin, Caldier, Orcutt and Caldier (again) spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2595.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2595, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2751, by Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet and Frame

Concerning the deduction of union dues and fees.

The bill was read the second time.

Representative Manweller moved the adoption of amendment (876):

On page 2, line 6, after "(b)" strike "Upon" and insert "Only upon"

On page 2, line 20, after "dues" insert ", but only upon written authorization of the employee"

On page 3, line 16, after "dues" insert ", but only upon written authorization of the employee"

On page 4, line 4, after "(a)" strike "Upon" and insert "Only upon"

On page 4, line 18, after "dues" insert ", but only upon written authorization of the employee"

On page 5, line 5, after "(b)" strike "Upon" and insert "Only upon"

On page 5, line 19, after "dues" insert ", but only upon written authorization of the employee"

On page 6, line 39 after "(a)" strike "Upon" and insert "Only upon"

On page 7, line 14, after "dues" insert ", but only upon written authorization of the employee"

On page 7, line 23, after "(1)" strike "Upon" and insert "(~~Upon~~) Only upon"

On page 7, line 38, after "dues" insert ", but only upon written authorization of the employee"

Representatives Manweller, Pike, DeBolt and McCaslin spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (876) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (876) was not adopted.

Representative Pike moved the adoption of amendment (877):

On page 2, line 6, after "authorization" insert ", filed with the employer,"

On page 3, line 1, after "authorization" insert ", filed with the employer,"

On page 4, line 4, after "authorization" insert ", filed with the employer,"

On page 5, line 5, after "authorization" insert ", filed with the employer,"

On page 6, line 39 after "authorization" insert ", filed with the employer,"

On page 7, line 23 after "authorization" insert ", filed with the employer,"

Representatives Pike and Buys spoke in favor of the adoption of the amendment (877).

Representative Sells spoke against the adoption of the amendment (877).

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (877) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (877) was not adopted.

Representative Manweller moved the adoption of amendment (875):

On page 2, after line 23, insert the following:

"(d) If the employer is required under a collective bargaining agreement to deduct fees from an employee's pay other than dues required for membership

or a fee equivalent to dues, the employer may offset the administrative cost of processing and transmitting payments to the exclusive bargaining representative. The deducted fee, offset by the administrative cost, shall be transmitted to the treasurer of exclusive bargaining unit."

On page 3, after line 19, insert the following:

"(c) If the employer is required under a collective bargaining agreement to deduct fees from an employee's pay other than dues required for membership or a fee equivalent to dues, the employer may offset the administrative cost of processing and transmitting payments to the exclusive bargaining representative. The deducted fee, offset by the administrative cost, shall be transmitted to the treasurer of exclusive bargaining unit."

On page 4, after line 21, insert the following:

"(d) If the employer is required under a collective bargaining agreement to deduct fees from an employee's pay other than dues required for membership or a fee equivalent to dues, the employer may offset the administrative cost of processing and transmitting payments to the exclusive bargaining representative. The deducted fee, offset by the administrative cost, shall be transmitted to the treasurer of exclusive bargaining unit."

On page 5, after line 22, insert the following:

"(d) If the employer is required under a collective bargaining agreement to deduct fees from an employee's pay other than dues required for membership or a fee equivalent to dues, the employer may offset the administrative cost of processing and transmitting payments to the exclusive bargaining representative. The deducted fee, offset by the administrative cost, shall be transmitted to the treasurer of exclusive bargaining unit."

On page 7, after line 17, insert the following:

"(c) If the employer is required under a collective bargaining agreement to deduct fees from an employee's pay other than dues required for membership or a fee equivalent to dues, the employer may offset the administrative cost of

processing and transmitting payments to the exclusive bargaining representative. The deducted fee, offset by the administrative cost, shall be transmitted to the treasurer of exclusive bargaining unit."

On page 8, after line 3, insert the following:

"(c) If the employer is required under a collective bargaining agreement to deduct fees from an employee's pay other than dues required for membership or a fee equivalent to dues, the employer may offset the administrative cost of processing and transmitting payments to the exclusive bargaining representative. The deducted fee, offset by the administrative cost, shall be transmitted to the treasurer of exclusive bargaining unit."

Representatives Manweller and Shea spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (875) was not adopted.

Representative Manweller moved the adoption of amendment (874):

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. If the United States supreme court rules that the mandatory payment of union dues or equivalent fees is unconstitutional as applied to public sector employees, this act is void and unenforceable."

Correct the title.

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

Representative Sells spoke against the adoption of the amendment.

Amendment (874) was not adopted.

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

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

Representatives McCabe, Graves, Kraft, Shea and Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2751.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2751, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

HOUSE BILL NO. 2751, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316, by House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Cody, Jinkins, Wylie, Bergquist, Harris, Clibborn, Rodne, Griffey and Appleton)

Addressing fair dental insurance practices.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Caldier moved the adoption of amendment (667):

On page 3, beginning on line 5, strike all of section 4

Correct the title.

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

Amendment (667) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1316.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316, having received the necessary constitutional majority, was declared passed.

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

HOUSE JOINT MEMORIAL NO. 4011, by Representatives Blake, Chapman, Lovick, Walsh, Kilduff, Tharinger and Muri

Requesting that the United States Coast Guard name a Coast Guard cutter in honor of Petty Officer Matthew E. Schlimme.

The joint memorial was read the third time.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4011.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4011, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE JOINT MEMORIAL NO. 4011, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2516, by Representatives Cody, Harris, Jinkins, Robinson, Tharinger, Caldier and Macri

Updating health benefit exchange statutes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2516 was substituted for House Bill No. 2516 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2516 was read the second time.

Representative Schmick moved the adoption of amendment (722):

On page 16, after line 24, insert the following:

"NEW SECTION. **Sec. 11.** A new section is added to chapter 43.131 RCW to read as follows:

The Washington health benefit exchange shall be terminated on January 1, 2023, as provided in section 12 of this act.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2024:

(1)RCW 43.71.005 (Finding-Intent) and 2011 c 317 s 1;

(2)RCW 43.71.010 (Definitions) and 2013 2nd sp.s. c 6 s 1, 2012 c 87 s 2, & 2011 c 317 s 2;

(3)RCW 43.71.020 (Washington health benefit exchange) and 2012 c 87 s 3 & 2011 c 317 s 3;

(4)RCW 43.71.030 (Exchange-Powers and duties) and 2015 3rd sp.s. c 33 s 1, 2012 c 87 s 4, & 2011 c 317 s 4;

(5)RCW 43.71.060 (Health benefit exchange account) and 2013 2nd sp.s. c 6 s 2, 2012 c 87 s 5, & 2011 c 317 s 7;

(6)RCW 43.71.065 (Qualified health plans-Certification-Criteria stand-alone dental plans-Direct primary care medical home plans-Appeals) and 2012 c 87 s 8;

(7)RCW 43.71.070 (Rating system-Rating factors) and 2012 c 87 s 9;

(8)RCW 43.71.075 (Navigator not soliciting or negotiating insurance-Health care information-Protection-Disclosure-Notification) and 2014 c 220 s 3 & 2012 c 87 s 25;

(9)RCW 43.71.080 (Assessment to fund exchange-Generally-Stand-alone dental plans-Performance review) and 2016 c 133 s 3 & 2013 2nd sp.s. c 6 s 3;

(10)RCW 43.71.900 (Conflict with federal requirements-2011 c 317) and 2011 c 317 s 9; and

(11)RCW 43.71.901 (Spiritual care services-2012 c 87) and 2012 c 87 s 14."

Correct the title.

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

Representative Cody spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (722) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy,

Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker. .

Amendment (722) was not adopted.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2516.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2516, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Maycumber, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Stambaugh, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2516, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2539, by Representatives Peterson, Griffey, Kloba and Robinson

Concerning public hospital district health and wellness promotion activities and superintendent appointment and removal.

The bill was read the second time.

With the consent of the House, amendment (104) was withdrawn.

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

Representatives Peterson and Griffey spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

MOTION

On motion of Representative Hayes, Representative MacEwen was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2539.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2539, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Schmick, Shea, Smith, Stambaugh, Steele, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative MacEwen.

HOUSE BILL NO. 2539, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2669, by Representatives Doglio, Ormsby, Hudgins, Valdez, Fitzgibbon, Jinkins, Goodman, Macri, Ortiz-Self, Stanford, Ryu and Pollet

Adding part-time employees to state civil service.

The bill was read the second time.

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

Representatives Doglio and Irwin spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2669.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative MacEwen.

HOUSE BILL NO. 2669, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2285, by Representatives Chapman, Tarleton, Lytton, Tharinger, Blake and Appleton

Establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2285 was substituted for House Bill No. 2285 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2285 was read the second time.

With the consent of the House, amendments (716), (717), (718), (719) and (723) were withdrawn.

Representative Blake moved the adoption of the striking amendment (786):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the 1997 state trust lands habitat conservation plan and the proposed amendment related to the conservation of the marbled murrelet, which provide certainty for beneficiaries of affected state lands and state forestlands, present an important and ongoing issue for the people of the state of Washington. The legislature further finds that complying with the endangered species act is a necessary aspect of managing state trust lands. The lands that are the subject of the 1997 habitat conservation plan are held by the state in trust for the trust beneficiaries, and the proposed amendment to the 1997 state trust lands habitat conservation plan presents an opportunity for the legislature to engage in its role as a fiduciary of those lands.

(2) The legislature intends that the process set forth in this act will serve as a model for future processes in the event that there are any subsequent amendments to the 1997 state trust lands habitat conservation plan beyond those envisioned in this act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1) By December 1, 2018, and each December 1st until the year after the United States fish and wildlife service issues an incidental take permit on the state trust land habitat conservation plan for the long-term conservation strategy for the marbled murrelet, the department must provide a report to the legislature, consistent with RCW 43.01.036, as required in this section. No fewer than ninety days before submitting the report to the legislature as described in this section, the department must first submit a draft of the report for review and comment to the chair and ranking member of the committees of the house of representatives and senate with jurisdiction over state trust lands management.

(2) The report required in this section must annually include an economic

analysis of potential losses or gains from any proposed marbled murrelet long-term conservation strategy selected by the board of natural resources, forwarded to or approved by the United States fish and wildlife service, and subsequently adopted by the board.

(3) The initial report required under this section must also include recommendations relating to the following, to be updated as appropriate in subsequent reports:

(a) Actions that support maintaining or increasing family-wage timber and related jobs in the affected rural communities, taking into account, as appropriate, the role of other market factors;

(b) Strategies to ensure no net loss of revenues to the trust beneficiaries due to the implementation of additional marbled murrelet conservation measures;

(c) Additional means of financing county services; and

(d) Additional reasonable, incentive-based, nonregulatory conservation measures for the marbled murrelet that also provide economic benefits to rural communities.

NEW SECTION. Sec. 3. A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1) To assist the department in developing and providing the report to the legislature required in section 2 of this act, the commissioner must appoint a marbled murrelet advisory committee.

(2) The marbled murrelet advisory committee may include one or more representatives from the following categories:

- (a) State trust lands beneficiaries;
- (b) Impacted state forestlands beneficiaries, including counties;
- (c) Junior taxing districts;
- (d) Environmental organizations;
- (e) Local governments or an association representing local governments;
- (f) Milling interests or an association representing milling interests;

(g) Private forest landowners or a statewide association representing private forest landowners; and

(h) Local public interest groups.

(3) The advisory committee required under this section may consult with relevant state and federal agencies and tribes.

NEW SECTION. Sec. 4. (1) Sections 2 and 3 of this act expire at the end of the calendar year following the issuance by the United States fish and wildlife service of an incidental take permit on the long-term conservation strategy for the marbled murrelet under the state trust lands habitat conservation plan and subsequent adoption by the board of natural resources.

(2) The department of natural resources must notify the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser when the conditional expiration date of sections 1 and 2 of this act is satisfied."

Correct the title.

Representative Walsh moved the adoption of amendment (793) to the striking amendment (786):

On page 2, after line 21 of the amendment, insert the following:

"(4) The report required under this section must include an analysis of the additional loss of acres available for harvest, and loss of revenue, for each trust beneficiary, compared to:

(a) The number of acres dedicated to long-term forest cover under the 1997 state trust lands habitat conservation plan; and

(b) Alternative B as outlined in the draft environmental impact statement for the marbled murrelet long-term conservation strategy dated December 2016."

Representatives Walsh, DeBolt, Irwin, Shea, Griffey, Orcutt, DeBolt (again), Taylor, Stokesbary, Buys and Vick spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Chapman, Chapman (again) and Tharinger spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (793) to the striking amendment (786) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative MacEwen.

Amendment (793) to the striking amendment (786) was not adopted.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

Representative Walsh moved the adoption of amendment (794) to the striking amendment (786):

On page 3, line 2 of the amendment, after "(3)" insert "The advisory committee must include at least one legislative member from each of the minority and majority caucuses of the house of representatives and the senate whose districts have lands that are included in the 1997 habitat conservation plan or any proposed amendments thereto.

(4) "

Representatives Walsh, Stokesbary, Irwin, Orcutt, Buys, Harmsworth, Smith, Shea and Wilcox spoke in favor of the adoption of the amendment to the striking amendment.

Representative Chapman spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of the amendment (794) to the striking amendment (786) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative MacEwen.

Amendment (794) to the striking amendment (786) was not adopted.

Division was demanded on the adoption of the striking amendment (786), and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 70 - YEAS; 27 - NAYS.

The striking amendment (786) was adopted.

The bill was ordered engrossed.

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

Representatives Chapman, Walsh, Blake, Orcutt, Wilcox and Klippert spoke in favor of the passage of the bill.

Representatives DeBolt, Taylor, Irwin and Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2285.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2285, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves,

Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2658, by Representatives McBride, Kagi, Peterson, Fitzgibbon, Doglio, Gregerson, Appleton, Jinkins, Ortiz-Self, Macri, Ryu, Pollet, Kloba, Goodman, Frame and Stanford

Concerning the use of perfluorinated chemicals in food packaging.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2658 was substituted for House Bill No. 2658 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2658 was read the second time.

Representative Irwin moved the adoption of amendment (728):

On page 1, beginning on line 16, after "firm," strike "association, partnership, government entity" and insert "partnership"

Representatives Irwin and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (728) was adopted.

Representative Taylor moved the adoption of amendment (760):

Beginning on page 2, line 17, after "(1)" strike all material through "component." on page 4, line 2 and insert "To determine whether safer alternatives to PFAS chemicals exist, the department of ecology must conduct an alternatives assessment as part of the PFAS chemical action plan that:

(a) Evaluates less toxic chemicals and nonchemical alternatives to replace the use of a chemical in a specific food packaging application;

(b) Follows the guidelines for alternatives assessments issued by the interstate chemicals clearinghouse; and

(c) Includes, at a minimum, an evaluation of chemical hazards, exposure, performance, cost, and availability.

(2) A safer alternative determination under subsection (1) of this section must be supported by feedback from an external peer review of the department's alternatives assessment.

(3) By January 1, 2020, the department of ecology must publish its findings in the Washington State Register on whether safer alternatives to PFAS chemicals in specific applications of food packaging are available and submit a report with the findings and the feedback from the peer review of the department's alternatives assessment to the appropriate committees of the legislature.

(4) The department of ecology should bring forward agency request legislation suggesting a ban when they have identified multiple, readily available, economical, safer alternatives to PFAS chemicals in a specific application of food packaging."

Correct the title.

Representatives Taylor and Maycumber spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (760) was not adopted.

Representative McBride moved the adoption of amendment (813):

On page 2, line 22, after "that" strike "a safer alternative is" and insert "safer alternatives are"

On page 2, line 26, after "assessment" insert "as part of the PFAS chemical action plan"

On page 2, beginning on line 34, after "whether" strike "a safer alternative" and insert "safer alternatives"

On page 2, line 36, after "packaging" strike "is" and insert "are"

On page 2, line 38, after "legislature." insert "In order to determine that safer alternatives are available, the safer alternatives must be readily available in sufficient quantity and at a comparable cost, and perform as well as or better than PFAS chemicals in

a specific food packaging application. If an alternative is a chemical, it must have previously been approved for food contact by the United States food and drug administration, such as through the issuance of a determination that the chemical has a reasonable certainty of causing no harm."

On page 3, beginning on line 4, after "that" strike "a safer alternative is" and insert "safer alternatives are"

On page 3, beginning on line 7, after "that" strike "a safer alternative is" and insert "safer alternatives are"

On page 3, line 16, after "that" strike "a safer alternative is" and insert "safer alternatives are"

Representatives McBride and Taylor spoke in favor of the adoption of the amendment.

Amendment (813) was adopted.

Representative Irwin moved the adoption of amendment (765):

On page 2, line 22, after "available" insert ", and the safer alternative determination is supported by feedback from an external peer review of the department's alternatives assessment"

On page 2, line 37, after "findings" insert "and the feedback from the peer review of the department's alternatives assessment"

Representatives Irwin and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (765) was withdrawn.

The bill was ordered engrossed.

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

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

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2658.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2658, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2658.

Representative Hayes, 10 District

HOUSE BILL NO. 2785, by Representatives Dent, Senn, McCaslin, Kagi, Goodman, Klippert, Lovick, Eslick, Griffey, Caldier, Reeves, Hargrove, Valdez, Frame and Steele

Providing the list of foster parent rights and responsibilities to prospective and current foster parents.

The bill was read the second time.

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

Representatives Dent, Kagi and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2785.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2785, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan,

Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2785, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2627, by Representatives Springer and Stokesbary

Concerning authorizations of proposals for emergency medical care and service levies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2627 was substituted for House Bill No. 2627 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2627 was read the second time.

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

Representatives Springer and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2627.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2627, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Haler, Hargrove, Harris, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Orcutt, Pike, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2627, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1851, by Representatives Dolan, Harris, Hudgins, MacEwen, Kilduff, Haler, Robinson, Bergquist, Fitzgibbon, Doglio, Pollet, Ormsby and Stanford

Protecting taxpayers by providing for accountability and transparency in government contracting. Revised for 2nd Substitute: Concerning accountability and transparency in government contracting.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1851 was substituted for House Bill No. 1851 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1851 was read the second time.

Representative Manweller moved the adoption of amendment (923):

On page 1, line 19, after "or" insert "except for institutions of higher education,"

On page 2, beginning on line 4, after "the" strike all material through "education" on line 5 and insert "agency or department"

On page 3, line 9, after "An" strike all material through "education" and insert "agency or department"

On page 3, at the beginning of line 22, strike all material through "education" and insert "agency or department"

On page 3, line 27, after "The" strike all material through "education" and insert "agency or department"

On page 3, beginning on line 31, after "the" strike all material through "education" on line 32 and insert "agency or department"

On page 4, beginning on line 1, after "the" strike all material through

"education" on line 2 and insert "agency or department"

On page 4, beginning on line 11, after "the" strike all material through "education" on line 12 and insert "agency or department"

On page 4, at the beginning of line 18, strike all material through "education" and insert "agency or department"

On page 4, beginning on line 28, after "the" strike all material through "education" on line 29 and insert "agency or department"

On page 6, line 16, after "39.26.180." strike "The" and insert "For all state agencies, except for institutions of higher education, the"

On page 6, beginning on line 29, after "that" strike all material through "education" on line 30 and insert "agencies and departments"

On page 7, line 9, after "and" insert ", except as pertaining to institutions of higher education,"

On page 7, line 14, after "transportation" insert "or institutions of higher education. The processes set forth in subsection (8) of this section do not apply to contracts awarded for the purposes of or by institutions of higher education"

On page 9, line 17, after "or" insert ", except for institutions of higher education,"

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

Representative Dolan spoke against the adoption of the amendment.

Amendment (923) was not adopted.

Representative Irwin moved the adoption of amendment (819):

On page 4, line 40, after "legislature" insert ", including contracts for fire suppression awarded by the department of natural resources under RCW 76.04.181,"

Representatives Irwin and Dolan spoke in favor of the adoption of the amendment.

Amendment (819) was adopted.

Representative Kraft moved the adoption of amendment (795):

On page 7, after line 11, insert the following:

"(e) A service that has been customarily and historically provided means a service that has been performed for three years or longer."

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

Representative Dolan spoke against the adoption of the amendment.

Amendment (795) was not adopted.

Representative Irwin moved the adoption of amendment (761):

On page 7, line 14, after "transportation" insert ", or to contracts with an estimated cost of contract performance of twenty thousand dollars or less"

Representatives Irwin and Dolan spoke in favor of the adoption of the amendment.

Amendment (761) was adopted.

Representative Manweller moved the adoption of amendment (924):

On page 9, after line 19, insert the following:

"NEW SECTION. Sec. 5. This act expires July 1, 2023."

Correct the title.

Representatives Manweller and Stokesbary spoke in favor of the adoption of the amendment.

Representative Dolan spoke against the adoption of the amendment.

Amendment (924) was not adopted.

Representative Manweller moved the adoption of amendment (925):

On page 9, after line 19, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 43.131 RCW to read as follows:

The joint legislative audit and review committee shall conduct a program and fiscal review of the changes made by chapter . . ., Laws of 2018 (this act). This program and fiscal review shall be completed and a preliminary report prepared during the 2022 calendar year. These reports shall be prepared in the manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management and any affected entities. The final report shall include the response, if any, of the affected entities and the office of financial management in the same manner as set forth in RCW 44.28.088, except the affected entities and the office of financial management shall have sixty days to respond to the report. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state entities affected, to the governor, and to the state library.

NEW SECTION. Sec. 6. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2023:

(1) 2018 c . . . s 1 (section 1 of this act);

(2) 2018 c . . . s 2 (section 2 of this act); and

(3) 2018 c . . . s 4 (section 4 of this act)."

Correct the title.

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

Representative Dolan spoke against the adoption of the amendment.

Amendment (925) was not adopted.

Representative Dolan moved the adoption of amendment (985):

On page 9, after line 19, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 44.28 to read as follows:

The joint legislative audit and review committee shall conduct a program and fiscal review of the changes made by chapter . . ., Laws of 2018 (this act). This program and fiscal review shall be completed and a preliminary report prepared during the 2022 calendar year. These reports shall be prepared in the manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management and any affected entities. The final report shall include the response, if any, of the affected entities and the office of financial management in the same manner as set forth in RCW 44.28.088, except the affected entities and the office of financial management shall have sixty days to respond to the report. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state entities affected, to the governor, and to the state library."

Correct the title.

Representatives Dolan and McDonald spoke in favor of the adoption of the amendment.

Amendment (985) was adopted.

Representative Kraft moved the adoption of the striking amendment (1005):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to increase transparency and accountability of public contracts by requiring better evaluation of contract performance. Such evaluation should include an assessment of whether decisions to "contract out" government services to the private sector are achieving their stated objectives. In addition, it is the intent of the legislature to ensure that public contractors given access to state resources are held to ethical standards consistent with public values.

Sec. 2. RCW 41.06.142 and 2011 1st sp.s. c 43 s 408 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter or by employees included in the Washington management service as defined in RCW 41.06.022 and 41.06.500, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities including other state agencies if the following criteria are met:

(a) A comprehensive impact assessment is completed by the agency, department, or institution of higher education to assist it in determining whether the decision to contract out is beneficial. The comprehensive impact assessment must include at a minimum the following analysis:

(i) An estimate of the cost of performance of the service by employees, including the fully allocated costs of the service, the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. The estimate shall include the state's indirect overhead costs that relate to delivering the services over the period of the proposed contract;

(ii) An estimate of the cost of performance of the services if contracted out, including the cost of allocating sufficient employee staff time and resources to monitor the contract or project plan and ensure its proper performance by the contractor or agency, department or institution of higher education; and

(iii) A statement of the performance objectives to be achieved by contracting with the private sector, a nonprofit entity, or a state agency, or by an agency, department, or institution of higher education performing the service itself.

(b) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

~~((b))~~ (c) Employees ~~((in the classified service))~~ whose positions or work would be displaced by the contract

are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection ~~((4))~~ (8) of this section;

~~((c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;))~~

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency, department, or institution of higher education must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) An agency, department, or institution of higher education that, after conducting a comprehensive impact assessment, decides to continue to provide a service must develop a project plan that at minimum:

(a) Includes terms under subsection (5) of this section;

(b) Adheres to uniform policies and procedures under subsection (9), where applicable;

(c) Includes itemization of performance standards, information on the estimated cost of performance, and length of time that the agency is expected to provide the service; and

(d) A description of the project or service provided.

(3) (a) An agency, department, or institution of higher education must prepare a written record of the basis of the decision to contract out, or the decision to provide for themselves, a service, which must include the comprehensive impact assessment required under subsection (1)(a) of this section, an itemization of performance standards contained in the project plan under subsection (2) of this section, an itemization of performance standards

contained in the contract pursuant to subsection (1)(b) of this section, and, if the agency, department, or institution of higher education decides to perform the service, a quantifiable analysis demonstrating the agency's, departments, or institution of higher education's ability to meet or exceed the performance standards required of contracts pursuant to subsection (1)(b) of this section based on the current services provided by the agency, department, or institution of higher education and include the length of time the agency, department, or institution of higher education has been providing the service if they are currently providing the service.

(b) Upon entering an agreement to contract out for a service that has been provided by employees, or upon an agency's, department's or institution of higher education's decision to continue to provide a service, the agency, department, or institution of higher education must provide the written record of the basis of the agency's decision to the department of enterprise services and the office of financial management. The department of enterprise services must post the reports on its website.

(c) The agency, department, or institution of higher education must maintain the written record in the agency's files in accordance with the record retention schedule under RCW 40.14.060.

(4) Every five years or upon completion of the contract or the service under a project plan, whichever comes first, the agency, department, or institution of higher education must prepare and file with the department of enterprise services a report, which must include at a minimum the following information:

(a) Documentation of the performance on the contract or project plan as measured by the itemized performance standards;

(b) Itemization of any contract or project extensions or change orders made by the contractor or agency that resulted in a change in the dollar value or cost of the contract; and

(c) A report of any remedial actions that were taken to enforce compliance with the contract or agency project plan, together with an estimate of the cost incurred by the agency, department, or

institution of higher education in enforcing such compliance.

(5) In addition to any other terms required by law, the terms of any agreement to contract out a service that has been provided by public employees for three or more years from the time of implementation by the employee or employees must include the following:

(a) A cancellation clause allowing the state agency or governing authority to cancel a contract or project if the contractor or agency fails to meet quality standards or budget specifications;

(b) Terms ensuring periodic review of performance of the contract every twelve months or more frequently;

(c) Terms requiring the contractor or agency to compensate the agency or appropriate state budget for employees' hours expended in achieving full performance of a contract that has failed inspection, that the contractor or agency has failed to complete on schedule, or that has not been completed by the contractor or agency in a manner that is consistent with quality standards;

(d) A term requiring the contractor or agency to make available to the agency or governing authority the following information at the start of the contract's term and updated each fiscal year:

(i) The name and license number, if applicable, of the contractor and all subcontractors;

(ii) A list of individuals or entities performing or providing the services under the contract, reflected as full-time equivalent positions, including the hourly wage rate for each position, and the status of the individual as an employee, subcontractor, independent contractor, or consultant, or, if the agency decides to provide the services, all members of the project and management team along with their title reflected as full-time equivalent positions, including the hourly or yearly wage rate for each position and the status of the individual as an employee, subcontractor, independent contractor, or consultant; and

(iii) A waiver of confidentiality of, and agreement to provide to the agency upon request, basic financial information related to the contract,

other than financial, commercial, or proprietary information specifically exempted from disclosure to the public under RCW 42.56.270.

(e) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract.

(6) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

~~((3))~~ (7) Contracting for services that is expressly mandated by the legislature including contracts for fire suppression awarded by the department of natural resources under RCW 76.04.181, or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1)~~((7))~~ through (5), (8), and ~~((5))~~ (10) of this section.

~~((4))~~ (8) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by ~~((classified))~~ employees, the contracting agency shall notify the ~~((classified))~~ employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency, department, or institution of higher education shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency, department, or institution of higher education of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The department of enterprise services, with the advice and assistance of the office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of enterprise services, with the advice and assistance of the office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency, department, or institution of higher education to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's, department's, or institution of higher education's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of enterprise services to conduct the bidding process.

~~((5))~~ (9) (a) The department of enterprise services must maintain uniform policies and procedures for the effective and efficient management of contracts by all state agencies, pursuant to RCW 39.26.180. The department of enterprise services must also include in the policy and procedures maintained:

(i) In the precontract procedures for selecting potential contractors based on qualifications and ability to perform, procedures to ensure compliance with

chapter 39.19 RCW, providing for participation of minority and women-owned businesses;

(ii) In model contract terms to ensure contract performance and compliance with state and federal standards, terms to facilitate recovery of the costs of employee staff time that must be expended to bring a contract into substantial compliance;

(iii) In the procedures and criteria for terminating contracts, procedures and criteria for terminating performance-based contracts that are not achieving performance standards; and

(iv) A requirement that agencies, departments, and institutions of higher education monitor performance-based contracts on at least a quarterly basis to ensure that all aspects of the contract are being properly performed and that performance standards are being achieved.

(b) The uniform policies and procedures maintained under RCW 39.26.180 and in subsection (a) of this subsection that apply to contracts also apply to agency project plans where applicable, when agencies decide to perform a service rather than contract out for the service.

(10) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection ~~((4))~~ (8) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which ~~((classified))~~ employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

~~((6))~~ (d) "Employee" means state employees in the classified service under this chapter and state employees included in the Washington management service under RCW 41.06.022 and 41.06.500, unless otherwise specified.

(e) A service that has been "customarily and historically provided" means a service that has been performed for three years or longer.

(11) The processes set forth in subsections (1)(a), (2), (3), (4) and (5)(a) through (d)(iii) of this section do not apply to contracts awarded for the purposes of or by the department of transportation or to contracts with an estimated cost of contract performance of twenty thousand dollars or less.

(12) The processes set forth in subsections (1)~~((7))~~ through (4), (8), and ~~((5))~~ (10) of this section do not apply to:

(a) *RCW 74.13.031~~((5))~~ (6); and

(b) The acquisition of printing services by a state agency~~((7 and~~

~~((e) Contracting for services or activities by the department of enterprise services under RCW 43.19.008 and the department may continue to contract for such services and activities after June 30, 2018)).~~

~~((7))~~ (13) The processes set forth in subsections (1)~~((7))~~ through (4), (8), and ~~((5))~~ (10) of this section do not apply to the consolidated technology services agency when contracting for services or activities as follows:

(a) Contracting for services and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in ~~((RCW 43.41A.070))~~ RCW 43.105.285.

(b) Contracting for services and activities recommended by the chief information officer through a business plan and approved by the technology services board created in ~~((RCW 43.41A.070))~~ RCW 43.105.285.

Sec. 3. RCW 39.26.200 and 2017 3rd sp.s. c 1 s 996 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter 74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) ~~((Two or more violations within the previous five years of the federal labor relations act as determined by the national labor relations board or court of competent jurisdiction,~~

~~(e))~~ Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

~~((f))~~ (e) Violation of ethical standards set forth in RCW 39.26.020;

~~((g))~~ (f) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations; and

~~((h))~~ (g) During the 2017-2019 fiscal biennium, the failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals.

(3) The director must issue a written decision to debar. The decision must:

(a) State the reasons for the action taken; and

(b) Inform the debarred contractor of the contractor's rights to judicial or administrative review.

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

An agency, department, or institution of higher education that intends to contract out, or does contract out, for services customarily and historically provided by employees in the classified service defined in RCW 41.06.020 or employees included in the Washington management service under RCW 41.06.022 and 41.06.500 must follow procedures and meet criteria established under RCW 41.06.142.

NEW SECTION. Sec. 5. This act may be known and cited as the "taxpayer protection act."

Correct the title.

Representatives Kraft and Orcutt spoke in favor of the adoption of the striking amendment.

Representative Dolan spoke against the adoption of the striking amendment.

The striking amendment (1005) was not adopted.

The bill was ordered engrossed.

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

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

Representatives Kraft and Manweller spoke against the passage of the bill.

POINT OF PERSONAL PRIVILEGE

Representative Manweller: Thank you Mr. Speaker. I apologize for any offense my comments may have caused and for keeping you all here later tonight.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1851.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1851, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1851, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658 passed the House.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, by House Committee on Environment (originally sponsored by Representatives McBride, Kagi, Peterson, Fitzgibbon, Doglio, Gregerson, Appleton, Jinkins, Ortiz-Self, Macri, Ryu, Pollet, Kloba, Goodman, Frame and Stanford)

Concerning the use of perfluorinated chemicals in food packaging.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658 was returned to second reading for the purpose of amendment.

SECOND READING

With the consent of the House, amendment (765) was adopted.

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2658.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2658, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2693
HOUSE BILL NO. 1656
HOUSE BILL NO. 2787
HOUSE BILL NO. 2829
HOUSE BILL NO. 2809
HOUSE BILL NO. 2263
HOUSE BILL NO. 1063

HOUSE BILL NO. 2006
HOUSE BILL NO. 1679
HOUSE BILL NO. 2681
HOUSE BILL NO. 2313
HOUSE BILL NO. 1740
HOUSE BILL NO. 1833
HOUSE BILL NO. 2445
HOUSE BILL NO. 2610
HOUSE BILL NO. 2817
HOUSE BILL NO. 2652
HOUSE BILL NO. 2777
HOUSE BILL NO. 2227
HOUSE BILL NO. 2334
HOUSE BILL NO. 2336
HOUSE BILL NO. 2358
HOUSE BILL NO. 2609
HOUSE BILL NO. 2931
HOUSE BILL NO. 2925
HOUSE BILL NO. 1562

There being no objection, the House adjourned until 9:00 a.m., February 13, 2018, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 13, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Devin Sawyer and Kaylee Eddy. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Jaimee Hodges, Northstar Church of God, Tumwater, Washington.

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

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

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2515
HOUSE BILL NO. 2938

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

February 12, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5493,
SENATE BILL NO. 5539,
THIRD SUBSTITUTE SENATE BILL NO. 5576,
SECOND SUBSTITUTE SENATE BILL NO. 5970,
SUBSTITUTE SENATE BILL NO. 6142,
SUBSTITUTE SENATE BILL NO. 6251,
SUBSTITUTE SENATE BILL NO. 6309,
SENATE BILL NO. 6393,
SENATE BILL NO. 6407,
SUBSTITUTE SENATE BILL NO. 6549,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 12, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5450,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6034,
ENGROSSED SENATE BILL NO. 6140,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6187,
ENGROSSED SENATE BILL NO. 6230,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 12, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5020,
SUBSTITUTE SENATE BILL NO. 5408,
SUBSTITUTE SENATE BILL NO. 6013,
SUBSTITUTE SENATE BILL NO. 6102,
SUBSTITUTE SENATE BILL NO. 6147,
SUBSTITUTE SENATE BILL NO. 6222,
SECOND SUBSTITUTE SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6273,
SECOND SUBSTITUTE SENATE BILL NO. 6274,
SENATE BILL NO. 6311,
SUBSTITUTE SENATE BILL NO. 6361,
SENATE BILL NO. 6367,
SENATE BILL NO. 6368,
SUBSTITUTE SENATE BILL NO. 6473,
SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 12, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5310,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 2988 by Representatives Tharinger and DeBolt

AN ACT Relating to distribution of state forestland revenues for certain former state forestlands; and reenacting and amending RCW 79.64.110.

Referred to Committee on Capital Budget.

ESSB 5108 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Billig, Miloscia, Hunt, Palumbo, Lias, Fain, Saldaña, Pedersen, Carlyle, Keiser, Cleveland, Mullet, Conway and Kuderer)

AN ACT Relating to contributions from political committees to other political committees; adding a new section to chapter 42.17A RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

SB 5213 by Senators Wilson and Zeiger

AN ACT Relating to the award of fees for limited license legal technicians in certain domestic violence cases; and amending RCW 26.50.060.

Referred to Committee on Judiciary.

E4SSB 5251 by Senate Committee on Ways & Means (originally sponsored by Senators Takko, Warnick, Rolfes, McCoy, Zeiger and Chase)

AN ACT Relating to tourism marketing; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.08 RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5307 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille, Hasegawa, Kuderer and Chase)

AN ACT Relating to creating alternatives to total confinement for certain qualifying offenders with minor children; amending RCW 9.94A.030, 9.94A.655, and 9.94A.6551; and creating a new section.

Referred to Committee on Appropriations.

E2SSB 5407 by Senate Committee on Ways & Means (originally sponsored by Senators Frockt,

Miloscia, Walsh, Mullet, Billig, Kuderer, Pedersen, Hasegawa, Darneille and Keiser)

AN ACT Relating to ensuring housing options; amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

ESSB 5588 by Senate Committee on Ways & Means (originally sponsored by Senators Hasegawa, Saldaña, Chase, Darneille, Schoesler, McCoy, Hobbs, Pedersen, Keiser, Hunt, Rolfes, Kuderer, Conway and Frockt)

AN ACT Relating to information concerning racial disproportionality; amending RCW 43.88C.010, 43.88A.020, and 43.88C.050; adding a new section to chapter 43.88C RCW; and creating new sections.

Referred to Committee on Appropriations.

SSB 5746 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Kuderer and Pearson)

AN ACT Relating to the association of Washington generals; amending RCW 43.15.030; and reenacting and amending RCW 46.68.420.

Referred to Committee on Transportation.

SSB 5944 by Senate Committee on Law & Justice (originally sponsored by Senator Becker)

AN ACT Relating to negligent entrustment by rental car agencies; and amending RCW 46.20.220.

Referred to Committee on Judiciary.

SSB 6009 by Senate Committee on Transportation (originally sponsored by Senators Takko, Hobbs, Palumbo, Saldaña, Hunt, Conway, Chase and Mullet)

AN ACT Relating to personalized collector vehicle license plates; amending RCW 46.17.210, 46.18.220, and 46.18.275; and providing an effective date.

Referred to Committee on Transportation.

2SSB 6015 by Senate Committee on Ways & Means (originally sponsored by Senators Hasegawa, Rolfes, Frockt, Pedersen, Hunt, Nelson, Darneille, Miloscia, Chase, Saldaña and Kuderer)

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, and 4.24.010; and creating a new section.

Referred to Committee on Appropriations.

SB 6024 by Senators Mullet and Angel

AN ACT Relating to the disposition of certain fees collected by the department of financial institutions for the securities division; and amending RCW 21.20.340 and 43.320.110.

Referred to Committee on Appropriations.

SB 6030 by Senators Cleveland, Keiser and Saldaña

AN ACT Relating to simplifying the process for donating low-value surplus property owned by a city-owned utility; and amending RCW 35.94.040.

Referred to Committee on Local Government.

SSB 6038 by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen and Padden)

AN ACT Relating to limited cooperative associations; amending RCW 23.95.105, 23.95.305, and 23.86.030; adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; and adding a new chapter to Title 23 RCW.

Referred to Committee on Judiciary.

SB 6039 by Senators Fain and Pedersen

AN ACT Relating to the uniform unsworn declarations act; amending RCW 5.50.010, 5.50.020, 5.50.050, 5.50.900, and 5.50.901; and repealing RCW 9A.72.085.

Referred to Committee on Judiciary.

SSB 6066 by Senate Committee on Transportation (originally sponsored by Senators Liias, Warnick, Hunt and Saldaña)

AN ACT Relating to exempting tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions; and amending RCW 46.61.672.

Referred to Committee on Transportation.

SB 6079 by Senators Kuderer, Takko, Ranker, Rolfes, Cleveland, Hasegawa, Palumbo, Saldaña, Wellman, Darneille, Billig, Nelson, Dhingra, McCoy, Liias, Keiser, Hunt, Conway and Chase

AN ACT Relating to exempting public employee dates of birth from public disclosure requirements; and reenacting and amending RCW 42.56.250.

Referred to Committee on State Government, Elections & Information Technology.

SB 6093 by Senators Cleveland, Rivers, Billig, Carlyle, Keiser and Hunt

AN ACT Relating to adding the Washington State University college of medicine to the family medicine residency network; and amending RCW 70.112.010 and 70.112.080.

Referred to Committee on Health Care & Wellness.

ESSB 6109 by Senate Committee on Ways & Means (originally sponsored by Senators Van De Wege and Rolfes)

AN ACT Relating to the International Wildland Urban Interface Code; amending RCW 19.27.031; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 43.30 RCW.

Referred to Committee on Appropriations.

SB 6134 by Senators Wellman, Zeiger and Hasegawa

AN ACT Relating to modifying definitions for alternative learning experience courses; and amending RCW 28A.232.010.

Referred to Committee on Education.

SSB 6175 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Pedersen, Rivers and Mullet)

AN ACT Relating to the Washington uniform common interest ownership act; amending RCW 6.13.080; adding a new section to chapter 59.18 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new chapter to Title 64 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 6180 by Senators Hobbs, Schoesler, Takko and King

AN ACT Relating to defining the planting and harvest dates for purposes of exemptions for agricultural transporters; and adding a new section to chapter 46.32 RCW.

Referred to Committee on Transportation.

SB 6182 by Senators Takko and Angel

AN ACT Relating to noncollection of taxes by county treasurers; and amending RCW 84.56.250.

Referred to Committee on Local Government.

SB 6188 by Senators Dhingra, O'Ban, Wilson, Van De Wege and Kuderer

AN ACT Relating to fairness in disciplinary actions of peace officers who appear on a prosecuting attorney's potential impeachment list; adding a new section to chapter 10.93 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SB 6190 by Senators Hunt and Kuderer

AN ACT Relating to allowing the use of a signature stamp for voting purposes; amending RCW 29A.08.230 and 29A.40.160; and reenacting and amending RCW 29A.40.110.

Referred to Committee on State Government, Elections & Information Technology.

SSB 6195 by Senate Committee on Transportation (originally sponsored by Senators Cleveland, Rivers and Wilson)

AN ACT Relating to facilitating transportation projects of statewide significance; adding new sections to chapter 47.05 RCW; and creating a new section.

Referred to Committee on Transportation.

ESSB 6199 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Conway, Miloscia, Keiser and Fortunato)

AN ACT Relating to the consumer directed employer program; amending RCW 74.39A.030, 74.39A.051, 74.39A.056, 74.39A.060, 74.39A.086, 74.39A.090, 74.39A.095, 74.39A.155, 74.39A.210, 74.39A.240, 74.39A.250, 74.39A.261, 74.39A.270, 74.39A.275, 74.39A.300, 74.39A.310, 74.39A.351, 74.39A.360, 41.56.026, and 41.56.113; reenacting and amending RCW 74.39A.009; adding new sections to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.220.

Referred to Committee on Appropriations.

SB 6205 by Senators Cleveland, Wilson, Takko, Rivers, Bailey, King, Short, Warnick, Honeyford and Braun

AN ACT Relating to requiring property sold in tax lien foreclosure proceedings to be sold as is; and amending RCW 84.64.080.

Referred to Committee on Judiciary.

SB 6207 by Senators Palumbo, Short and Sheldon

AN ACT Relating to clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels; amending RCW 53.08.040; and creating a new section.

Referred to Committee on Local Government.

SSB 6214 by Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Rolfes, Ranker, Mullet, Saldaña, Kuderer and Wellman)

AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders affecting law enforcement officers and firefighters; amending RCW 51.08.142 and 51.32.185; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Appropriations.

SB 6218 by Senators King, Hobbs and Darneille

AN ACT Relating to bringing the state into compliance with the federal FAST act; and amending RCW 46.44.030.

Referred to Committee on Transportation.

SB 6231 by Senators Kuderer, Van De Wege, Conway, Wellman, Chase, Hasegawa, Saldaña and Keiser

AN ACT Relating to the statute of limitations for unfair labor practice complaints filed in superior court; and amending RCW 41.56.160, 41.59.150, 41.76.055, 41.80.120, 47.64.132, 49.39.140, and 28B.52.065.

Referred to Committee on Judiciary.

2SSB 6245 by Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Ranker, Conway, Hasegawa, McCoy, Hunt and Keiser)

AN ACT Relating to spoken language interpreter services; amending RCW 74.04.025, 39.26.100, 41.56.030, 41.56.030, 41.56.510, and 41.56.510; adding a new section to chapter 39.26 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

SB 6248 by Senators Wellman, Zeiger, Kuderer, Hasegawa, Mullet, Keiser, Liias and Conway

AN ACT Relating to granting of high school diplomas by community or technical colleges; and amending RCW 28B.50.535.

Referred to Committee on Education.

SB 6252 by Senators King and Keiser

AN ACT Relating to extending the validity of temporary elevator licenses; and amending RCW 70.87.250.

Referred to Committee on Labor & Workplace Standards.

SB 6287 by Senators Darneille, O'Ban, Carlyle, Zeiger and Saldaña

AN ACT Relating to making technical changes regarding the department of children, youth, and families; amending RCW 28A.655.080, 74.09.470, 43.63A.068, 43.63A.066, 43.31.571, 41.06.097, 74.12.340, 74.08A.260, 74.04.014, 70.305.020, 70.305.010, 70.198.020, 43.216.065, 43.121.100, 43.88C.050, 43.31.583, 43.31.581, 43.31.575, 43.20.275, 42.48.010, 41.04.385, 36.70A.450, 36.70.757, 35A.63.215, 35.63.185, 35.21.688, 28B.77.005, 28A.655.220, 28A.300.570, 28A.188.040, 28A.175.075, 28A.155.160, 19.02.050, 43.216.555, 43.216.370, 43.216.355, 43.216.350, 43.216.325, 43.216.315, 43.216.305, 43.216.300, 43.216.265, 43.216.045, 43.216.105, 9.94A.655, 26.44.220, 9.94A.6551, 74.13.632, 74.13.341, 28A.300.525, 74.13.020, 72.05.435, 13.34.030, 74.31.020, 74.15.038, 74.13.660, 74.13.570, 71.24.065, 43.185C.285, 43.185C.260, 28B.105.060, 28A.300.592, 26.44.125, 7.68.801, 2.70.090, 43.216.380, 43.216.165, 43.216.250, 13.34.062, 13.34.069, 74.13A.005, 74.14A.060, 13.90.010, 43.216.015, 43.06A.030, 13.50.010, 74.14B.010, 43.216.906, and 43.216.905; reenacting and amending RCW 43.216.270; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

SB 6292 by Senators Wilson, Rivers and Keiser

AN ACT Relating to electronic monitoring of domestic violence perpetrators; amending RCW 9.94A.030, 7.90.010, 7.92.020, and 10.99.020; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Appropriations.

SSB 6294 by Senate Committee on Local Government (originally sponsored by Senators Kuderer, Sheldon, Warnick, Walsh, Palumbo and Liias)

AN ACT Relating to exempting impact fees for low-income housing development; amending RCW 82.02.060; reenacting and amending RCW 82.02.090; providing an effective date; and declaring an emergency.

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

SB 6298 by Senators Dhingra, Palumbo, Saldaña, Frockt, Mullet, Takko, Kuderer, Darneille, Chase, Rolfes, Cleveland, Carlyle, Wellman, Hasegawa, Ranker, Keiser, Billig, Nelson, McCoy, Liias, Van De Wege, Pedersen, Hunt and Conway

AN ACT Relating to adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm; and amending RCW 9.41.040.

Referred to Committee on Judiciary.

SB 6321 by Senators Rivers, Takko and Palumbo

AN ACT Relating to specifying that fire protection districts and regional fire protection service authorities are taxing districts for the purpose of distributing public utility revenues; and amending RCW 54.28.010, 54.28.055, and 54.28.090.

Referred to Committee on Finance.

SSB 6330 by Senate Committee on Transportation (originally sponsored by Senators Hobbs and King)

AN ACT Relating to medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits; amending RCW 46.25.055, 46.25.057, and 46.25.075; reenacting and amending RCW 46.25.010; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 6347 by Senate Committee on Ways & Means (originally sponsored by Senators Wagoner, Fortunato, Honeyford, Palumbo, Mullet and Rivers)

AN ACT Relating to expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers; amending RCW 84.14.010; and creating a new section.

Referred to Committee on Finance.

E3SSB 6353 by Senate Committee on Transportation (originally sponsored by Senators Hunt, Billig, Kuderer, Saldaña, Conway, Carlyle, Hasegawa, Dhingra, McCoy, Nelson, Mullet, Liias, Rolfes, Hobbs, Keiser, Cleveland, Chase, Darneille, Frockt, Palumbo, Van De Wege, Ranker, Wellman, Takko and Pedersen)

AN ACT Relating to increasing opportunities for citizens to participate in elections by streamlining procedures in order to automatically register citizens to

vote; amending RCW 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on State Government, Elections & Information Technology.

SB 6371 by Senator Mullet

AN ACT Relating to facilities financing by the housing finance commission; and amending RCW 43.180.160 and 43.180.300.

Referred to Committee on Capital Budget.

SSB 6399 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Becker, Cleveland, Rivers, Brown, Bailey, Fain, Kuderer and Van De Wege)

AN ACT Relating to telemedicine payment parity; and creating new sections.

Referred to Committee on Health Care & Wellness.

ESSB 6413 by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña and Chase)

AN ACT Relating to reducing the use of certain toxic chemicals in firefighting activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment.

ESSB 6434 by Senate Committee on Transportation (originally sponsored by Senators Rolfes, Rivers, Nelson, Brown and Saldaña)

AN ACT Relating to electric-assisted bicycles; amending RCW 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

SSB 6437 by Senate Committee on Transportation (originally sponsored by Senator King)

AN ACT Relating to the disposal of recreational vehicles abandoned on public property; amending RCW 46.79.110 and 46.80.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.68

RCW; adding a new chapter to Title 46 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SSB 6452 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Frockt, Carlyle, O'Ban, Walsh, Darneille, Miloscia, Kuderer and Saldaña)

AN ACT Relating to expanding the activities of the children's mental health services consultation program; and amending RCW 71.24.061.

Referred to Committee on Appropriations.

SSB 6475 by Senate Committee on Transportation (originally sponsored by Senators Hobbs, Palumbo, King, Wagoner, McCoy and Liias)

AN ACT Relating to regional transit authority property taxes imposed on less than a whole parcel; amending RCW 81.104.175; and declaring an emergency.

Referred to Committee on Transportation.

SSB 6544 by Senate Committee on Ways & Means (originally sponsored by Senators Chase, Brown, Hasegawa, Wagoner, Wellman, Takko and Conway)

AN ACT Relating to establishing the future of work task force; adding a new chapter to Title 28C RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

SSB 6560 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille, Billig, Frockt, Hunt, Kuderer, Palumbo and Wellman)

AN ACT Relating to ensuring that no youth is discharged from a public system of care into homelessness; and creating a new section.

Referred to Committee on Early Learning & Human Services.

SSB 6566 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Dhingra, Chase, Cleveland, Darneille, Saldaña and Kuderer)

AN ACT Relating to juvenile offenses; amending RCW 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.075, 13.40.070, and 9.94A.030; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9A.86 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1325, by Representatives Tharinger, Tarleton and Jinkins

Concerning the evaluation and prioritization of capital budget projects at the public two-year and four-year institutions of higher education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1325 was substituted for House Bill No. 1325 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1325 was read the second time.

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

Representatives Tharinger, Steele and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1325.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1325, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1325, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2809, by Representatives Tharinger, Doglio, Peterson, McBride and Van Werven

Concerning efficiency updates for capital budget appropriations allocated for public art.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2809 was substituted for House Bill No. 2809 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2809 was read the second time.

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

Representatives Tharinger, Van Werven and Eslick spoke in favor of the passage of the bill.

Representatives Barkis and Haler spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2809.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2809, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, Dye, Graves, Griffey, Haler, Holy, Jenkin, Kraft, Kristiansen, MacEwen, McCaslin, Nealey, Orcutt, Schmick, Shea, Stokesbary, Taylor, Vick, Volz, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 2809, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2015, by Representatives Pettigrew, Stokesbary, Nealey, Springer, Macri and Pollet

Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2015 was substituted for House Bill No. 2015 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2015 was read the second time.

Representative Frame moved the adoption of amendment (1016):

On page 7, beginning on line 5, after "subsection" strike all material through "operator" on line 9 and insert "imposes any tax specifically on the act of engaging in the business of being a short-term rental operator"

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

Representative Nealey spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 49 - YEAS; 49 - NAYS.

Amendment (1016) was not adopted.

There being no objection, the House deferred action on. SECOND SUBSTITUTE HOUSE BILL NO. 2015, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1332, by Representatives Fey, Stambaugh and Jinkins

Concerning dangerous objects on county roads and bridges.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1332 was read the second time.

Representative Stambaugh moved the adoption of amendment (916):

On page 1, line 8, after "any" strike "structure" and insert "object"

On page 1, line 12, after "the" strike "structure" and insert "object"

On page 1, line 14, after "such" strike "structure" and insert "object"

Representatives Stambaugh and Fey spoke in favor of the adoption of the amendment.

Amendment (916) was adopted.

The bill was ordered engrossed.

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

Representatives Fey and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1332.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1332, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Kraft, Kretz, Kristiansen, MacEwen, Macri, Manweller, Maycumber, McCabe, McCaslin, Nealey, Pike, Rodne, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2317, by Representatives Appleton, Muri, Fey, Fitzgibbon, Tarleton, Griffey and Young

Concerning contractor bonding requirements for public transportation benefit areas and passenger-only ferry service districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2317 was substituted for House Bill No. 2317 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2317 was read the second time.

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

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2317.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2317, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2317, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2808, by Representatives Kirby and Walsh

Concerning vehicle dealer licensing.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (996).

On page 2, after line 8, insert the following:

"NEW SECTION. **Sec. 4.** This act takes effect July 1, 2018."

Correct the title.

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (996) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2808.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2808, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys and Taylor.

ENGROSSED HOUSE BILL NO. 2808, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2948, by Representatives Graves, Sullivan, Haler, Hargrove, Pike and Senn

Concerning the responsibilities for state routes in cities or towns.

The bill was read the second time.

Representative Graves moved the adoption of amendment (868).

On page 2, line 15, after "(6)" strike "The" and insert "Except as otherwise provided in subsection (17) of this section, the"

On page 2, line 19, after "of" strike "~~(twenty)~~ thirty-five thousand" and insert "twenty-~~(five)~~ seven thousand five hundred"

On page 2, line 25, after "exceeds" strike "~~(twenty)~~ thirty-five thousand" and insert "twenty-~~(five)~~ seven thousand five hundred"

On page 3, line 35, after "(13)" strike "The" and insert "Except as otherwise provided in subsection (17) of this section, the"

On page 3, beginning on line 39, after "of" strike "~~(twenty)~~ thirty-five thousand" and insert "twenty-~~(five)~~ seven thousand five hundred"

On page 4, line 8, after "of" strike "~~(twenty)~~ thirty-five thousand" and insert "twenty-~~(five)~~ seven thousand five hundred"

On page 4, beginning on line 13, after "exceeds" strike "~~(twenty)~~ thirty-five thousand" and insert "twenty-~~(five)~~ seven thousand five hundred"

On page 5, after line 6, insert the following:

"(17) The population thresholds identified in subsections (6) and (13) of this section shall be increased as follows:

(a) Thirty thousand on July 1, 2023;

(b) Thirty-two thousand five hundred on July 1, 2028; and

(c) Thirty-five thousand on July 1, 2033."

Representatives Graves and Clibborn spoke in favor of the adoption of the amendment.

Amendment (868) was adopted.

The bill was ordered engrossed.

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

Representatives Graves and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2948.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2948, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Eslick, Hayes, Holy, Kristiansen, McCaslin, Orcutt, Shea, Taylor, Volz and Young.

ENGROSSED HOUSE BILL NO. 2948, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2430, by Representative Hudgins

Eliminating the joint legislative oversight committee on trade policy.

The bill was read the second time.

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

Representatives Hudgins, Stokesbary and Harmsworth spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2430.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2430, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Harris, Kraft, Kretz, Sawyer and Stanford.

HOUSE BILL NO. 2430, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2509
HOUSE BILL NO. 2750

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

MOTION

There being no objection, the Committee on Finance was relieved of HOUSE BILL NO. 2653, and the bill was referred to the Committee on Rules.

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

SECOND READING

HOUSE BILL NO. 2572, by Representatives Cody, Macri, Jinkins, Kagi, Wylie, Slatter, Tharinger, Ormsby and Robinson

Removing health coverage barriers to accessing substance use disorder treatment services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2572 was substituted for House Bill No. 2572 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2572 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2572, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2572, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Harris, Jinkins, Johnson, Robinson and Tharinger)

Modernizing substance use disorder professional practice.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Cody moved the adoption of amendment (810):

On page 2, line 9, after "deceased" insert ". However, a defendant's liability is several only and not joint under RCW 4.22.070(1)(a) or (b) if the parent or sibling is not dependent upon the deceased person for support"

On page 3, after line 35, insert the following:

"(4) A defendant's liability is several only and not joint under RCW 4.22.070(1)(a) or (b) if the decedent's parent or sibling is not dependent upon the decedent for support."

On page 4, after line 21, insert the following:

"(3) A defendant's liability is several only and not joint under RCW 4.22.070(1)(a) or (b) if the decedent's parent or legal guardian is not dependent upon the decedent for support."

Renumber the remaining subsections consecutively and correct internal references accordingly.

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

Amendment (810) was adopted.

The bill was ordered engrossed.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1340.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1340, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman,

Graves, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dye, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2611, by Representatives Barkis, Walsh, Irwin, Klippert, Hayes, Maycumber, Lovick, Stambaugh, Griffey, Wilcox, Steele and Young

Concerning the privilege for peer support group counselors.

The bill was read the second time.

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

Representatives Barkis, Kilduff and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2611.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2611, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh,

Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2611, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2786, by Representatives Kilduff and Muri

Concerning membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections or the department of social and health services and serving at a prison or civil commitment center located on an island.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2786 was substituted for House Bill No. 2786 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2786 was read the second time.

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

Representatives Kilduff, Hayes and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2786.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2786, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Harris, Taylor and Vick.

SUBSTITUTE HOUSE BILL NO. 2786, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2313, by Representatives Cody, Schmick, Caldier, Appleton, Pollet and Dolan

Providing the chiropractic quality assurance commission with additional authority over budget development, spending, and staffing.

The bill was read the second time.

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

Representatives Cody, Schmick, Eslick, Steele, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2313.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2313, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2313, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2671, by Representatives Wilcox, Jinkins, Dye, Orwall, Schmick, Cody, DeBolt, Walsh, Maycumber, Griffey, Barkis, Haler, Buys, Muri, Condotta, Robinson, Doglio, Macri, Stanford and Irwin

Improving the behavioral health of people in the agricultural industry.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2671 was substituted for House Bill No. 2671 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2671 was read the second time.

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

Representatives Wilcox, Cody, Schmick, Pike, Dent, Maycumber, Griffey, Dye and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2671.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2671, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2671, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2610, by Representatives Peterson, Bergquist, Pollet, Gregerson, Appleton, Valdez, Ryu, Jinkins, Macri, Tarleton, Hudgins, McBride, Doglio, Stonier, Fey, Goodman, Santos, Frame and Stanford

Creating the hunger-free students' bill of rights act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2610 was substituted for House Bill No. 2610 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2610 was read the second time.

Representative Harris moved the adoption of amendment (1043):

On page 3, line 6, after "student" insert "under the age of fifteen"

On page 3, line 8, after "(b)" strike "Publicly identify or stigmatize" and insert "Stigmatize"

On page 3, line 9, after "likely" strike "publicly identify or"

On page 3, line 29, after "served to" strike "the student" and insert "a student under the age of fifteen"

Representatives Harris, Santos and Harris (again) spoke in favor of the adoption of the amendment.

Amendment (1043) was adopted.

Representative Harris moved the adoption of amendment (1042):

On page 3, beginning on line 25, after "costs" strike all material through "collect" on line 26 and insert "in excess of the actual"

Representatives Harris and Santos spoke in favor of the adoption of the amendment.

Amendment (1042) was adopted.

The bill was ordered engrossed.

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

Representatives Peterson and Harris spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2610.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2610, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harmsworth, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Maycumber, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli,

Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2817, by Representatives Frame, Irwin, Sells, Appleton, Pollet and Stanford

Limiting overtime for correctional officers. Revised for 1st Substitute: Concerning overtime for correctional officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2817 was substituted for House Bill No. 2817 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2817 was read the second time.

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

Representatives Frame, McCabe, Irwin and Pike spoke in favor of the passage of the bill.

Representative Hayes spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2817.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2817, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele,

Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Graves, Hayes, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Maycumber, Nealey, Rodne, Schmick, Smith, Taylor and Vick.

SUBSTITUTE HOUSE BILL NO. 2817, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2444, by Representatives Slatter, Robinson, McBride, Clibborn, Appleton, Tharinger, Kloba, Doglio and Tarleton

Providing a real estate excise tax exemption for certain transfers of low-income housing.

The bill was read the second time.

Representative Slatter moved the adoption of amendment (853):

On page 5, line 12, after "seller" insert "or, in the case of a transfer of a controlling interest, the owner or beneficial owner,"

Representatives Slatter and Nealey spoke in favor of the adoption of the amendment.

Amendment (853) was adopted.

The bill was ordered engrossed.

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

Representatives Slatter and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2444.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2444, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald,

Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2444, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2509, by Representatives Hayes, Smith and Johnson

Concerning mandatory reporting of child abuse and neglect.

The bill was read the second time.

Representative Hayes moved the adoption of amendment (715):

On page 1, line 7, after (1) insert "(a)"

On page 1, line 9, after "make, or" insert "knowingly"

On page 1, line 9, after "such report," strike all material through "report" on line 10

On page 1, line 11, after "a" strike "(gross)"

On page 1, after line 11, insert the following:

"(b) Any person who knowingly obstructs the duty of a mandatory

reporter to make a report pursuant to RCW 26.44.030 and 26.44.040 shall be guilty of a gross misdemeanor."

On page 1, line 12, after "(2)" strike "Every" and insert "A class 1 civil infraction may be issued pursuant to chapter 7.80 RCW to any"

On page 1, beginning on line 14, after "negligence," strike "shall be guilty of an infraction"

On page 1, beginning on line 17, after "7.80 RCW" strike all material through "fifty dollars"

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

Amendment (715) was adopted.

Representative Senn moved the adoption of amendment (1038).

On page 1, line 12, after "or" insert "to"

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

Amendment (1038) was adopted.

The bill was ordered engrossed.

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

Representatives Hayes, Senn and Hayes (again) spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2509.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2509, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2509, having received the necessary constitutional majority, was declared passed.

There being no objection, the House resumed consideration of. SECOND SUBSTITUTE HOUSE BILL NO. 2015 on second reading.

SECOND SUBSTITUTE HOUSE BILL NO. 2015, by House Committee on Finance (originally sponsored by Representatives Pettigrew, Stokesbary, Nealey, Springer, Macri and Pollet)

Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings.

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

Representatives Pettigrew and Macri spoke in favor of the passage of the bill.

Representatives Steele, Maycumber and Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2015.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2015, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2015, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1656, by Representatives Dent, Gregerson, Hargrove, Tarleton, Klippert and Clibborn

Establishing a community aviation revitalization loan program. Revised for 1st Substitute: Concerning a community aviation revitalization loan program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1656 was substituted for House Bill No. 1656 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1656 was read the second time.

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

Representatives Dent, Clibborn and Pike spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1656.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1656, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2928, by Representative Lytton

Reauthorizing the business and occupation tax deduction for cooperative finance organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2928 was substituted for House Bill No. 2928 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2928 was read the second time.

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

Representatives Lytton and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2928.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2928, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2928, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2445, by Representatives Macri, Graves, Robinson and Riccelli

Concerning online access to health care resources via HEALWA.

The bill was read the second time.

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

Representatives Macri, Graves and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2445.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2445, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh,

Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2445, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1469
HOUSE BILL NO. 1789
HOUSE BILL NO. 2561
HOUSE BILL NO. 2633
HOUSE BILL NO. 2696
HOUSE BILL NO. 2701
HOUSE BILL NO. 2718
HOUSE BILL NO. 2974
HOUSE BILL NO. 2983

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

SECOND READING

HOUSE BILL NO. 2777, by Representative Jinkins

Improving and updating administrative provisions related to the board of tax appeals.

The bill was read the second time.

Representative Jinkins moved the adoption of amendment (1028):

On page 8, after line 17, insert the following:

"Sec. 18. RCW 34.05.518 and 2010 c 211 s 15 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may ~~((~~except as otherwise provided in chapter 43.211 RCW~~))~~ be directly reviewed by the court of appeals ~~((either))~~;

(a) Upon certification by the superior court pursuant to this section ((~~or~~));

(b) If the final decision is from an environmental board as defined in subsection ((~~3~~)) (4) of this section, upon acceptance by the court of appeals after a certificate of appealability has

been filed by the environmental board that rendered the final decision; or

(c) If the final decision is from the board of tax appeals, upon acceptance by the court of appeals after a certificate of appealability has been filed by the board of tax appeals.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(d) The appellate court's determination in the proceeding would have significant precedential value.

(3) Procedures for certification (~~shall~~) under this section must be established by court rule.

~~((3))~~ (4)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and the growth management hearings board as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent statewide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

~~((4))~~ (5) The environmental board (~~shall~~) must state in the certificate of appealability which criteria it applied, explain how that criteria was

met, and file with the certificate a copy of the final decision.

~~((5))~~ (6) For purposes of direct review of final decisions of the board of tax appeals, the board of tax appeals must issue a certificate of appealability, unless it finds that:

(a) The proceeding is unlikely to have significant precedential value; or

(b) Direct review by the court of appeals would be detrimental to any party or the public interest.

(7) If the board of tax appeals denies a request for a certificate of appealability, it must state in its denial which criteria it applied and explain how that criteria supported its decision to deny the request.

(8) For an appellate court to accept direct review of a final decision of an environmental board, it (~~shall~~) must consider the same criteria outlined in subsection (~~(3))~~ (4) of this section (~~(7 except as otherwise provided in chapter 43.21B RCW))~~.

~~((6))~~ (9) For an appellate court to accept direct review of a final decision of the board of tax appeals, it must consider the same criteria outlined in subsection (6) of this section.

(10) The procedures for direct review of final decisions of environmental boards or the board of tax appeals include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the board of tax appeals or the appropriate environmental board and all parties of record. The application (~~shall~~) must request the board of tax appeals or the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board or the board of tax appeals, the board with jurisdiction may file an application for direct review on that issue.

(c) The environmental board (~~shall have~~) or the board of tax appeals has thirty days to grant or deny the request for a certificate of appealability and its decision (~~shall~~) must be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties (~~shall~~) have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice (~~shall~~) must include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability (~~shall~~) must be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review (~~shall~~) must be by the superior court. The superior court's decision may be appealed to the court of appeals.

Sec. 19. RCW 34.05.522 and 1995 c 382 s 6 are each amended to read as follows:

The court of appeals may refuse to accept direct review of a case pursuant to RCW 34.05.518 if it finds that the case does not meet the applicable standard in RCW 34.05.518 (2) (~~or (5)~~), (4), or (6). Rules of Appellate Procedure 2.3 do not apply in this instance. The refusal to accept such review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

NEW SECTION. Sec. 20. A new section is added to chapter 82.03 RCW to read as follows: (1) The board, by its order, may direct the department of revenue to hold in abeyance the collection of tax from any taxpayer or any group of taxpayers when a question bearing on their liability for tax hereunder is pending before the board. The board may impose such conditions as may be deemed just and equitable and shall require the payment of interest at the rate of three-quarters of one percent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due until the date of payment.

(2) Interest imposed under this section shall be computed on a daily basis at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year.

(3) The department of revenue must not impose a late payment penalty if the taxpayer pays the assessment within thirty days of:

(a) the denial of a stay of collections by the board; or

(b) the expiration of an order staying the collection of such assessment.

NEW SECTION. Sec. 21. A new section is added to chapter 82.03 RCW to read as follows: (1) When any assessment or additional assessment has been made, the taxpayer may obtain a stay of collection, under such circumstances and for such periods as the board may by general regulation provide, of the whole or any part thereof, by filing with the board a bond in an amount, not exceeding twice the amount on which stay is desired, and with sureties as the department deems necessary, conditioned for the payment of the amount of the assessments, collection of which is stayed by the bond, together with the interest thereon at the rate of one percent of the amount of such assessment for each thirty days or portion thereof from the date the bond is filed until the date of payment.

(2) Interest imposed under this section shall be computed on a daily basis on the amount of tax at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year.

NEW SECTION. Sec. 22. A new section is added to chapter 82.03 RCW to read as follows:

(1) Except as otherwise specifically provided by statute, the board must award a qualified party that prevails in a formal hearing fees and other expenses, including reasonable attorneys' fees, unless the court finds that the department of revenue's or the board of equalization's action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. The board, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

(3) Fees and other expenses awarded under this section must be paid by the board over which the party prevails from operating funds appropriated to the agency within sixty days. The board shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the board shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the board announces the award.

(4) The following definitions apply to this section unless the context clearly indicates otherwise.

(a) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(b) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial appeal petition was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial appeal petition was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association."

Correct any internal references accordingly.

Correct the title.

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

Amendment (1028) was adopted.

The bill was ordered engrossed.

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

Representatives Jinkins and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2777.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2777, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2777, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2439, by Representatives Kirby, Vick, Barkis, Stanford, Ryu and Haler

Clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles.

The bill was read the second time.

Representative Kirby moved the adoption of the striking amendment (798):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.96 RCW to read as follows:

(1) A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs at rates no lower than those set in accordance with RCW 46.96.105. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell new vehicles of the same line make within fifteen days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a stop-sale, do-not-drive order, or where the issue identified in the notice of recall could otherwise affect the safe operation of the vehicle, commencing on the fifteenth day after the notice or order was issued and ending on the earlier of the date that the remedy or repair parts necessary to resolve the recall, stop-sale, or do-not-drive order are available to the dealer for vehicles in the dealer's inventory or the dealer sells, trades, or otherwise disposes of the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least 1.75 percent of the average trade-in value as indicated in an independent third-party guide for the year, make, model, and mileage of the recalled vehicle, per month, or portion of a month, while the recall or remedy parts are unavailable and the order remains in effect. A manufacturer is not required to compensate a motor vehicle dealer for more than the total trade-in value of the vehicle as established under this section. A stop-sale or do-not-drive order is defined as a notification issued by a vehicle manufacturer to its franchised dealers stating that certain used vehicles in inventory should not be sold or leased, at retail or wholesale, due to a federal safety recall for a defect or a noncompliance, or a federal or California emissions recall.

(2) This section applies only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a stop-sale, do-not-drive order has been issued, or where the issue identified in the notice of recall could otherwise affect the safe operation of the vehicle. This section further applies only to new motor vehicle dealers holding used vehicles for sale that are a line make

that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.

(3) All reimbursement claims made by new motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop-sale, do-not-drive, or where the issue identified in the notice of recall could otherwise affect the safe operation of the vehicle, is subject to the same limitations and requirements as a warranty reimbursement claim made under RCW 46.96.105. Claims shall be either approved or disapproved within thirty days after they are submitted to the manufacturer in the manner and on the forms the manufacturer reasonably prescribes. A manufacturer shall pay a claim within thirty days following approval. Any claim not specifically disapproved in writing within thirty days following receipt is approved.

(4) A manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided in subsection (1) of this section.

(5) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for recalled vehicles, parts, and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

(6) Any remedy provided to a new motor vehicle dealer under this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

Sec. 2. RCW 46.96.185 and 2014 c 214 s 7 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price

offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

(f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(g) Compete with a new motor vehicle dealer of any make or line by acting in

the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of

establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection (1)(g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection (1)(g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993;

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or

indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(vi) A final-stage manufacturer to own, operate, or control a new motor vehicle dealership; or

(vii) A manufacturer that held a vehicle dealer license in this state on January 1, 2014, to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer, or to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines;

(h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer,

distributor, factory branch, or factory representative;

(i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

(j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor; (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate and the relocation must comply with RCW 46.96.140 and 46.96.150 for any same make or line facility; or (D) the failure of a franchisee to change the location of the dealership or to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest;

(k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof. Except for a program or any renewal or modification of a program that is in effect with one or more new motor vehicle dealers in this state on June 12, 2014, a manufacturer shall not require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, standard, or otherwise to change the location of the dealership or construct, replace, renovate, or make any substantial changes, alterations, or remodeling to a new motor vehicle dealer's sales or service facilities, except as necessary to comply with health or safety laws or to comply with technology requirements without which a dealer would be unable to service a vehicle the dealer has elected to sell, before the tenth anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(i) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(ii) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed change in the executive management, the manufacturer or distributor shall give written notice of its reasons to the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved;

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars;

(o) Fail to provide to a new motor vehicle dealer purchasing or leasing building materials or other facility improvements the right to purchase or lease franchisor image elements of like

kind and quality from an alternative vendor selected by the dealer if the goods or services are to be supplied by a vendor selected, identified, or designated by the manufacturer or distributor. If the vendor selected by the manufacturer or distributor is the only available vendor of like kind and quality materials, the new motor vehicle dealer must be given the opportunity to purchase the franchisor image elements at a price substantially similar to the capitalized lease costs of the elements. This subsection (1)(o) must not be construed to allow a new motor vehicle dealer or vendor to gain additional intellectual property rights they are not otherwise entitled to or to impair or eliminate the intellectual property rights of the manufacturer or distributor or to permit a new motor vehicle dealer to erect or maintain signs that do not conform to the reasonable intellectual property usage guidelines of the manufacturer or distributor;

(p) Take any adverse action against a new motor vehicle dealer including, but not limited to, charge backs or reducing vehicle allocations, for sales and service performance within a designated area of primary responsibility unless that area is reasonable in light of proximity to relevant census tracts to the dealership and competing dealerships, highways and road networks, ~~((state borders,))~~ any natural or man-made barriers, demographics, including economic factors, ~~((and))~~ buyer behavior information, and contains only areas inside the state of Washington unless specifically approved by the new motor vehicle dealer; ((or))

(q) Require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard, or otherwise to order or accept delivery of any service or repair appliances, equipment, parts, or accessories, or any other commodity not required by law, which the dealer has not voluntarily ordered or which the dealer does not have the right to return unused for a full refund within ninety days or a longer period as mutually agreed upon by the dealer and manufacturer; or

(r) Modify the franchise agreement for any new motor vehicle dealer unless the manufacturer notifies the dealer in writing of its intention to modify the agreement at least ninety days before the effective date thereof, stating the

specific grounds for the modification, and undertakes the modification in good faith, for good cause, and in a manner that would not adversely and substantially alter the rights, obligations, investment, or return on investment of the franchised new motor vehicle dealer under the existing agreement.

(2) Subsection (1) (a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

Sec. 3. RCW 46.96.260 and 2010 c 178 s 11 are each amended to read as follows:

A new motor vehicle dealer who is injured in his or her business or property by a violation of this chapter, or any corporation or association that is primarily owned by or composed of new motor vehicle dealers and that primarily represents the interests of new motor vehicle dealers and is acting for itself or by, for, or on behalf of one or more new motor vehicle dealers, has standing to file a petition to the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW, or may bring a civil action in ((the superior)) a court of competent jurisdiction to recover the actual damages sustained by the dealer, to seek declaratory relief, or to enjoin further violations, together with the costs of the suit, including reasonable attorneys' fees if the new motor vehicle dealer, corporation, or association prevails. ((The new motor vehicle dealer may bring a civil action in district court to recover his or her actual damages, except for damages that exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorneys' fees.)) In addition, the court may, in its discretion, increase the award of damages up to an amount not to exceed three times the actual damages sustained. If a petition is filed with the department, the petition must be accompanied with a

filing fee in accordance with RCW 46.96.210."

Correct the title.

Representatives Kirby and Vick spoke in favor of the adoption of the striking amendment.

The striking amendment (798) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2439, and the 2439 passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2439, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1488, by Representatives Hansen, Haler, Stokesbary, Ortiz-Self, Gregerson, Tarleton, Slatter and Hudgins

Expanding higher education opportunities for certain students.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1488 was substituted for House Bill No. 1488 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1488 was read the second time.

Representative Haler moved the adoption of amendment (727):

On page 12, beginning on line 3, after "(v)" strike all material through "program" on line 8 and insert "A person who has deferred action for childhood arrival (DACA) status. If the DACA program is terminated or suspended, those who are in DACA status at the time of termination or suspension of the DACA program may continue to establish his or her domicile in the state up until March 5, 2025. For the purposes of this subsection, a person who has DACA status is a person who has met the federal eligibility requirements and whose application has been approved by the federal government"

Representatives Haler and Holy spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (727) was not adopted.

Representative MacEwen moved the adoption of amendment (1045):

On page 13, after line 7, insert the following:

"NEW SECTION. Sec. 4. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2019, from the state general fund to the student achievement council for the purposes of funding the state need grant."

Correct the title.

Representatives MacEwen, Hansen and Holy spoke in favor of the adoption of the amendment.

Amendment (1045) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen, Ortiz-Self and Springer spoke in favor of the passage of the bill.

Representatives Holy, Hargrove, Van Werven and Harmsworth spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1488.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1488, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Halder, Hansen, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2423, by Representatives DeBolt, Tarleton, Orcutt, Blake, Doglio, Fey, Springer, Pollet, Maycumber, Nealey, Schmick, Wilcox, Dye, Smith and Vick

Concerning the state universal communications services program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2423 was substituted for House Bill No. 2423 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2423 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives DeBolt and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2423, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2423, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Lytton to preside.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2554
HOUSE BILL NO. 2592
HOUSE BILL NO. 2723
HOUSE BILL NO. 2775
HOUSE BILL NO. 2776
HOUSE BILL NO. 2818
HOUSE BILL NO. 2975

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2907
HOUSE BILL NO. 2895

The Speaker (Representative Lytton presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Pollet)

Protecting consumers from charges for out-of-network health services. Revised for 1st Substitute: Addressing protecting consumers from charges for out-of-network health services.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114 was returned to second reading for the purpose of amendment.

SECOND READING

Representative Cody moved the adoption of the striking amendment (955):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that consumers receive surprise bills or balance bills for services provided by out-of-network health care providers at in-network facilities, and it is the intent of the legislature to ban the balance billing of consumers for all fully insured, regulated insurance plans and plans offered to public employees. The legislature further declares that consumers must not be placed in the middle of contractual disputes between providers and health insurance carriers. The legislature intends to remove consumers from such disputes by banning balance billing and requiring that payments for noncontracted providers be made directly to providers rather than to consumers. Facilities, providers, and health insurance carriers all share responsibility to ensure consumers have transparent information on network providers and benefit coverage, and the insurance commissioner has the responsibility to ensure networks are adequate and include sufficient contracted providers to reasonably ensure consumers have in-network access for covered benefits.

Sec. 2. RCW 48.43.005 and 2016 c 65 s 2 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to

reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(4) "Balance bill" means a bill sent to an enrollee by an out-of-network provider or facility for health care services provided to the enrollee after the provider or facility's billed amount is not fully reimbursed by the carrier, exclusive of permitted cost-sharing.

(5) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

~~((+5))~~ (6) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

~~((+6))~~ (7) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

~~((+7))~~ (8) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

~~((+8))~~ (9)(a) For grandfathered health benefit plans issued before

January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

(i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner.

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

~~((9))~~ (10) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure

has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

~~((10))~~ (11) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

~~((11))~~ (12) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

~~((12))~~ (13) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

~~((13))~~ (14) "Emergency medical condition" means a medical, mental health, or substance use disorder condition manifesting itself by acute symptoms of sufficient severity ~~((7))~~ including, but not limited to, severe pain or emotional distress, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical, mental health, or substance use disorder treatment attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

~~((14))~~ (15) "Emergency services" means a medical screening examination, as required under section 1867 of the social security act (42 U.S.C. 1395dd), that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition, and further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in

section 1867(e)(3) of the social security act (42 U.S.C. 1395dd(e)(3)).

~~((15))~~ (16) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

~~((16))~~ (17) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

~~((17))~~ (18) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

~~((18))~~ (19) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

~~((19))~~ (20) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

~~((20))~~ (21) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

~~((21))~~ (22) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

~~((22))~~ (23) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing

homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((23))~~ (24) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((24))~~ (25) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((25))~~ (26) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

~~((26))~~ (27) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage;

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner; and

(m) Civilian health and medical program for the veterans affairs administration (CHAMPVA).

~~((27))~~ (28) "In-network" or "participating" means a provider or facility that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees for the purpose of receiving reimbursement from the carrier at specified levels as payment in full for the health care services, including applicable cost-sharing obligations.

(29) "Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

~~((28))~~ (30) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((29))~~ (31) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((30))~~ (32) "Out-of-network" or "nonparticipating" means a provider or facility that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

(33) "Out-of-pocket maximum" means the maximum amount an enrollee is required to pay in the form of cost-sharing for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

(34) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((31))~~ (35) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((32))~~ (36) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((33))~~ (37) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than fifty employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance,

and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

~~((34))~~ (38) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((35))~~ (39) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

~~((36))~~ (40) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and

services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((37))~~ (41) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 3. RCW 48.43.093 and 1997 c 231 s 301 are each amended to read as follows:

(1) When conducting a review of the necessity and appropriateness of emergency services or making a benefit determination for emergency services:

(a) A health carrier shall cover emergency services necessary to screen and stabilize a covered person if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. In addition, a health carrier shall not require prior authorization of ~~((such))~~ emergency services provided prior to the point of stabilization if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. With respect to care obtained from ~~((a nonparticipating))~~ an out-of-network hospital emergency department, a health carrier shall cover emergency services necessary to screen and stabilize a covered person ~~((if a prudent layperson would have reasonably believed that use of a participating hospital emergency department would result in a delay that would worsen the emergency, or if a provision of federal, state, or local law requires the use of a specific provider or facility))~~. In addition, a health carrier shall not require prior authorization of ~~((such))~~ the services provided prior to the point of stabilization ~~((if a prudent layperson acting reasonably would have believed that an emergency medical condition existed and that use of a participating hospital emergency department would result in a delay that would worsen the emergency))~~.

(b) If an authorized representative of a health carrier authorizes coverage of emergency services, the health carrier shall not subsequently retract its

authorization after the emergency services have been provided, or reduce payment for an item or service furnished in reliance on approval, unless the approval was based on a material misrepresentation about the covered person's health condition made by the provider of emergency services.

(c) Coverage of emergency services may be subject to applicable in-network copayments, coinsurance, and deductibles, ~~((and a health carrier may impose reasonable differential cost sharing arrangements for emergency services rendered by nonparticipating providers, if such differential between cost sharing amounts applied to emergency services rendered by participating provider versus nonparticipating provider does not exceed fifty dollars. Differential cost sharing for emergency services may not be applied when a covered person presents to a nonparticipating hospital emergency department rather than a participating hospital emergency department when the health carrier requires preauthorization for postevaluation or poststabilization emergency services if:~~

~~(i) Due to circumstances beyond the covered person's control, the covered person was unable to go to a participating hospital emergency department in a timely fashion without serious impairment to the covered person's health; or~~

~~(ii) A prudent layperson possessing an average knowledge of health and medicine would have reasonably believed that he or she would be unable to go to a participating hospital emergency department in a timely fashion without serious impairment to the covered person's health)) as provided in sections 4 through 15 of this act.~~

~~((d))~~ (2) If a health carrier requires preauthorization for postevaluation or poststabilization services, the health carrier shall provide access to an authorized representative twenty-four hours a day, seven days a week, to facilitate review. In order for postevaluation or poststabilization services to be covered by the health carrier, the provider or facility must make a documented good faith effort to contact the covered person's health carrier within thirty minutes of stabilization, if the covered person needs to be stabilized. The health carrier's authorized representative is

required to respond to a telephone request for preauthorization from a provider or facility within thirty minutes. Failure of the health carrier to respond within thirty minutes constitutes authorization for the provision of immediately required medically necessary postevaluation and poststabilization services, unless the health carrier documents that it made a good faith effort but was unable to reach the provider or facility within thirty minutes after receiving the request.

~~((e))~~ (3) A health carrier shall immediately arrange for an alternative plan of treatment for the covered person if ~~((a nonparticipating))~~ an out-of-network emergency provider and health ~~((plan))~~ carrier cannot reach an agreement on which services are necessary beyond those immediately necessary to stabilize the covered person consistent with state and federal laws.

~~((f))~~ (4) Nothing in this section is to be construed as prohibiting the health carrier from requiring notification within the time frame specified in the contract for inpatient admission or as soon thereafter as medically possible but no less than twenty-four hours. Nothing in this section is to be construed as preventing the health carrier from reserving the right to require transfer of a hospitalized covered person upon stabilization. Follow-up care that is a direct result of the emergency must be obtained in accordance with the health plan's usual terms and conditions of coverage. All other terms and conditions of coverage may be applied to emergency services.

NEW SECTION. Sec. 4. This subchapter may be known and cited as the balance billing protection act.

NEW SECTION. Sec. 5. (1) An out-of-network provider or facility may not balance bill an enrollee for the following health care services:

(a) Emergency services provided to an enrollee; and

(b) Nonemergency health care services provided to an enrollee at an in-network hospital licensed under chapter 70.41 RCW or an in-network ambulatory surgical facility licensed under chapter 70.230 RCW if the services:

(i) Involve surgical or ancillary services; and

(ii) Are provided by an out-of-network provider.

(2) Payment for services described in subsection (1) of this section is subject to sections 6 and 7 of this act.

(3) For purposes of this subchapter, "surgical or ancillary services" means surgery, anesthesiology, pathology, radiology, laboratory, or hospitalist services.

NEW SECTION. **Sec. 6.** (1) If an enrollee receives emergency or nonemergency health care services under the circumstances described in section 5 of this act:

(a) The enrollee satisfies his or her obligation to pay for the health care services if he or she pays the in-network cost-sharing amount specified in the enrollee's or applicable group's health plan contract;

(b) The carrier, out-of-network provider, or out-of-network facility, and an agent, trustee, or assignee of the carrier, out-of-network provider, or out-of-network facility must ensure that the enrollee incurs no greater cost than he or she would have incurred if the services had been provided by an in-network provider or at an in-network facility;

(c) The out-of-network provider or out-of-network facility, and an agent, trustee, or assignee of the out-of-network provider or out-of-network facility:

(i) May not balance bill or otherwise attempt to collect from the enrollee any amount greater than the in-network cost-sharing amount specified in the enrollee's or applicable group's health plan contract. This does not impact the provider's ability to collect a past due balance for the cost-sharing amount with interest;

(ii) May not report adverse information to a consumer credit reporting agency or commence a civil action against the enrollee before the expiration of one hundred fifty days after the initial billing for the amount owed by the enrollee under this subsection (1); and

(iii) May not use wage garnishments or liens on the primary residence of the enrollee as a means of collecting unpaid bills under this subsection (1);

(d) The carrier must:

(i) Calculate the in-network cost-sharing amount for the out-of-network provider or facility's services using the greater of the amounts specified in subsection (3) of this section; and

(ii) Treat any cost-sharing amounts paid by the enrollee for such services in the same manner as cost-sharing for health care services provided by an in-network provider and must apply any cost-sharing amounts paid by the enrollee for such services toward the limit on the enrollee's in-network out-of-pocket maximum expenses.

(e) If the enrollee pays the out-of-network provider or out-of-network facility an amount that exceeds the in-network cost-sharing amount specified in the carrier's explanation of benefits, the provider or facility must refund any amount in excess of the in-network cost-sharing amount to the enrollee within thirty business days of receipt. Interest must be paid to the enrollee for any unrefunded payments at a rate of twelve percent beginning on the first calendar day after the thirty business days.

(2) Upon receipt of an out-of-network provider or facility's bill for health care services described in section 5 of this act, the carrier must make its applicable payment directly to the provider or facility, rather than the enrollee.

(3) The carrier must adjudicate the claim using an allowed amount for the health care service that is the greater of:

(a) The median allowed amount paid to in-network providers for the health care service provided as determined by reference to the data set prepared by the Washington state all payer claims database under section 22 of this act, including any applicable enrollee in-network cost-sharing requirement;

(b) The median amount paid to out-of-network providers for the health care service provided, as determined by reference to the data set prepared by the Washington state all payer claims database under section 22 of this act, including any applicable enrollee in-network cost-sharing requirement; or

(c) One hundred seventy-five percent of the amount that would be paid under medicare, Title XVIII of the federal

social security act, for the service, including any applicable enrollee in-network cost-sharing requirement.

NEW SECTION. Sec. 7. (1) In the event of a dispute between a carrier and an out-of-network provider or facility regarding payment for the services described in section 5 of this act, a party wishing to pursue a payment dispute must initiate an informal settlement communication no later than thirty days after receipt of payment or payment notification from the carrier. A party may not refuse to participate in a teleconference or in-person meeting if requested.

(2)(a) If the informal settlement communication does not result in a resolution, a carrier, out-of-network provider, or out-of-network facility may initiate arbitration to determine a reasonable payment amount. To initiate arbitration, the carrier, provider, or facility must provide written notification to the commissioner and the noninitiating party no later than sixty days after initiation of the informal settlement communication. The notification to the noninitiating party must state the initiating party's final offer. No later than thirty days following receipt of the notification, the noninitiating party must provide its final offer to the initiating party. The parties may reach an agreement on reimbursement during this time and before the arbitration proceeding.

(b) Multiple claims may be addressed in a single arbitration proceeding if the claims at issue:

(i) Involve identical carrier and provider or facility parties;

(ii) Involve claims with the same or related current procedural terminology codes relevant to a particular procedure; and

(iii) Occur within a period of six months of one another.

(3) Upon receipt of notification from the initiating party, the commissioner must provide the parties with a list of approved arbitrators or entities that provide binding arbitration. The arbitrators on the list must be trained by the American arbitration association or the American health lawyers association. The parties may agree on an arbitrator from the list provided by the commissioner. If the parties do not agree

on an arbitrator, they must notify the commissioner who must provide them with the names of five arbitrators from the list. Each party may veto two of the five named arbitrators. If one arbitrator remains, that person is the chosen arbitrator. If more than one arbitrator remains, the commissioner must choose the arbitrator from the remaining arbitrators. The parties and the commissioner must complete this selection process within twenty days of receipt of the list from the commissioner.

(4)(a) Each party must make written submissions to the arbitrator in support of its position no later than thirty days after the final selection of the arbitrator. A party that fails to make timely written submissions under this section without good cause shown shall be considered to be in default and the arbitrator shall require the party in default to pay the final offer amount submitted by the party not in default and may require the party in default to pay the reasonable attorneys' fees of the party not in default. No later than thirty days after the receipt of the parties' written submissions, the arbitrator must: Issue a written decision requiring payment of the final offer amount of either the initiating party or the noninitiating party; notify the parties of its decision; and provide the decision and the information described in section 8 of this act regarding the decision to the commissioner.

(b) In reviewing the submissions of the parties and making a decision related to the appropriate amount to be paid to the out-of-network provider or facility, the arbitrator must consider the following factors:

(i) The median amounts determined under section 6(3)(a) and (b) of this act;

(ii) The median billed charge amount for the service at issue reported in the data set prepared by the Washington state all payer claims database under section 22 of this act;

(iii) The circumstances and complexity of the case, including time and place of service and whether the service was delivered at a level I or level II trauma center or a rural facility;

(iv) Patient characteristics; and

(v) The level of training, education, and experience of the provider.

(c) The arbitrator may also consider other information that a party believes is justified or other factors the arbitrator requests.

(5) Expenses incurred in the course of arbitration, including the arbitrator's expenses and fees, but not including attorneys' fees, must be paid by the party whose final offer was rejected by the arbitrator. The enrollee is not liable for any of the costs of the arbitration and may not be required to participate in the arbitration proceeding as a witness or otherwise.

(6) The parties must enter into a nondisclosure agreement to protect any personal health information or fee information provided to the arbitrator.

(7) Chapter 7.04A RCW applies to arbitrations conducted under this section, but in the event of a conflict between this section and chapter 7.04A RCW, this section governs.

NEW SECTION. **Sec. 8.** (1) The commissioner must prepare an annual report summarizing the dispute resolution information provided by arbitrators under section 7 of this act. The report must include summary information related to the matters decided through arbitration, as well as the following information for each dispute resolved through arbitration: The carrier; the health care provider; the health care provider's employer or the business entity in which the provider has an ownership interest; the health care facility where the services were provided; and the type of health care services at issue.

(2) The commissioner must post the report on the office of the insurance commissioner's web site and submit it to the appropriate committees of the legislature annually by July 1st.

(3) This section expires January 1, 2023.

NEW SECTION. **Sec. 9.** (1) A nonemployed provider group that provides surgical or ancillary services at a hospital or ambulatory surgical facility must notify the hospital or ambulatory surgical facility of the carrier health plan networks in which the provider group is an in-network provider. The provider group must notify the hospital or

ambulatory surgical facility if the contract between the provider group and such a carrier will be terminated. The provider group must provide the notice as soon as practicable, but in no case less than forty-five days prior to termination of the contract.

(2) A hospital or ambulatory surgical facility must post the following information on its web site, if one is available:

(a) A list of the carrier health plan provider networks with which the hospital or ambulatory surgical facility is an in-network provider; and

(b) For each nonemployed provider group with which the hospital or ambulatory surgical facility has a contract to provide surgical or ancillary services, whether the provider group contracts with the same carrier health plan provider networks as the hospital or ambulatory surgical facility.

NEW SECTION. **Sec. 10.** (1) A health care provider must provide information on its web site, if available, listing the carrier health plan provider networks with which the provider contracts.

(2) An in-network provider must submit accurate information to a carrier regarding the provider's network status in a timely manner, consistent with the terms of the contract between the provider and the carrier.

NEW SECTION. **Sec. 11.** (1) A carrier must update its web site and provider directory no later than thirty days after the addition or termination of a facility or provider.

(2) A carrier must provide an enrollee with:

(a) A clear description of the health plan's out-of-network health benefits;

(b) Notice of rights under this subchapter using the standard template language developed under section 13 of this act;

(c) Notification that if the enrollee receives services from an out-of-network provider or facility, under circumstances other than those described in section 5 of this act, the enrollee will have the financial responsibility applicable to services provided outside the health plan's network in excess of applicable cost-sharing amounts and that the enrollee may be responsible for any

costs in excess of those allowed by the health plan;

(d) Information on how to use the carrier's member transparency tools under RCW 48.43.007;

(e) Upon request, information regarding whether a health care provider is in-network or out-of-network; and

(f) Upon request, an estimated range of the out-of-pocket costs for an out-of-network benefit.

NEW SECTION. Sec. 12. (1) If the commissioner has cause to believe that any person, including a health care provider or facility, is violating a provision of this subchapter, the commissioner may submit information to the department of health or the appropriate disciplining authority for action.

(2) If any person, including a health care provider or facility, violates or has violated a provision of this subchapter, the department of health or the appropriate disciplining authority may levy a fine upon the person in an amount not to exceed one thousand dollars per violation and take other action as permitted under the authority of the department or disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the department of health or the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(3) If a carrier violates or has violated any provision of this subchapter, the commissioner may levy a fine or apply remedies authorized under chapter 48.02 RCW.

(4) For purposes of this section, "disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of chapter 18.130 RCW or a chapter specified under RCW 18.130.040.

NEW SECTION. Sec. 13. (1) The commissioner may adopt rules to implement and administer this subchapter, including rules governing the dispute

resolution process established in section 7 of this act.

(2)(a) The commissioner, in consultation with health carriers, health care providers, health care facilities, and consumers, must develop standard template language for notifying consumers:

(i) That they may not be balance billed for the health care services described in section 5 of this act and will receive the protections provided by section 6 of this act;

(ii) That they may be balance billed for health care services under circumstances other than those described in section 5 of this act.

(b) The standard template language must include contact information for the office of the insurance commissioner so that consumers may contact the office of the insurance commissioner if they believe they have received a balance bill in violation of this subchapter.

(c) The office of the insurance commissioner shall determine by rule when and in what format health carriers, health care providers, and health care facilities must provide consumers with the notice developed under this section.

NEW SECTION. Sec. 14. This subchapter does not apply to health plans that provide benefits under chapter 74.09 RCW.

NEW SECTION. Sec. 15. This subchapter must be liberally construed to promote the public interest by ensuring that consumers are not billed out-of-network charges and do not receive additional bills from providers under the circumstances described in section 5 of this act.

NEW SECTION. Sec. 16. (1) When determining the adequacy of a proposed provider network or the ongoing adequacy of an in-force provider network, the commissioner must consider whether the carrier's proposed provider network or in-force provider network includes a sufficient number of contracted providers practicing at the same facilities with which the carrier has contracted for the proposed or established provider network to reasonably ensure enrollees have in-network access for covered benefits delivered at that facility.

(2) A hospital or ambulatory surgical facility must provide the carrier with

information about the network status of nonemployed provider groups that provide services at the hospital or ambulatory surgical facility using the information provided under section 9 of this act.

Sec. 17. RCW 18.130.050 and 2016 c 81 s 13 are each amended to read as follows:

Except as provided in RCW 18.130.062, the disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter;

(3) To hold hearings as provided in this chapter;

(4) To issue subpoenas and administer oaths in connection with any investigation, consideration of an application for license, hearing, or proceeding held under this chapter;

(5) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(6) To compel attendance of witnesses at hearings;

(7) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews and to issue citations and assess fines for failure to produce documents, records, or other items in accordance with RCW 18.130.230;

(8) To take emergency action ordering summary suspension of a license, or restriction or limitation of the license holder's practice pending proceedings by the disciplining authority. Within fourteen days of a request by the affected license holder, the disciplining authority must provide a show cause hearing in accordance with the requirements of RCW 18.130.135. In addition to the authority in this subsection, a disciplining authority shall, except as provided in RCW 9.97.020:

(a) Consistent with RCW 18.130.370, issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that

is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed;

(b) Consistent with RCW 18.130.400, issue a summary suspension of the license or temporary practice permit if, under RCW 74.39A.051, the license holder is prohibited from employment in the care of vulnerable adults based upon a department of social and health services' final finding of abuse or neglect of a minor or abuse, abandonment, neglect, or financial exploitation of a vulnerable adult. The summary suspension remains in effect until proceedings by the disciplining authority have been completed;

(9) To conduct show cause hearings in accordance with RCW 18.130.062 or 18.130.135 to review an action taken by the disciplining authority to suspend a license or restrict or limit a license holder's practice pending proceedings by the disciplining authority;

(10) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. Disciplining authorities identified in RCW 18.130.040(2) shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer. Disciplining authorities identified in RCW 18.130.040(2)(b) may not delegate the final decision regarding disposition of the license or imposition of sanctions to a presiding officer in any case pertaining to standards of practice or where clinical expertise is necessary, including deciding any motion that results in dismissal of any allegation contained in the statement of charges. Presiding officers acting on behalf of the secretary shall enter initial orders. The secretary may, by rule, provide that initial orders in specified classes of cases may become final without further agency action unless, within a specified time period:

(a) The secretary upon his or her own motion determines that the initial order should be reviewed; or

(b) A party to the proceedings files a petition for administrative review of the initial order;

(11) To use individual members of the boards to direct investigations and to authorize the issuance of a citation under subsection (7) of this section. However, the member of the board shall not subsequently participate in the hearing of the case;

(12) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(13) To contract with license holders or other persons or organizations to provide services necessary for the monitoring and supervision of license holders who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

(14) To adopt standards of professional conduct or practice;

(15) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter. After January 1, 2009, all sanctions must be issued in accordance with RCW 18.130.390;

(16) To restrict or place conditions on the practice of new licensees in order to protect the public and promote the safety of and confidence in the health care system;

(17) To designate individuals authorized to sign subpoenas and statements of charges;

(18) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

(19) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a license holder's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into

evidence in any civil action pursuant to RCW 70.41.200(3);

(20) To levy a fine in an amount not to exceed one thousand dollars per violation and take other action as permitted under the authority of the disciplining authority, if a report of a potential violation of sections 4 through 16 of this act by a health care provider is substantiated.

Sec. 18. RCW 18.130.180 and 2010 c 9 s 5 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state,

federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW or sections 4 through 15 of this act;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

NEW SECTION. Sec. 19. A new section is added to chapter 70.41 RCW to read as follows:

If the insurance commissioner reports that a hospital has violated sections 4 through 16 of this act, the department may levy a fine upon the hospital in an amount not to exceed one thousand dollars per violation and take other action as permitted under the authority of the department.

NEW SECTION. Sec. 20. A new section is added to chapter 70.230 RCW to read as follows:

If the insurance commissioner reports that an ambulatory surgical facility has violated sections 4 through 16 of this act, the department may levy a fine upon the ambulatory surgical facility in an amount not to exceed one thousand dollars per violation and take other action as permitted under the authority of the department.

Sec. 21. RCW 41.05.017 and 2016 c 139 s 4 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, ~~((and))~~ 48.43.083, and sections 4 through 15 of this act.

NEW SECTION. Sec. 22. A new section is added to chapter 43.371 RCW to read as follows:

The office of financial management, with the lead organization, shall

establish a data set and business process to provide health carriers, health care providers, and arbitrators with prevailing payment and billed charge amounts for the services described in section 5 of this act to assist in determining allowed amounts and resolving payment disputes for out-of-network medical services rendered by health care providers. The data and business process must be available beginning January 1, 2019.

NEW SECTION. Sec. 23. Sections 4 through 16 of this act are each added to chapter 48.43 RCW and codified with the subchapter heading of "health care services balance billing."

NEW SECTION. Sec. 24. Sections 1 through 21 and 23 of this act take effect January 1, 2019.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Schmick moved the adoption of amendment (1017) to the striking amendment (955):

On page 1, line 6 of the striking amendment, after "to" strike "ban" and insert "study banning"

On page 1, line 10 of the striking amendment, after "intends" insert "to study ways"

On page 1, at the beginning of line 12 of the striking amendment, strike "requiring that payments for noncontracted providers" and insert "whether payments for noncontracted providers should"

On page 2, line 13 of the striking amendment, after "Balance" strike "bill" means a bill sent" and insert "billing" means the practice of sending a bill"

On page 10, line 4 of the striking amendment after "deductibles" strike "~~and~~", ~~((and~~ and insert "~~((and~~"

On page 10, beginning on line 23 of the striking amendment, after "~~health~~)" strike "as provided in sections 4 through 15 of this act"

On page 11, after line 21 of the striking amendment, insert the following:

"NEW SECTION. Sec. 5. (1) The Washington state institute for public policy shall study ways in which other states have addressed the issue of balance billing. The study shall evaluate the impact of laws affecting balance billing in other states on:

(a) The affordability of health care services to consumers, including both premium costs and out-of-pocket expenses;

(b) The ability of health carriers to maintain adequate provider networks; and

(c) The ability of providers to be adequately and fairly compensated for rendered services.

(2) The Washington state institute for public policy shall make recommendations regarding:

(a) Whether and to what extent balance billing should be prohibited, including the types of services to which any restriction should apply;

(b) Methodologies to calculate health carrier reimbursement for services rendered by out-of-network providers and methodologies to resolve payment disputes between health carriers and out-of-network providers; and

(c) Ways in which to increase transparency to consumers on the costs of care, including balance billing.

(3) The Washington state institute for public policy shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2018."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 11, beginning on line 22 of the striking amendment, strike all of sections 5 through 22

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 25, line 27 of the striking amendment, after "Sections 4" strike "through 16" and insert "and 5"

On page 25, line 30 of the striking amendment, after "through" strike "21 and 23" and insert "3"

Representative Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against the adoption of the amendment to the striking amendment.

Amendment (1017) was not adopted.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (955) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Caldier and Orcutt spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2114.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2114, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hargrove, Harris, Hayes, Holy, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Dye, Eslick, Griffey, Haler, Harmsworth, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, Nealey, Rodne, Schmick, Shea, Stokesbary, Taylor, Van Werven, Vick and Wilcox.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Engrossed Substitute House Bill No. 2114.

Representative Harmsworth, 44 District

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2836, by Representatives Jinkins, Harris, Cody, Tharinger, Stonier, Slatter, Clibborn, Macri, Riccelli, Robinson, Valdez, Appleton and Johnson

Delineating charity care and notice requirements without restricting charity care.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2836 was substituted for House Bill No. 2836 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2836 was read the second time.

Representative Jinkins moved the adoption of amendment (1018):

On page 4, line 34, after "The" insert "annual"

On page 4, line 35, after "guidelines" insert "as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care"

On page 5, line 1, after "(11)" insert "At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances."

(12) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Jinkins and Graves spoke in favor of the adoption of the amendment.

Amendment (1018) was adopted.

With the consent of the house, amendment (758) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2836.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2836, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Jenkin, Manweller, Nealey and Taylor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2290, by Representatives Wylie, Harris, Dolan and Stonier

Simplifying the process for donating low-value surplus property owned by a city-owned utility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2290 was substituted for House Bill No. 2290 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2290 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wylie and Griffey spoke in favor of the passage of the bill.

Representative McDonald spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2290.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2290, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, DeBolt, Dent, Dye, Graves, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Rodne, Schmick, Shea, Smith, Stambaugh, Taylor, Van Werven, Vick, Volz, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 2290, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2774, by Representatives Condotta and Steele

Exempting information relating to the regulation of explosives from public disclosure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2774 was substituted for House Bill No. 2774 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2774 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2774.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2774, and the bill passed the

House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Graves and Pollet.

SUBSTITUTE HOUSE BILL NO. 2774, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2701, by Representatives Bergquist, Holy, Klippert, Stonier, Lytton, Maycumber, Muri, McDonald and Ortiz-Self

Addressing the definition of veteran.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2701 was substituted for House Bill No. 2701 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2701 was read the second time.

Representative Muri moved the adoption of amendment (1052):

On page 3, line 1, after "Inherent" strike "Freedom" and insert "Resolve"

Representatives Muri and Ryu spoke in favor of the adoption of the amendment.

Amendment (1052) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bergquist and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2701.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2701, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2771, by Representatives Kretz, Maycumber, Taylor, Buys and Shea

Managing wolves using translocation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2771 was substituted for House Bill No. 2771 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2771 was read the second time.

Representative Lytton moved the adoption of amendment (977):

On page 1, line 18, after "directed" insert "to immediately initiate the state environmental policy act process in order"

On page 1, at the beginning of line 19, strike "immediately"

On page 2, line 1, after "wolves" insert ", consistent with the findings from the state environmental policy act analysis,"

Representative Lytton spoke in favor of the adoption of the amendment.

Amendment (977) was adopted.

Representative Kretz moved the adoption of amendment (837):

On page 2, line 2, after "department" strike "is to" and insert "shall"

On page 2, line 3, after "sites" insert "and verify that any potential recipient sites contain stable prey populations"

Representatives Kretz and Lytton spoke in favor of the adoption of the amendment.

Amendment (837) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz, Lytton and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2771.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2771, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bergquist, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Valdez, Van Werven, Vick, Volz, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Appleton, Blake, DeBolt, Eslick, Graves, Griffey, Hayes, McDonald, Orcutt, Rodne, Tharinger, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1987, by Representatives McBride, Macri, Robinson, Stanford, Slatter, Senn, Santos, Chapman, Ortiz-Self and Jinkins

Concerning allowing affordable housing development on religious organization property. Revised for 2nd Substitute: Allowing affordable housing development on religious organization property.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1987 was substituted for House Bill No. 1987 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1987 was read the second time.

Representative Taylor moved the adoption of amendment (1002):

On page 4, line 15, after "(d)" insert ", unless the affordable housing development is developed for migrant farmworker housing on lands leased to the religious institution pursuant to subsection (1)(b) of this section."

Representatives Taylor, Taylor (again) and Irwin spoke in favor of the adoption of the amendment.

Representative Ryu spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1002) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 52; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker. .

Amendment (1002) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McBride, Barkis, Irwin and Walsh spoke in favor of the passage of the bill.

Representatives Jenkin, Taylor, Maycumber and Buys spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1987.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1987, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dye, Harmsworth, Jenkin, Kretz, Kristiansen, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pellicciotti, Pike, Schmick, Steele, Taylor, Van Werven, Vick and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1987, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1063, by Representatives Morris, Lytton, Fitzgibbon, Appleton and Sawyer

Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes.

The bill was read the second time.

With the consent of the House, the second substitute bill by the Committee on Transportation was not substituted.

With the consent of the House, Substitute House Bill No. 1063 was substituted for House Bill No. 1063 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1063 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morris spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1063.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1063, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1063, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1063.

Representative Stokesbary, 31 District

HOUSE BILL NO. 2757, by Representatives Doglio, Tharinger, Walsh, Chapman, Fitzgibbon and Tarleton

Modernizing fuel content standards and references.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2757 was substituted for House Bill No. 2757 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2757 was read the second time.

Representative Doglio moved the adoption of amendment (1044):

On page 5, beginning on line 11, strike all of section 6 and insert the following:

"Sec. 6. RCW 19.112.110 and 2013 c 225 s 601 are each amended to read as follows:

(1)(a) Until July 1, 2019, special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel~~((following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.~~

~~(2) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.~~

~~(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.~~

~~(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section).~~

(b) Beginning July 1, 2019, all diesel fuel sold in Washington by a special fuel licensee must contain a minimum of two percent biomass-based diesel fuel on an annual average basis. Each special fuel licensee must provide evidence to the department of licensing demonstrating attainment of this standard on an annual basis for all diesel fuel sold by the special fuel licensee.

(2) Beginning July 1, 2021, all diesel fuel sold in Washington by a special fuel licensee must contain a minimum of five percent biomass-based diesel fuel on an annual average basis. Each special fuel licensee must provide evidence to the department of licensing demonstrating attainment of this standard on an annual

basis for all diesel fuel sold by the special fuel licensee.

(3) The department of licensing shall adopt rules to implement this section, including authority for monthly and annual reporting and recordkeeping requirements for biomass-based diesel fuel, enforcement authority, and penalties in the event of noncompliance by a special fuel licensee with the requirements of this section or the department of licensing's rules. The department of licensing shall adopt rules by December 31, 2018.

(4) For the purposes of this section, "biomass-based diesel fuel" has the same meaning as provided in 40 C.F.R. Sec. 80.1401, as it existed on the effective date of this section."

Representative DeBolt moved the adoption of amendment (1046) to amendment (1044):

On page 2, line 7 of the amendment, after "(3)" insert "Beginning July 1, 2019, biomass-based diesel fuel that is derived from palm oil may not be sold in Washington by a special fuel licensee.

(4) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives DeBolt and Doglio spoke in favor of the adoption of the amendment to the amendment.

Amendment (1046) was adopted.

Representative Doglio moved the adoption of amendment (1047) to the amendment (1044):

On page 2, after line 16 of the amendment, insert the following:

"(5) The director shall notify the legislature by December 1, 2020, regarding the types of feedstocks being used to meet the requirements of this section, and may recommend, in consultation with the department of commerce, strategies to increase the production of in-state feedstocks to increase renewable fuel production."

Representatives Doglio and Nealey spoke in favor of the adoption of the amendment to the amendment.

Amendment (1047) was adopted.

Representatives Doglio and Nealey spoke in favor of the adoption of the amendment as amended.

Amendment (1044), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio, Walsh, Morris and Irwin spoke in favor of the passage of the bill.

Representatives Nealey, Steele, Griffey and Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2757.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2757, and the bill passed the House by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2757, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2759, by Representatives Doglio, Jinkins, Senn, Pettigrew, Dolan, Hudgins, Stanford, Chapman, Kagi, Appleton, Gregerson, Tarleton, Santos, Kilduff, Pollet, Macri, Frame and Bergquist

Establishing the Washington state women's commission.

The bill was read the second time.

With the consent of the house, amendments (1041), (984), (981) and (980) were withdrawn.

Representative McDonald moved the adoption of amendment (1048):

ROLL CALL

On page 3, line 11, after "(3)" insert "Include in the first biennial report submitted under section 5 of this act, an analysis of pay inequity based on gender among individuals employed in the office of the governor, and, separately, an analysis of pay inequity based on gender among employees included in the Washington management service;

(4) "

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Smith, McDonald and McDonald (again) spoke in favor of the adoption of the amendment.

Representatives Doglio, Senn and Doglio (again) spoke against the adoption of the amendment.

Amendment (1048) was adopted.

Representative Doglio moved the adoption of amendment (957):

On page 4, after line 35, insert the following:

"NEW SECTION. **Sec. 7.** The Washington state women's commission must provide staffing support to the interagency committee of state employed women, a volunteer organization that aims to better the lives of state employees by advising the Governor and agencies on policies that affect state employed women."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Doglio and Irwin spoke in favor of the adoption of the amendment.

Amendment (957) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and McDonald spoke in favor of the passage of the bill.

Representatives Kraft and Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2759.

The Clerk called the roll on the final passage of Engrossed House Bill No. 2759, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Griffey, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Pike, Shea, Smith, Taylor, Van Werven, Vick, Volz and Young.

ENGROSSED HOUSE BILL NO. 2759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2327, by Representatives Morris, Hudgins, Tarleton, Fey, Slatter, Fitzgibbon, Macri, Ormsby and Doglio

Concerning appliance efficiency standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2327 was substituted for House Bill No. 2327 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2327 was read the second time.

Representative Morris moved the adoption of amendment (929):

On page 3, line 39, after "tub," strike all material through "water" on line 40 and insert "~~((supplied with equipment for heating and circulating water))~~ which may or may not include any combination of integral controls, water heating, or water circulating equipment"

On page 4, line 39, after "amplification" strike "or" and insert "and/or"

On page 5, line 18, after "(22)" strike "Compressor" and insert "Air compressor"

On page 5, line 28, after "television," insert "a device with an integrated primary display that has a screen size of twenty square inches or less,"

On page 6, line 17, after "faucet," strike all material through "kitchen faucet" and insert "public lavatory faucet, or replacement aerator for a lavatory, public lavatory, or kitchen faucet"

On page 7, after line 27, insert the following:

"(38) "Industrial air purifier" means an indoor air cleaning device manufactured, advertised, marketed, labeled, and used solely for industrial use that is marketed solely through industrial supply outlets or businesses and prominently labeled as, "Solely for industrial use. Potential health hazard: Emits ozone."

(39) "Pressure regulator" means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream."

On page 13, at the beginning of line 25, strike all material through "January 1, 2018" on line 28 and insert "in the California Code of Regulations, Title 20, section 1605.3(v) as adopted on May 10, 2017, and amended on November 8, 2017, as measured in accordance with test methods prescribed in section 1604(v) of those regulations"

On page 13, beginning on line 29, after "(12)" strike all material through "431" on line 33 and insert "Air compressors that meet the twelve criteria listed on page 350 to 351 of the "energy conservation standards for air compressors" final rule issued by the United States department of energy on December 5, 2016, shall meet the requirements in table 1 on page 352 following the instructions on page 353 and as measured in accordance with the "uniform test method for certain air compressors" under 10 C.F.R. Part 431 (Appendix A to Subpart T) as in effect on July 3, 2017"

On page 14, line 13, after "430.32" and insert "(n) (4)"

Representatives Morris and Harmsworth spoke in favor of the adoption of the amendment.

Amendment (929) was adopted.

Representative Young moved the adoption of amendment (1055):

On page 18, after line 5, insert the following:

"(7) Any electronic product that may be sold via the internet is exempt from the requirements of RCW 19.260.040 and subsections (5) and (6) of this section, until such time as the state has created a monitoring and enforcement standard that it can implement to prevent sales into the state by out-of-state web-based sales sites."

Representatives Young and Morris spoke in favor of the adoption of the amendment.

Amendment (1055) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Harmsworth spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2327.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harmsworth, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2692, by Representatives Fey, Hayes, Lovick, Rodne, Irwin, Chapman, Stanford, Ortiz-Self, Sawyer, Muri, Kilduff, Smith, Hargrove, Condotta, Jinkins, Goodman and Tarleton

Concerning the minimum monthly salary paid to Washington state patrol troopers and sergeants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2692 was substituted for House Bill No. 2692 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2692 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Hayes and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2692.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2692, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Graves, Harris, Jenkin, Kretz, McCaslin, Nealey, Orcutt, Shea, Taylor, Vick and Young.

SUBSTITUTE HOUSE BILL NO. 2692, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2696, by Representatives Valdez, Orcutt, Eslick and Jinkins

Concerning medical certificate requirements for applicants and holders of commercial drivers' licenses and commercial learners' permits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2696 was substituted for House Bill No. 2696 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2696 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2696.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2696, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2696, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2723, by Representatives Shea, Eslick and Condotta

Modifying the types of off-road vehicles subject to local government regulation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2723 was substituted for House Bill No. 2723 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2723 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shea, Clibborn and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2723, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2723, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2775, by Representatives Lovick, Haler and Young

Clarifying the required color of certain lamps on vehicles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2775.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2775, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2775, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2975, by Representatives McCabe, Wylie, Orcutt, Irwin, Chapman, Goodman and Griffey

Concerning snow bikes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2975 was substituted for House Bill No. 2975 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2975 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCabe and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2975.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2975, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2975, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2358, by Representatives Sawyer, Lytton and Appleton

Clarifying marijuana-related definitions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sawyer and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2358.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2358, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative DeBolt.

HOUSE BILL NO. 2358, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2818, by Representatives Frame, Irwin, Chapman, Senn, Sells, Sawyer, Appleton, Fitzgibbon, Macri and Stanford

Concerning the appointment of religious coordinators.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2818 was substituted for House Bill No. 2818 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2818 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Frame and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2818.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2818, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Condotta, Dent, Dye, Eslick, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Klippert, Kretz, Kristiansen, Maycumber, McCabe, McCaslin, Muri, Nealey, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 2818, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2718, by Representatives Shea and Goodman

Concerning seizure and forfeiture procedures and reporting.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2718 was substituted for House Bill No. 2718 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2718 was read the second time.

Representative Shea moved the adoption of amendment (1001):

On page 2, line 13, after "within" strike "forty-five" and insert "sixty"

On page 2, line 14, after "property and" strike "ninety" and insert "one hundred twenty"

On page 2, line 22, after "within" strike "forty-five" and insert "sixty"

On page 2, line 23, after "property and" strike "ninety" and insert "one hundred twenty"

On page 2, line 28, after "within the" strike "forty-five" and insert "sixty"

On page 2, line 30, after "within the" strike "ninety-day" and insert "one hundred twenty day"

On page 2, beginning on line 32, after "before" strike all material through "designee" on line 34 and insert "a hearing officer who is not in the direct chain of command of the chief law enforcement officer of the seizing agency"

On page 2, line 35, after "before" insert "a hearing officer who is not in the direct chain of command of"

On page 5, line 21, after "may" insert ", after satisfying any court ordered restitution"

On page 8, line 15, after "(7)" insert "The state treasurer may recover its costs under this chapter by charging a fee to seizing agencies filing a report. The agency may use forfeiture proceeds to pay the costs of compiling and reporting data under this chapter, and to pay any fees imposed by the state treasurer.

(8) "

On page 24, after line 25, insert the following:

"(4) When property is seized under this chapter and forfeited pursuant to the new chapter created in section 17 of this act, the seizing agency must first satisfy any court ordered victim restitution before retaining, using, selling, or taking other action with respect to the property as permitted under section 4 of this act."

On page 26, after line 36, insert the following:

"(5) (a) When property is seized under this chapter and forfeited pursuant to the new chapter created in section 17 of this act, the seizing agency must first satisfy any court ordered victim restitution before retaining, using, selling, or taking other action with respect to the property as permitted under section 4 of this act."

(b) Within one hundred twenty days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to fifty percent of the net proceeds of any property forfeited."

On page 41, line 17, after "within" strike "forty-five" and insert "~~((forty-five))~~ sixty"

On page 41, line 18, after "property and" strike "ninety" and insert "~~((ninety))~~ one hundred twenty"

On page 41, line 27, after "within" strike "forty-five" and insert "~~((forty-five))~~ sixty"

On page 41, line 28, after "property and" strike "ninety" and insert "~~((ninety))~~ one hundred twenty"

On page 41, at the beginning of line 34, after "the" strike "forty-five" and insert "~~((forty-five))~~ sixty"

On page 41, line 35, after "within the" strike "ninety-day" and insert "~~((ninety-day))~~ one hundred twenty day"

Representatives Shea and Goodman spoke in favor of the adoption of the amendment.

Amendment (1001) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shea and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2718.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2718, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Hayes, Irwin and Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2718, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2561, by Representatives Dent, Blake, Dye, Doglio, Johnson, Peterson and Eslick

Concerning temporary duties for the wildland fire advisory committee.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2561 was substituted for House Bill No. 2561 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2561 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2561.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2561, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2561, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1953, by Representatives Dolan, Gregerson, Sells, Doglio, Ormsby and Kilduff

Addressing maximum penalties under the Washington industrial safety and health act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1953 was substituted for House Bill No. 1953 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1953 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1953.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1953, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick,

Lytton, MacEwen, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1953, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1482, by Representatives Sawyer, Kagi, Stambaugh, Caldier, Robinson, Springer, Hargrove, Tarleton, Ormsby, Doglio and Stanford

Establishing the legislative-executive WorkFirst poverty reduction oversight task force.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1482 was substituted for Engrossed Second Substitute House Bill No. 1482 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1482 was read the second time.

Representative Kagi moved the adoption of amendment (836):

On page 2, beginning on line 26, strike all of section 3 and insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08A RCW to read as follows:

(1) (a) A legislative-executive WorkFirst poverty reduction oversight task force is established, with voting members as provided in this subsection. Task force membership shall include diverse, statewide representation and its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two

members from each of the two largest caucuses of the house of representatives.

(iii) The governor shall appoint eight members representing the following agencies: The department of social and health services; the department of children, youth, and families; the department of commerce; the employment security department; the office of the superintendent of public instruction; the department of health; the department of corrections; and the state board for community and technical colleges.

(b) The task force shall choose its cochaIRS, one from among the legislative members and one from among the executive branch members. The secretary of the department of social and health services shall convene the initial meeting of the task force.

(2) The governor shall appoint five nonvoting members to the task force representing the:

(a) Commission on African-American affairs;

(b) State commission on Hispanic affairs;

(c) State commission on Asian Pacific American affairs;

(d) Governor's office of Indian affairs; and

(e) Office of financial management.

(3) The cochaIRS of the intergenerational poverty advisory committee created in section 4 of this act shall serve as nonvoting members of the task force.

(4) The task force shall:

(a) Oversee the partner agencies' operation of the WorkFirst program and temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(b) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(c) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(d) Collaborate with the advisory committee created in section 4 of this act to develop and monitor strategies to prevent and address adverse childhood experiences and reduce intergenerational poverty;

(e) Seek input on best practices for poverty reduction from service providers, community-based organizations, legislators, state agencies, stakeholders, the business community, and subject matter experts;

(f) Collaborate with partner agencies and the advisory committee to analyze available data and information regarding intergenerational poverty in the state, with a primary focus on data and information regarding children who are at risk of continuing the cycle of poverty and welfare dependency unless outside intervention occurs; and

(g) Recommend policy actions to the governor and the legislature to effectively reduce intergenerational poverty.

(5) (a) The task force shall direct the department of social and health services to develop a five-year and ten-year plan to address intergenerational poverty, subject to oversight and approval by the task force. Upon approval by the task force, the department must submit the first set of plans to the governor and the appropriate committees of the legislature by December 1, 2019.

(b) The task force shall review the five-year and ten-year plans annually and shall direct the department to update the plans as determined necessary by the task force.

(6) The partner agencies must provide the task force with regular reports on:

(a) The partner agencies' progress toward meeting the outcome and performance measures established under this section;

(b) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and

(c) The characteristics of families who have been unsuccessful on the temporary assistance for needy families program and have lost their benefits either through sanction or the sixty-month time limit.

(7) Staff support for the task force, including administration of task force meetings, must be provided by the state agency members of the task force. Additional staff support for legislative members of the task force must be provided by senate committee services and the house of representatives office of program research.

(8) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

(9) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW."

Representative Klippert moved the adoption of amendment (842) to the amendment (836):

On page 2, line 29 of the amendment, after "poverty" insert "and promote and encourage self-sufficiency"

Representatives Klippert and Kagi spoke in favor of the adoption of the amendment.

Amendment (842) was adopted.

Representative Dent moved the adoption of amendment (843) to the amendment (836):

On page 2, beginning on line 31 of the amendment, after "five-year" strike all material through "poverty" on line 32 and insert "plan to reduce intergenerational poverty and promote self-sufficiency"

On page 2, line 34 of the amendment, after "submit the" strike "first set of plans" and insert "plan"

On page 2, beginning on line 36 of the amendment, after "five-year" strike all material through "plans" on line 37 and insert "plan by December 1, 2024, and shall direct the department to update the plan"

Representatives Dent and Kagi spoke in favor of the adoption of the amendment.

Amendment (843) was adopted.

Representatives Kagi and Dent spoke in favor of the adoption of the amendment as amended.

Amendment (836) as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sawyer and Dent spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1482.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1482, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hargrove, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Condotta, Dye, Griffey, Haler, Harmsworth, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, Nealey, Pike, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh and Young.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1482, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2208, by Representative Hudgins

Authorizing criminal background investigations for current and prospective employees and contractors with access to federal tax information.

The bill was read the second time.

Representative Irwin moved the adoption of amendment (979):

On page 2, beginning on line 12, after "management" strike all material through

"section" on line 13 and insert "must adopt rules to implement this section, including a specific criteria of information that is needed for background investigation policies and an explanation of the need for such information"

Representative Irwin spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

Amendment (979) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, McDonald and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2208.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2208, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2208, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 9, 2018

ESB 6211

Prime Sponsor, Senator Hawkins:
Concerning the federal lands revolving
account. (REVISED FOR PASSED

LEGISLATURE: Concerning the fish and wildlife federal lands revolving account and the natural resources federal lands revolving account.) Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Pettigrew and Walsh.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on Finance was relieved of HOUSE BILL NO. 2653, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2372
HOUSE BILL NO. 2479

There being no objection, the House adjourned until 9:00 a.m., February 14, 2018, the 38 Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 14, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alec Rothkowitz and Anika Wilkerson. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Monty Wright, Snoqualmie Valley Alliance Church, Fall City, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4671, by Representatives Pollet, McCabe, Wylie, Fey, Dolan, Johnson, Kilduff, Ryu, and Dent

WHEREAS, The tireless efforts, vision, and eloquent advocacy of Russell Jim "Kii'ahl" inspired generations of new leaders of the Yakama Nation and Washington State, while creating a healthier legacy for generations to come from the removal of millions of tons of contamination along the Columbia River; and

WHEREAS, Russell Jim served on the Yakama Tribal Council and led Washington State in understanding and rejecting the federal government's nomination of Gable Mountain, a sacred site along the Columbia River, as the nation's disposal site for High Level Nuclear Waste; and

WHEREAS, Russell Jim's leadership for Washington and the nation included leadership on Washington State's Nuclear Waste Advisory Council and the federal State-Tribal Working Group; and

WHEREAS, Russell Jim created the Yakama Nation's Environmental Restoration and Waste Management program, and served as its director for thirty-seven years, to protect fish, plants, and other resources in and around the Columbia River, and to advocate for cleanup of the Hanford Nuclear Reservation; and

WHEREAS, Russell Jim's decades of environmental advocacy and eloquence speaking for tribal sovereignty has created a legacy that will span generations, inspired new generations to be active in their communities, and should always be remembered; and

WHEREAS, Russell Jim has received an honorary doctorate degree from Heritage University for his dedication to the betterment of the health, culture, and natural environment of the Yakama Nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Russell Jim "Kii'ahl" who has provided immeasurable contributions to the causes of environmentalism and the preservation of Yakama traditions.

There being no objection, HOUSE RESOLUTION NO. 4671 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

February 13, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6087,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6135,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6486,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2989 by Representatives Lytton and Nealey

AN ACT Relating to funding the business license account created in RCW 19.02.210 through a charge imposed by the secretary of state on annual report filings by certain legal entities; and amending RCW 43.07.120.

Referred to Committee on Appropriations.

SB 5020 by Senators Hasegawa, Hunt, Keiser and Chase

AN ACT Relating to certain state ethnic and cultural diversity commissions; amending RCW 43.113.030 and 43.117.070; and repealing RCW 43.131.342.

Referred to Committee on State Government, Elections & Information Technology.

SSB 5310 by Senate Committee on Ways & Means (originally sponsored by Senators Hunt, Baumgartner and Mullet)

AN ACT Relating to teachers' postretirement employment options; amending RCW 41.32.068; repealing 2016 c 233 s 19 (uncodified); and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5408 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Cleveland, Miloscia, Kuderer, Saldaña, Frockt, Pedersen, Darneille and Keiser)

AN ACT Relating to increasing the notice of termination for tenancies under the residential landlord-tenant act; and amending RCW 59.18.200.

Referred to Committee on Judiciary.

ESB 5450 by Senators Liias, Warnick, Ranker, Fain, Miloscia, Zeiger, Wilson, McCoy, Chase, Mullet and Frockt

AN ACT Relating to use of cross-laminated timber for building construction; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government.

SSB 5493 by Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, Hasegawa, Keiser, Miloscia, Hobbs, Takko, Wellman, Chase, Darneille, Hunt and Saldaña)

AN ACT Relating to establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available; and amending RCW 39.12.015.

Referred to Committee on Labor & Workplace Standards.

SB 5539 by Senators Billig, Padden, Pedersen and Baumgartner

AN ACT Relating to creating a pilot program for the supervision of motor vehicle-related felonies; adding a new section to chapter 9.94A RCW; and providing an expiration date.

Referred to Committee on Appropriations.

3SSB 5576 by Senate Committee on Transportation (originally sponsored by Senators Keiser, Fortunato, Conway, Miloscia, Hobbs, Takko, Hasegawa, Wellman and Saldaña)

AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.320; adding a new section to chapter 49.04 RCW; and providing an effective date.

Referred to Committee on Capital Budget.

2SSB 5970 by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Saldaña, O'Ban and Palumbo)

AN ACT Relating to the mental health field response teams program; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Public Safety.

SSB 6013 by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Darneille, Keiser, Palumbo, Kuderer and Hasegawa)

AN ACT Relating to behavioral rehabilitation services; amending RCW 43.88C.010; adding a new section to chapter 43.88 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 6034 by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Rolfes, Sheldon, Angel, Hunt, Chase, Kuderer and Hasegawa)

AN ACT Relating to authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act; adding a new section to chapter 54.16 RCW; and adding a new section to chapter 34.12 RCW.

Referred to Committee on Finance.

SSB 6102 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Ranker, Cleveland, Saldaña, Darneille, Palumbo, Nelson, Wellman, Dhingra, Keiser, Billig, Kuderer, Rolfes, Frockt, Takko, McCoy, Carlyle, Hasegawa, Mullet, Pedersen, Conway, Chase, Liias, Van De Wege and Hunt)

AN ACT Relating to enacting the employee reproductive choice act; amending RCW 49.60.030 and 48.43.065; reenacting and amending RCW 49.60.040; adding new sections to chapter 49.60 RCW; and creating new sections.

Referred to Committee on Judiciary.

ESB 6140 by Senators King, Van De Wege and Sheldon

AN ACT Relating to promoting the efficient and effective management of state-managed lands; amending RCW 79.125.400, 79.130.020, 79.125.030, 79.11.340, and 79.17.200; and repealing RCW 79.125.020 and 79.125.410.

Referred to Committee on Capital Budget.

SSB 6142 by Senate Committee on Law & Justice (originally sponsored by Senators Lias and Walsh)

AN ACT Relating to commissioners of courts of limited jurisdiction; and amending RCW 3.50.075 and 26.04.050.

Referred to Committee on Judiciary.

SSB 6147 by Senate Committee on Ways & Means (originally sponsored by Senators Rivers, Cleveland, Walsh, Kuderer, Nelson, Carlyle, Angel, Hasegawa and Keiser)

AN ACT Relating to prescription drug insurance continuity of care; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6187 by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Palumbo, Carlyle, McCoy, Hobbs, Wellman, Sheldon, Hawkins, Mullet, Conway and Brown)

AN ACT Relating to the electrification of transportation; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

SSB 6222 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carlyle, O'Ban, Frockt, Darneille, Walsh, Zeiger, Palumbo, Hasegawa, Billig, Hunt and Kuderer)

AN ACT Relating to expansion of extended foster care eligibility; amending RCW 13.34.267, 13.34.268, 74.13.020, and 74.13.336; reenacting and amending RCW 74.13.031; and providing an effective date.

Referred to Committee on Appropriations.

ESB 6230 by Senators Conway, Chase, Saldaña, Wellman, Hasegawa, Keiser and Hunt

AN ACT Relating to the collective bargaining rights of the professional personnel of port districts; and amending RCW 53.18.010.

Referred to Committee on Labor & Workplace Standards.

2SSB 6236 by Senate Committee on Ways & Means (originally sponsored by Senators Chase, Hasegawa and Palumbo)

AN ACT Relating to establishing the Washington state economic growth commission; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 6251 by Senate Committee on Ways & Means (originally sponsored by Senators Dhingra, Kuderer, Rolfes, Nelson, Palumbo, Wellman, Mullet, Chase, Keiser, Saldaña and Conway)

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381, 84.36.383, 84.36.385, and 84.38.020; reenacting and amending RCW 84.38.030; and creating new sections.

Referred to Committee on Finance.

SSB 6273 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Rivers, Fain, Mullet, Palumbo and Saldaña)

AN ACT Relating to delineating charity care and notice requirements without restricting charity care; amending RCW 70.170.020 and 70.170.060; and providing an effective date.

Referred to Committee on Health Care & Wellness.

2SSB 6274 by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Palumbo, Keiser, Wellman, Darneille, Lias, Kuderer, Hasegawa, Hunt and Saldaña)

AN ACT Relating to helping former foster youth and unaccompanied youth experiencing homelessness access and complete college and registered apprenticeships; amending RCW 28B.117.005, 28B.117.010, 28B.117.020, 28B.117.030, 28B.117.040, 28B.77.250, 28B.117.050, and 28B.76.526; adding new sections to chapter 28B.117 RCW; creating a new section; repealing RCW 28B.117.070 and 28B.117.901; and repealing 2013 c 182 s 11 (uncodified).

Referred to Committee on Appropriations.

SSB 6309 by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Miloscia, O'Ban, Rivers, Frockt and Hunt)

AN ACT Relating to extending the timeline for completing a family assessment response; reenacting

and amending RCW 26.44.030; and providing an effective date.

Referred to Committee on Appropriations.

SB 6311 by Senators Mullet and Angel

AN ACT Relating to lost or destroyed state warrants, bonds, and other instruments; amending RCW 43.08.068, 43.08.066, and 43.08.064; and adding a new section to chapter 43.08 RCW.

Referred to Committee on Business & Financial Services.

SSB 6361 by Senate Committee on Economic Development & International Trade (originally sponsored by Senators Billig, Baumgartner, Conway, Short and Darneille)

AN ACT Relating to authorizing certain cities to establish a limited tax expenditure from local property taxes for the value of new construction to encourage redevelopment of vacant lands in urban areas; and adding a new chapter to Title 84 RCW.

Referred to Committee on Local Government.

SB 6367 by Senators Honeyford, Cleveland, Warnick and Walsh

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 90.50A.030.

Referred to Committee on Capital Budget.

SB 6368 by Senators Warnick, Honeyford and Van De Wege

AN ACT Relating to updating agricultural fairs, youth shows, and exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115, 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and repealing RCW 15.76.130.

Referred to Committee on Agriculture & Natural Resources.

SB 6393 by Senators Braun, Keiser, King, Mullet, Palumbo and Conway

AN ACT Relating to allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims; amending RCW 51.44.070 and 51.44.140; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Appropriations.

SB 6407 by Senator Darneille

AN ACT Relating to private case management of child welfare services; amending RCW 13.34.025, 13.34.030, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.096, 13.34.125, 13.34.130, 13.34.132, 13.34.136, 13.34.136, 13.34.174, 13.34.176, 13.34.180, 13.34.180, 13.34.210, 13.34.215, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.370, 13.34.380, 13.34.385, 13.34.400, 26.44.020, 26.44.020, 74.13.010, 74.13.020, 74.13.020, 74.13.0311, 74.13.042, 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280, 74.13.283, 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, 74.15.010, 74.15.020, and 74.15.020; reenacting and amending RCW 13.34.138, 13.34.145, 13.34.155, 74.13.031, 74.13.036, and 74.15.100; repealing RCW 74.13.320, 74.13.360, 74.13.362, 74.13.364, 74.13.366, 74.13.370, 74.13.372, and 43.10.280; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 6473 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Liias and Wagoner)

AN ACT Relating to preventing fires in rental dwelling units; and creating a new section.

Referred to Committee on Local Government.

SSB 6519 by Senate Committee on Transportation (originally sponsored by Senators King and Hobbs)

AN ACT Relating to revising the establishment of marine pilotage tariffs; amending RCW 88.16.035, 80.01.040, 88.16.061, 88.16.120, and 53.08.390; adding a new section to chapter 88.16 RCW; adding a new section to chapter 80.01 RCW; and providing an effective date.

Referred to Committee on Transportation.

SSB 6549 by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Cleveland, Conway, Saldaña and Sheldon)

AN ACT Relating to expanding the access to baby and child dentistry program to serve children with disabilities; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

February 13, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 6055,
SENATE BILL NO. 6058,
SENATE BILL NO. 6088,
SUBSTITUTE SENATE BILL NO. 6152,
SENATE BILL NO. 6264,
SENATE BILL NO. 6363,
SUBSTITUTE SENATE BILL NO. 6388,
SUBSTITUTE SENATE BILL NO. 6438,
SECOND SUBSTITUTE SENATE BILL NO. 6453,
SENATE BILL NO. 6462,
SENATE BILL NO. 6582,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 13, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5643,
SUBSTITUTE SENATE BILL NO. 6011,
SENATE BILL NO. 6027,
SENATE BILL NO. 6113,
SENATE BILL NO. 6125,
SUBSTITUTE SENATE BILL NO. 6141,
SUBSTITUTE SENATE BILL NO. 6277,
SENATE BILL NO. 6278,
SENATE BILL NO. 6351,
SENATE BILL NO. 6369,
SENATE BILL NO. 6404,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 13, 2018

MR. SPEAKER:

The Senate has adopted:

SENATE JOINT RESOLUTION NO. 8211,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 12, 2018

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.
5180,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5700,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6081,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6160,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6223,
ENGROSSED SENATE BILL NO. 6229,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6329,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6491,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6529,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 13, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6159,
SENATE BILL NO. 6168,
SENATE BILL NO. 6197,
SENATE BILL NO. 6201,
SENATE BILL NO. 6319,
SUBSTITUTE SENATE BILL NO. 6474,
SUBSTITUTE SENATE BILL NO. 6493,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2597, by Representatives Sullivan, Wylie, Slatter, Sawyer, Stanford, Pollet, Kloba, Bergquist, Ormsby, Kilduff and Macri

Extending the existing state property tax exemption for residences of senior citizens and disabled persons to local regular property taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2597 was substituted for House Bill No. 2597 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2597 was read the second time.

With the consent of the House, amendment (1059) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Nealey, Volz and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2597.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2597, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dent and Taylor.

SUBSTITUTE HOUSE BILL NO. 2597, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 2006, by Representatives Koster, Lytton, Springer, Volz, Senn, Tharinger, Fey, Stokesbary, Appleton, Nealey, Chapman and Ormsby

Providing cities and counties flexibility with existing resources.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2006 was substituted for Substitute House Bill No. 2006 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2006 was read the second time.

With the consent of the house, amendment (922) was withdrawn.

Representative Senn moved the adoption of the striking amendment (960):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.460 and 2015 c 291 s 5 are each amended to read as follows:

(1) (a) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(b) If a county with a population over eight hundred thousand has not imposed the tax authorized under this subsection by January 1, 2011, any city with a population over thirty thousand located in that county may authorize, fix, and impose the sales and use tax in accordance with the terms of this chapter. The county must provide a credit against its tax for the full amount of tax imposed under this subsection (1) (b) by any city located in that county if the county imposes the tax after January 1, 2011.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax. The rate of tax equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, transportation, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service. Every county that authorizes the tax provided in this section shall, and every other county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources.

~~((4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except as follows:~~

~~(a) For a county with a population larger than twenty five thousand or a city with a population over thirty thousand, which initially imposed the tax authorized under this section prior to January 1, 2012, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to fifty percent may be used to supplant existing funding in calendar years 2011-2012; up to forty percent may be used to supplant existing funding in calendar year 2013; up to thirty percent may be used to supplant existing funding in calendar year 2014; up to twenty percent may be used to supplant existing funding in calendar year 2015; and up to ten percent may be used to supplant existing funding in calendar year 2016;~~

~~(b) For a county with a population larger than twenty five thousand or a city with a population over thirty thousand, which initially imposes the tax authorized under this section after December 31, 2011, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to fifty percent may be used to supplant existing funding for up to the first three calendar years following adoption; and up to twenty five percent may be used to supplant existing funding for the fourth and fifth years after adoption;~~

~~(c) For a county with a population of less than twenty five thousand, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to eighty percent may be used to supplant existing funding in calendar years 2011-2012; up to sixty percent may be used to supplant existing funding in calendar year 2013; up to forty percent may be used to supplant existing funding in calendar year 2014; up to twenty percent may be used to supplant existing funding in calendar year 2015; and up to ten percent may be used to supplant existing funding in calendar year 2016; and~~

~~(d) Notwithstanding (a) through (c) of this subsection, moneys collected under this section may be used to support the cost of the judicial officer and support staff of a therapeutic court.~~

~~(5) Nothing in this section may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.)~~

Sec. 2. RCW 84.52.135 and 2004 c 80 s 1 are each amended to read as follows:

(1) A county ~~((with a population of ninety thousand or less))~~ may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) The tax proposition may be submitted at a general or special election.

(3) The tax may be imposed each year for six consecutive years when specifically authorized by the registered voters voting on the proposition, subject to the following:

(a) If the number of registered voters voting on the proposition does not exceed percent of the total number of voters voting in the taxing district at the last general election, the number of persons voting "yes" on the proposition ~~((shall))~~ must constitute at least three-fifths of a number equal to forty percent of the total number of voters voting in the taxing district at the last general election.

(b) If the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in the taxing district at the last preceding general election, the number of persons voting "yes" on the proposition ~~((shall))~~ must be at least three-fifths of the registered voters voting on the proposition.

(4) Ballot propositions ~~((shall))~~ must conform with RCW 29A.36.210.

(5) Any tax imposed under this section ~~((shall))~~ must be used exclusively for criminal justice purposes as defined in RCW 82.14.310.

(6) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(7) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed pursuant to this section

following the approval of the levy by the voters pursuant to subsection (3) of this section.

Sec. 3. RCW 84.55.050 and 2017 c 296 s 2 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section (~~shall~~) must be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition (~~shall~~) must state the dollar rate proposed and (~~shall~~) must clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2) (~~(a)~~) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy (~~shall~~) must be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years (~~shall~~) will be used.

~~((b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot~~

~~title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.~~

~~((ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after July 26, 2009.~~

~~((iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after July 26, 2009.)~~

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds;

(i) For the county in which the state capitol is located, the period for which the increased levies are made may not exceed twenty-five years; and

(ii) For districts other than a district under (c) (i) of this subsection, the period for which the increased levies are made may not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies (~~shall~~) must be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Sec. 4. RCW 71.20.110 and 2013 c 123 s 1 are each amended to read as follows:

(1) In order to provide additional funds for the coordination and provision of community services for persons with developmental disabilities or mental health services, the county governing authority of each county in the state must (~~budget and~~) levy annually a tax in a sum equal to the amount which would be raised by (~~a levy of~~) two and one-half cents per thousand dollars of assessed value against the taxable property in the county (~~or as such amount is modified pursuant to subsection (2) or (3) of this section,~~) to be used for such purposes. (~~However,~~) The levy required in this section must be imposed by the legislative authority of the county as a separate levy, independent of the regular property tax levy authorized in RCW 84.52.043(1)(b).

(2) All or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community services for persons with developmental disabilities and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state must grant these

moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.24 and 71.28 RCW and by chapter 71A.14 RCW, all as now or hereafter amended.

~~((2) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.~~

~~(3)(a) The amount of a levy allocated to the purposes specified in this section may be modified from the amount required by subsection (1) of this section as follows:~~

~~(i) If the certified levy is reduced from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may be reduced by no more than the same percentage as the certified levy is reduced from the preceding year's certified levy;~~

~~(ii) If the certified levy is increased from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be increased from the amount of the levy so allocated in the previous year by at least the same percentage as the certified levy is increased from the preceding year's certified levy. However, the amount of the levy allocated to the purposes specified in this section does not have to be increased under this subsection (3)(a)(ii) for the portion of a certified levy increase resulting from a voter-approved increase under RCW 84.55.050 that is dedicated to a specific purpose; or~~

~~(iii) If the certified levy is unchanged from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be equal to or greater than the amount of the levy so allocated in the preceding year.~~

~~(b) For purposes of this subsection, "certified levy" means the property tax levy for general county purposes certified to the county assessor as required by RCW 84.52.070, excluding any amounts certified under chapters 84.69 and 84.68 RCW.~~

~~(4) Subsections (2) and (3) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy.)~~

Sec. 5. RCW 73.08.080 and 2013 c 123 s 2 are each amended to read as follows:

(1)(a) The legislative authority in each county must levy ~~(, in addition to the taxes now levied by law,)~~ a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a veterans' assistance fund. The levy must be imposed by the legislative authority of the county as a separate levy, independent of the regular property tax levy authorized in RCW 84.52.043(1)(b).

(b) Expenditures from the veterans' assistance fund, and interest earned on balances from the fund, may be used only for:

~~((a))~~ (i) The veterans' assistance programs authorized by RCW 73.08.010;

~~((b))~~ (ii) The burial or cremation of a deceased indigent veteran or deceased family member of an indigent veteran as authorized by RCW 73.08.070; and

~~((c))~~ (iii) The direct and indirect costs incurred in the administration of the fund as authorized by subsection (2) of this section.

(2) If the funds on deposit in the veterans' assistance fund, less outstanding warrants, on the first Tuesday in September exceed the lesser of the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county ~~((or the expected yield of a levy determined as set forth in subsection (5) of this section)),~~ the county legislative authority may levy a lesser amount than would otherwise be required under subsection (1) ~~((or (5)))~~ of this section.

(3) The direct and indirect costs incurred in the administration of the veterans' assistance fund must be

computed by the county auditor, or the chief financial officer in a county operating under a charter, not less than annually. Following the computation of these direct and indirect costs, an amount equal to these costs may then be transferred from the veterans' assistance fund to the county current expense fund.

~~((4) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.~~

~~(5)(a) The amount of a levy allocated to the purposes specified in this section may be modified from the amount required by subsection (1) of this section as follows:~~

~~(i) If the certified levy is reduced from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may be reduced by no more than the same percentage as the certified levy is reduced from the preceding year's certified levy.~~

~~(ii) If the certified levy is increased from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may not be less than the base allocation increased by the same percentage as the certified levy is increased from the preceding year's certified levy. However, the amount of the levy allocated to the purposes specified in this section does not have to be increased under this subsection (5)(a)(ii) for the portion of a certified levy increase resulting from a voter-approved increase under RCW 84.55.050 that is dedicated to a specific purpose, or~~

~~(iii) If the certified levy is unchanged from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be equal to or greater than the base allocation.~~

~~(b) For purposes of this subsection, the following definitions apply:~~

~~(i) "Base allocation" means the most recent allocation that was not reduced under subsection (2) of this section.~~

~~(ii) "Certified levy" means the property tax levy for general county purposes certified to the county assessor~~

~~as required by RCW 84.52.070, excluding any amounts certified under chapters 84.69 and 84.68 RCW.~~

~~(6) Subsections (2), (4), and (5) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy.)~~

Sec. 6. RCW 84.52.010 and 2017 c 196 s 10 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, and the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, the combined rate of

regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be

reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property and the tax levies under RCW 71.20.110 and 73.08.080 must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levies authorized under RCW 71.20.110 and 73.08.080 must be reduced on a pro rata basis or eliminated;

(ii) Second, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

~~((iii) Second,))~~ (iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

~~((iii) Third,))~~ (iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must

be reduced on a pro rata basis or eliminated;

~~((iv) Fourth,))~~ (v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

~~((v) Fifth,))~~ (vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

~~((vi) Sixth,))~~ (vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

~~((vii) Seventh,))~~ (viii) Eighth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, must be reduced on a pro rata basis or eliminated."

Correct the title.

Representative MacEwen moved the adoption of amendment (992) to the striking amendment (960):

On page 3, line 31 of the amendment, after "purposes" strike "as defined in RCW 82.14.310"

Representatives MacEwen and Senn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (992) to the striking amendment (960) was adopted.

Representative Volz moved the adoption of amendment (1027) to the striking amendment (960):

On page 8, line 6 of the striking amendment, after "The direct" strike "and indirect"

On page 8, line 17 of the striking amendment, after "The direct" strike "and indirect"

On page 8, beginning on line 18 of the striking amendment, after "fund must be" strike all material through "expense fund." on line 23 of the striking amendment and insert "budgeted by the county legislative authority and not subject to indirect charges or other fees."

On page 8, line 21 of the striking amendment, after "direct" strike "and indirect"

Representatives Volz and Senn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1027) to the striking amendment (960) was adopted.

Representatives Senn and Volz spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (960), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2006.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2006, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy,

Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, DeBolt, Kraft, Orcutt, Taylor and Van Werven.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2006, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2350, by Representatives Kraft, Vick, Shea, McDonald, Walsh and Young

Relieving burdens on small businesses by updating the tax return filing thresholds to reflect inflation.

The bill was read the second time.

With the consent of the House, amendments (917) and (918) were withdrawn.

Representative Kraft moved the adoption of the striking amendment (1019):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.040 and 1996 c 111 s 4 are each amended to read as follows:

The provisions of this chapter shall not apply to persons engaging in one or more businesses taxable under this chapter whose total gross income is less than two thousand five hundred dollars for a monthly period or portion thereof. Any person claiming exemption under this section may be required to file returns even though no tax may be due. If the total gross income for a taxable monthly period is two thousand five hundred dollars, or more, no exemption or deductions from the gross operating revenue is allowed by this provision.

Sec. 2. RCW 82.32.030 and 2017 c 323 s 505 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, if any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he or she must, under such rules as the department prescribes, apply for and obtain from the department a registration

certificate. Such registration certificate is personal and nontransferable and is valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public is required. Each certificate must be numbered and must show the name, residence, and place and character of business of the taxpayer and such other information as the department of revenue deems necessary and must be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the department the existing certificate, and a new certificate will be issued for the new place of business. No person required to be registered under this section may engage in any business taxable hereunder without first being so registered. The department, by rule, may provide for the issuance of certificates of registration to temporary places of business.

(2) Unless the person is a dealer as defined in RCW 9.41.010, registration under this section is not required if the following conditions are met:

(a) (i) A person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than (~~twelve thousand~~) thirty-five dollars per year; or

(ii) Fifty-six thousand dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(1) and 82.04.285;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twelve thousand dollars per year;

(c) The person is not required to collect or pay to the department of revenue any other tax or fee that the department is authorized to collect; and

(d) The person is not otherwise required to obtain a license subject to the business license application procedure provided in chapter 19.02 RCW.

(3) All persons who agree to collect and remit sales and use tax to the

department under the agreement must register through the central registration system authorized under the agreement. Persons required to register under subsection (1) of this section are not relieved of that requirement because of registration under this subsection (3).

(4) Persons registered under subsection (3) of this section who are not required to register under subsection (1) of this section and who are not otherwise subject to the requirements of chapter 19.02 RCW are not subject to the fees imposed by the department under the authority of RCW 19.02.075.

Sec. 3. RCW 82.32.045 and 2010 1st sp.s. c 23 s 1103 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than:

(i) ~~((Twenty eight))~~ Thirty-five thousand dollars per year; or

(ii) ~~((Forty six thousand six hundred sixty seven))~~ Fifty-six thousand

dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than (~~twenty-four~~) thirty thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

NEW SECTION. Sec. 4. This act is exempt from the provisions of RCW 82.32.805 and 82.32.808.

NEW SECTION. Sec. 5. This act takes effect January 1, 2019."

Correct the title.

Representatives Kraft and Lytton spoke in favor of the adoption of the striking amendment.

The striking amendment (1019) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kraft, Lytton and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2350.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2350, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2350, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2479, by Representatives Appleton, Ryu, McBride and Tharinger

Concerning Washington's property assessment appeal procedures.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Griffey spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2479.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2479, and the bill passed the House by the following vote: Yeas, 78; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, DeBolt, Dent, Dye, Graves, Irwin, Kristiansen, Manweller, McCaslin, Pike, Rodne, Schmick, Shea, Stokesbary, Taylor, Vick, Walsh, Wilcox and Young.

HOUSE BILL NO. 2479, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2906, by Representatives McDonald, Johnson and Muri

Concerning eligibility of a surviving spouse for the property tax exemption for senior citizens and disabled persons.

The bill was read the second time.

Representative McDonald moved the adoption of the striking amendment (897):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.381 and 2017 3rd sp.s. c 13 s 311 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, or adult family home does not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each

cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at a total disability rating for a service-connected disability.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming the exemption is reduced (~~for two or more months of~~) during the assessment year by reason of the death of the person's spouse or the person's domestic partner, or (~~when~~) if other substantial changes occur in disposable income for two or more months of the assessment year that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31st of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less is exempt from all excess property taxes and the

additional state property tax imposed under RCW 84.52.065(2); and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of thirty-five thousand dollars or less but greater than thirty thousand dollars is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of thirty thousand dollars or less is exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income of forty thousand dollars or less, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

NEW SECTION. **Sec. 2.** This act applies to taxes levied for collection in 2019 and thereafter.

NEW SECTION. **Sec. 3.** The legislature intends for the tax preference in this act to be permanent; therefore, this act is not subject to the provisions of RCW 82.32.805 and 82.32.808."

Correct the title.

Representatives McDonald and Lytton spoke in favor of the adoption of the striking amendment.

Amendment (897) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDonald, Lytton and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2906.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2906, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2906, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 1833, by Representatives Dolan, Doglio, Jinkins and Ortiz-Self

Concerning financial reporting by elected and appointed officials, candidates, and appointees.

The bill was read the third time.

Representatives Dolan and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1833.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1833, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1835, by Representatives Dolan, Jinkins and Doglio

Updating inflationary amounts in campaign finance laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1835.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1835, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 1835, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2938, by Representatives Hudgins, Dolan, Kagi, Wylie, Ormsby and Pollet

Concerning campaign finance law enforcement and reporting. Revised for 1st Substitute: Concerning campaign finance law.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2938 was substituted for House Bill No. 2938 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2938 was read the second time.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Before we begin debate on the bill, the Speaker would like to address the question as to whether any member of the body has a private interest in the measure warranting recusal under House Rule 19(D) and article 2, section 30 of the state constitution.

The Speaker notes that there are over 100 complaints pending against members of this body. The Speaker also notes that the bill's provisions are prospective only and that the measure's application to any particular complaint will be made on a case-by-case basis by the agency charged with enforcement and implementation. Further, it would be untenable to rule that the body could lose power to legislate by creating a conflict for the majority of its members.

The Speaker therefore finds and rules that no member of this body has a private interest warranting recusal."

Representative Shea moved the adoption of the striking amendment (1060):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that state campaign finance laws are intended to provide maximum transparency to the public and voters so they may know who is funding political campaigns and how those campaigns spend their money. Additionally, our campaign finance laws should not be so complex and complicated that volunteers and newcomers to the political process cannot understand the rules or have difficulty following them. The legislature believes that our campaign finance laws should not be a barrier to participating in the political process, but instead encourage people to participate in the process by ensuring a level playing field and a predictable enforcement mechanism. The legislature intends to simplify the political reporting and enforcement process without sacrificing transparency and the public's right to know who funds political campaigns. The legislature also intends to expedite the public disclosure commission's enforcement procedures so that remedial campaign finance violations can be dealt with administratively.

The intent of the law is not to trap or embarrass people when they make honest remediable errors. A majority of smaller campaigns are volunteer-driven and most treasurers are not professional accountants. The public disclosure commission should be guided to review and address major violations, intentional violations, and violations that could change the outcome of an election or materially affect the public interest.

Sec. 2. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Actual violation" means a violation of this chapter that is not a remedial violation or technical correction.

(3) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((3))~~ (4) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((4))~~ (5) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

~~((5))~~ (6) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((6))~~ (7) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one

legislative district committee for each party in each legislative district.

~~((7))~~ (8) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

(9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((8))~~ (10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((9))~~ (11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((10))~~ (12) "Commission" means the agency established under RCW 42.17A.100.

~~((11))~~ (13) "Committee" unless the context indicates otherwise, includes any candidate, ballot measure, recall, political, or continuing committee.

(14) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((12))~~ (15) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((13))~~ (16) (a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) ~~((Standard))~~ Legally accrued interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within ~~((five))~~ ten business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection ~~((13))~~ (16) (b) (ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((14))~~ (17) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

~~((15))~~ (18) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (19) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (20) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((18))~~ (21) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

~~((19))~~ (22) (a) "Electioneering communication" means any broadcast, cable, or satellite television ~~((or))~~, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if

the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) ~~((A-mailed))~~ An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

~~((20))~~ (23) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to

pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((21))~~ (24) "Final report" means the report described as a final report in RCW 42.17A.235(2).

~~((22))~~ (25) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((23))~~ (26) "Gift" has the definition in RCW 42.52.010.

~~((24))~~ (27) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((25))~~ (28) "Incumbent" means a person who is in present possession of an elected office.

~~((26))~~ (29) (a) "Independent expenditure" means an expenditure that has each of the following elements:

~~((a))~~ (i) It is made in support of or in opposition to a candidate for office by a person who is not ~~((i))~~:

(A) A candidate for that office ~~((i))~~;

(B) An authorized committee of that candidate for that office ~~((i))~~; and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office ~~((i))~~;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

~~((b))~~ (iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

~~((c))~~ (iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of eight hundred dollars or more. A series of expenditures, each of which is under eight hundred dollars, constitutes one independent expenditure if their cumulative value is eight hundred dollars or more.

~~((27))~~ (b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of

personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

(30) (a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((28))~~ (31) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (32) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (33) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((31))~~ (34) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (35) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by

whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (36) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (37) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (38) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (39) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or

other support or opposition in any election campaign.

~~((37))~~ (40) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (41) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (42) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (43) "Public record" has the definition in RCW 42.56.010.

~~((41))~~ (44) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (45) "Remedial violation" means any violation of this chapter that:

(a) Involved expenditures totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred more than thirty days before an election, where the commission entered into an agreement to resolve the matter;

(c) Does not materially affect the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) (i) Involved expenditures totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit and the person:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within

twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) Involved a candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

(46) (a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (49) "State official" means a person who holds a state office.

~~((46))~~ (50) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay

remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

((447)) (51) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

Sec. 3. RCW 42.17A.055 and 2013 c 166 s 2 are each amended to read as follows:

(1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge.

(5) If the electronic filing system provided by the commission is inoperable for any period of time, the commission must keep a record of the date and time of each instance and post outages on its web site. If a report is due on a day the electronic filing system is inoperable, it is not late if filed the first business day the system is back in operation. The commission must provide notice to all reporting entities when the system is back in operation.

(6) All persons required to file reports under this section shall, at the time of initial filing, provide the

commission an email address that shall constitute the official address for purposes of all communications from the commission. The person required to file one or more reports must provide any new email address to the commission within ten days, if the address has changed from that listed on the most recent report. The executive director may waive the email requirement and allow use of a postal address, on the basis of hardship.

(7) The commission must publish a calendar of significant reporting dates on its web site.

Sec. 4. RCW 42.17A.110 and 2015 c 225 s 55 are each amended to read as follows:

The commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine (~~whether~~) that an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the

question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with the election campaign provisions of this chapter, if they have not received contributions nor made expenditures in connection with any election campaign of more than five thousand dollars; and

(9) ~~((Adopt rules prescribing reasonable requirements for keeping accounts of, and reporting on a quarterly basis, costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. For the purposes of this subsection, "legislative information" means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations concerning those agencies; and~~

~~(10))~~ Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 5. RCW 42.17A.220 and 2010 c 205 s 3 and 2010 c 204 s 405 are each reenacted and amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by ~~((the treasurer or deputy treasurer))~~ candidates, political committee members, paid staff, and treasurers in a depository in an account established and

designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution. For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 42.17A.560, but transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(2) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose only if:

(a) Each such account bears the same name;

(b) Each such account is followed by an appropriate designation that accurately identifies its separate purpose; and

(c) Transfers of funds that must be reported under RCW ~~((42.17A.240(1)(e)))~~ 42.17A.240(5) are not made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository but only if:

(a) The commission ~~((are [is]))~~ is notified in writing of the initiation and the termination of the investment; and

(b) The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment, is deposited in the depository in the account from which the investment was made and properly reported to the commission before any further disposition or expenditure.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW ~~((42.17A.240(1)(b)))~~

42.17A.240(2), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 6. RCW 42.17A.225 and 2011 c 60 s 22 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17A.240;

(b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;

(c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235.

(4) (a) A continuing political committee shall file reports as required by this chapter until ((it is dissolved)) the committee has ceased to function and intends to dissolve, at which time, when there is no outstanding debt or obligation and the committee is concluded in all respects, a final report shall be filed. Upon submitting a final report,

the continuing political committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) The continuing political committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The continuing political committee does not make any expenditures or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action, pursuant to this chapter, is pending against the continuing political committee; and

(iii) All penalties assessed by the commission or court order are paid by the continuing political committee.

(c) The continuing political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the continuing political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations ((to make any further reports)) under this chapter.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures. During the ~~((eight))~~ ten calendar days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235 ~~((+4))~~ (6).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.

(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than

five calendar years following the year during which the transaction occurred.

Sec. 7. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, ~~((on the day the treasurer is designated,))~~ each candidate or political committee must file with the commission a report of all contributions received and expenditures made ~~((prior to that date, if any))~~ as a political committee on the next reporting date pursuant to the timeline established in this section.

(2) Each treasurer shall file with the commission a report, for each election in which a candidate or political committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first full month after the election ~~((+and))~~.

~~((+e))~~ (3) Each treasurer shall file with the commission a report on the tenth day of each month ((in)) during which ((no other reports are required to be filed under this section)) the candidate or political committee is not participating in an election campaign, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

(4) The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

~~((+3))~~ (5) For the period beginning the first day of the fourth month preceding the date of the special

election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by ~~((a deputy treasurer))~~ candidates, political committee members, or paid staff other than the treasurer, the copy shall be ~~((forwarded))~~ immediately provided to the treasurer for his or her records. Each report shall be certified as correct by the treasurer ~~((or deputy treasurer making the deposit)).~~

~~((+4))~~ (6) (a) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the ~~((eight))~~ ten calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at ~~((the designated))~~ a place agreed upon by both the treasurer and the requestor, for inspections between ((8:00)) 9:00 a.m. and ((9:00)) 5:00 p.m. on any day from the ((eighth)) tenth calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within ((twenty-four)) forty-eight hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection.

(b) At the time of making the appointment, a person wishing to inspect

the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

~~((45))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection ((44)) (6) of this section~~(, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission))~~.

~~((46))~~ (8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than ((five)) two calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

~~((47))~~ (9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((48))~~ (10) It is not a violation of this section to submit an amended report within twenty-one days of filing an underlying report if:

(a) The report is accurately amended;

(b) The corrected report is filed more than thirty days before an election;

(c) The total aggregate dollar amount of the adjustment for the individual report is within three times the contribution limit per election or two hundred dollars, whichever is greater; and

(d) The committee reported all information that was available to it at the time of filing, or made a good-faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11) (a) When there is no outstanding debt or obligation, the campaign fund is

closed, ~~((and))~~ the campaign is concluded in all respects ~~((or in the case of a political committee)), and the committee has ceased to function and ~~((has dissolved))~~ intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.~~

(b) Any committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action under this chapter is pending against the political committee; and

(iii) All penalties assessed by the commission or court order are paid by the political committee.

(c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there ~~((is))~~ shall be no further obligations ~~((to make any further reports))~~ under this chapter.

Sec. 8. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all

contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

~~(a) ((Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;~~

~~(b))~~ Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

~~((c))~~ (b) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; and

~~((d))~~ (c) The money value of contributions of postage shall be the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8)(a) The name and address of any person and the amount owed for any debt ~~((, obligation, note, unpaid loan, or other liability in the amount))~~ with a value of more than ~~((two))~~ seven hundred fifty dollars ~~((or in the amount of more than fifty dollars that has been outstanding for over thirty days))~~ that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include:

(i) Regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding; or

(ii) Any obligations already reported to pay for goods and services made by a third party on behalf of a candidate or political committee after the original payment or debt to that party has been reported;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 9. RCW 42.17A.255 and 2011 c 60 s 24 are each amended to read as follows:

~~(1) ((For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.220, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally~~

~~incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.~~

~~(2))~~ Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals ~~((one hundred dollars or more))~~ the contribution limit per election found in RCW 42.17A.405 for that office, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date. Any expenditure in excess of one thousand dollars for a local measure or two thousand dollars for a statewide measure in support of or opposition to a ballot measure must be reported as an in-kind contribution to a political committee associated with support or opposition to that ballot measure or, in the event no such committee exists, reported as an independent expenditure.

~~((3))~~ (2) At the following intervals each person who is required to file an initial report pursuant to subsection ~~((2))~~ (1) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection ~~((3))~~ (2) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~((The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and))~~ If the reporting person has not

made any independent expenditures since the date of the last report on file, there shall be no obligation to make any further reports.

~~((4))~~ (3) All reports filed pursuant to this section shall be certified as correct by the reporting person.

~~((5))~~ (4) Each report required by subsections ~~((2))~~ (1) and ~~((3))~~ (2) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 10. RCW 42.17A.265 and 2010 c 204 s 414 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions ~~((totals one thousand dollars or more, is))~~ exceeds three times the contribution limit per election from a single person or entity, and is received during a special reporting period.

(2) A political committee treasurer shall prepare and deliver to the commission a special report when ~~((it))~~ the political committee makes a

contribution or an aggregate of contributions to a single entity that ~~((totals one thousand dollars or more))~~ exceeds three times the contribution limit per election during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically or in written form ~~((including but not limited to mailgram, telegram, or nightletter))~~. The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods

established in (a) and (b) of this subsection.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The qualifying contribution ~~((of one thousand dollars or more))~~ amount is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals ~~((one thousand dollars))~~ the qualifying amount or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals ~~((one thousand dollars))~~ the qualifying amount or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall ~~((prepare daily a summary of))~~ make the special reports made under this section and RCW 42.17A.625 available on its web site within one business day.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

Sec. 11. RCW 42.17A.450 and 1993 c 2 s 5 are each amended to read as follows:

(1) Contributions by ~~((a husband and wife))~~ spouses are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

Sec. 12. RCW 42.17A.750 and 2013 c 166 s 1 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this chapter.

(c) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 42.17A.405 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty for RCW 42.17A.405, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of his or her immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission

staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

~~((e))~~ (f) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

~~((f))~~ (g) A person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

~~((g))~~ (h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (2) or (3) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

~~((h))~~ (i) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this chapter is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or

recorded with the commission under this chapter is guilty of a class C felony under chapter 9.94A RCW.

Sec. 13. RCW 42.17A.755 and 2011 c 145 s 7 are each amended to read as follows:

(1) ~~The commission may ((a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such a determination.))~~ initiate or respond to a complaint, request for a technical correction, or otherwise resolve matters of compliance with this chapter, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether an actual violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2)(a) For complaints of remedial violations or technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, so long as the executive director consistently applies such authority, and all resolutions are approved by the commission.

(b) The commission must, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the case is then considered resolved and no further action or review is allowed.

(c) All matters resolved by the commission as remedial violations or

technical corrections must be approved by the commission.

(3) If the commission initiates an investigation, an initial hearing must be held within ninety days of the complaint being filed. Following an investigation, the commission (~~, in cases where it chooses to determine whether an actual violation has occurred, shall~~) must hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW, if it chooses to make a determination whether an actual violation has occurred. Any order that the commission issues under this section shall be pursuant to such a hearing.

~~((3) In lieu of holding a hearing or issuing an order under this section,))~~

(a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (h), or other requirements as the commission determines appropriate to effectuate the purposes of this chapter.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate to a higher amount. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time actual violation. A second actual violation of the same requirement by the same person, regardless if the person or individual committed the actual violation for a different political committee, shall result in a penalty. Successive actual violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this chapter. The commission must create a schedule to enhance penalties based on repeat actual violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter

34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.

(4) For cases where the commission has determined that an actual violation, or an aggregate of violations, involves an amount greater than ten thousand dollars, the commission may refer the matter to the attorney general (~~or other enforcement agency as provided in RCW 42.17A.105~~) if:

(a) All other administrative remedies have been exhausted;

(b) The commission believes the maximum penalty it is able to levy is not enough to address the severity of the violation; or

(c) Additional authority is needed to ensure full compliance with this chapter.

~~((4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (c). The commission may assess a penalty in an amount not to exceed ten thousand dollars.~~

~~(5) The commission has the authority to waive a fine for a first-time violation. A second violation of the same rule by the same person or individual, regardless if the person or individual committed the violation for a different political committee, shall result in a fine. Succeeding violations of the same rule shall result in successively increased fines.~~

~~(6) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an~~

~~order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.)~~

Sec. 14. RCW 42.17A.765 and 2010 c 204 s 1004 are each amended to read as follows:

(1) (a) Only after a matter is referred by the commission, under RCW 42.17A.755, the attorney general ((and the prosecuting authorities of political subdivisions of this state)) may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17A.750. If the attorney general fails to commence an action within forty-five days of receiving a referral, the attorney general must provide notice on the attorney general's office web site including a reasonably supported explanation for not commencing an action and that such decision is consistent with the policy in (b) of this subsection.

(b) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this chapter to candidates, political committees, or other individuals subject to the regulations of this chapter.

(2) The attorney general ((and the prosecuting authorities of political subdivisions of this state)) may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general ((or the prosecuting authority of any political subdivision of this state)) requires the attendance of any person to obtain such information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this chapter, he or she shall issue

an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general ((or the prosecuting authority)), obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

~~((4) A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.~~

~~(a) This citizen action may be brought only if:~~

~~(i) The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty five days after the notice;~~

~~(ii) The person has thereafter further notified the attorney general and prosecuting attorney that the person will commence a citizen's action within ten days upon their failure to do so;~~

~~(iii) The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice; and~~

~~(iv) The citizen's action is filed within two years after the date when the alleged violation occurred.~~

~~(b) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but~~

~~he or she shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees he or she has incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.~~

~~(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded reasonable attorneys' fees to be fixed by the court to be paid by the state of Washington.)~~

NEW SECTION. Sec. 15. A new section is added to chapter 42.17A RCW to read as follows:

(1) A person who has reason to believe that a provision of this chapter is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has failed to take action authorized under RCW 42.17A.755(1) within ninety days of the complaint being filed with the commission; and

(b) For matters referred to the attorney general within ninety days of the commission receiving the complaint, the attorney general has failed to commence an action within forty-five days of receiving referral from the commission.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) of this section, a person

must notify the attorney general and the commission that he or she will commence a citizen's action within ten days upon the attorney general's failure to do so.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee before the end of such period if the committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant.

NEW SECTION. Sec. 16. A new section is added to chapter 42.17A RCW to read as follows:

In any action brought under this chapter, the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial and may be awarded reasonable attorneys' fees to be fixed by the court and paid by the state of Washington.

NEW SECTION. Sec. 17. A new section is added to chapter 42.17A RCW to read as follows:

The public disclosure transparency account is created in the custody of the state treasurer. All receipts from penalties collected pursuant to enforcement actions under this chapter

must be deposited into the account. Such funds may not be used to supplant general fund appropriations to the commission. Only the legislature may authorize expenditures from the account for purposes consistent with the implementation and administration of duties under this chapter.

NEW SECTION. **Sec. 18.** (1) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2018, from the general fund-state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

(2) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund-state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

NEW SECTION. **Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Shea and Hudgins spoke in favor of the adoption of the striking amendment.

Amendment (1060) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Shea and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2938.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2938, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman,

Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Ryu, Santos, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Pellicciotti, Reeves, Sawyer and Stambaugh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2970 and the bill was placed on the second reading calendar.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2970, by Representatives Hudgins, Morris, Kloba and Muri

Establishing an autonomous vehicle work group.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2970 was substituted for House Bill No. 2970 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2970 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Harmsworth spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2970.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2970, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Kraft and Taylor.

SUBSTITUTE HOUSE BILL NO. 2970, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2288, by Representatives Kagi, Harris, Dolan, Stonier, Goodman, Tarleton, Bergquist, Johnson, McBride, Fitzgibbon, Slatter, Vick, Lytton, Hargrove, Macri, Kloba, Appleton, Ortiz-Self, Ormsby, Lovick and McCaslin

Concerning the Washington history day program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2288 was substituted for House Bill No. 2288 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2288 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, McCaslin and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2288.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2288, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2288, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2558, by Representatives Kirby, Santos, Senn and Kloba

Preventing public identification or stigmatization of public school students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2558 was substituted for House Bill No. 2558 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2558 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2558.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2558, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Steele,

Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Condotta, Dent, Eslick, Graves, Haler, Hargrove, Hayes, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, Nealey, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Taylor, Van Werven, Vick, Volz and Walsh.

SUBSTITUTE HOUSE BILL NO. 2558, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2664, by Representatives Dye, Doglio, Jenkin, Chapman, Vick, Stonier, Wylie and Walsh

Extending existing telecommunications authority to all ports in Washington state in order to facilitate public-private partnerships in wholesale telecommunications services and infrastructure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2664 was substituted for House Bill No. 2664 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2664 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dye, Morris and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2664.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2664, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2664, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2519, by Representatives Lovick, Hayes, Goodman, Klippert, Appleton, Sells and Robinson

Concerning concealed pistol license eligibility requirements.

The bill was read the second time.

Representative Taylor moved the adoption of amendment (732):

On page 2, line 18, after "(4)" insert "(a)"

On page 2, after line 23, insert the following:

"(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five days, after the law enforcement agency determines the requirements of (a) of this subsection have been met."

Representatives Taylor and Jinkins spoke in favor of the adoption of the amendment.

Amendment (732) was adopted.

Representative Taylor moved the adoption of amendment (733):

On page 2, line 24, after "2015" insert "and subsection (4) of this section"

On page 2, line 26, after "firearm" insert "or concealed pistol license"

On page 2, line 27, after "firearm" insert "or concealed pistol license"

Representatives Taylor and Jinkins spoke in favor of the adoption of the amendment.

Amendment (733) was adopted.

Representative Irwin moved the adoption of amendment (807):

On page 3, line 11, after "age" insert ", except that a person who is under twenty-one years of age and at least eighteen years of age, and who is an active duty member of the armed forces of the United States, a member of the national

guard or the reserves of the armed forces of the United States, or an honorably discharged veteran, is not ineligible for a concealed pistol license under this subsection (1)(c)"

On page 8, after line 4, insert the following:

"Sec. 3. RCW 9.41.240 and 1994 sp.s. c 7 s 423 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, and unless an exception under RCW 9.41.042, 9.41.050, or 9.41.060 applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

~~((1))~~ (a) In the person's place of abode;

~~((2))~~ (b) At the person's fixed place of business; or

~~((3))~~ (c) On real property under his or her control.

(2) This section does not apply to a person at least eighteen years of age, but less than twenty-one years of age, who is an active duty member of the armed forces of the United States, a member of the national guard or the reserves of the armed forces of the United States, or an honorably discharged veteran."

Correct the title.

Representatives Irwin and Jinkins spoke in favor of the adoption of the amendment.

Amendment (807) was adopted.

By the adoption of amendment (807), amendment (743) was ruled out of order.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2519.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2519, and the bill passed the

House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Appleton, Doglio, McBride and Orcutt.

ENGROSSED HOUSE BILL NO. 2519, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2408, by Representatives Cody, Jinkins, Goodman, Johnson, Slatter, Tharinger, Stanford, Macri, Ormsby, Doglio and Appleton

Preserving access to individual market health care coverage throughout Washington state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2408 was substituted for House Bill No. 2408 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2408 was read the second time.

Representative Cody moved the adoption of the striking amendment (1056):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Access to health care is fundamental to the health and safety of the citizens of Washington state;

(b) Health insurance coverage is necessary for most people to access health care;

(c) Due to uncertainty in the health insurance marketplace, volatility in the current federal regulatory environment, and rising health care costs, ensuring access to the private health insurance

market in every county in Washington state is becoming more difficult;

(d) The consequences of losing private health insurance coverage in a county would be catastrophic, leading to deteriorating health outcomes, lost productivity, and lower quality of life; and

(e) If the private market fails to provide coverage in a county, the state must intervene.

(2) The legislature therefore intends to:

(a) Leverage the provider networks used by private insurers offering coverage to state and school employees to ensure private insurance coverage is available in all counties where those insurers offer coverage to state and school employees; and

(b) Until such coverage is available, allow persons residing in counties where no private insurance is available to purchase health coverage outside their counties of residence.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) For plan years beginning January 1, 2020, a health carrier must offer in the exchange at least one silver and one gold qualified health plan in any county in which it offers a fully insured health plan that was approved, on or after the effective date of this section, by the school employees' benefits board or the public employees' benefits board to be offered to employees and their covered dependents under this chapter.

(2) The rates for a health plan approved by the school employees' benefits board or the public employees' benefits board may not include the administrative costs or actuarial risks associated with a qualified health plan offered under subsection (1) of this section.

(3) The authority shall perform an actuarial review during the annual rate setting process for plans approved by the school employees' benefits board or the public employees' benefits board to ensure compliance with subsection (2) of this section.

(4) For purposes of this section, "exchange" and "health carrier" have the same meaning as in RCW 48.43.005.

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier shall allow an individual to purchase an individual market health plan offered by the carrier outside of the individual's county of residence if:

(a) There are no individual health plans, other than catastrophic plans, offered within the individual's county of residence; and

(b) The individual's county of residence is in the same geographic rating area as the health plan he or she is purchasing.

(2) When evaluating the adequacy of the provider networks in a county where a health carrier is required to offer plans under this section to enrollees who are not residents of that county, if the carrier did not participate in the individual market in 2018 in that county, the commissioner shall take into account the availability of telemedicine services and shall consider all reasonable requests to allow the health carrier to deliver services using all access points in the neighboring counties.

NEW SECTION. Sec. 4. A new section is added to chapter 43.71 RCW to read as follows:

The exchange shall allow an individual to purchase a qualified health plan being offered outside his or her county residence as provided in section 3 of this act.

Sec. 5. RCW 48.41.100 and 2017 c 110 s 2 are each amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

(i) Any resident of the state not eligible for medicare coverage or medicaid coverage (~~and residing~~) who:

(A) Resides in a county where an individual health plan other than a catastrophic health plan as defined in RCW 48.43.005 is not offered to the resident during defined open enrollment or special enrollment periods at the time of application to the pool, whether through the health benefit exchange operated pursuant to chapter 43.71 RCW or in the private insurance market (~~and who~~);

(B) Is not eligible to purchase a health plan in a county outside of his or her county of residence under section 3 of this act; and

(C) Makes application to the pool for coverage prior to December 31, 2022;

(ii) Any resident of the state not eligible for medicare coverage, enrolled in the pool prior to December 31, 2013, shall remain eligible for pool coverage except as provided in subsections (2) and (3) of this section through December 31, 2022;

(iii) Any person becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

(iv) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(b) For purposes of (a)(i) of this subsection, by December 1, 2013, the board shall develop and implement a process to determine an applicant's eligibility based on the criteria specified in (a)(i) of this subsection.

(c) For purposes of (a)(iv) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks

in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Inmates of public institutions and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b)).

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(a)(i) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(a)(i) of this section; and

(b) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3)

within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; and (iii) describe the enrollment process for the available options outside of the pool.

NEW SECTION. **Sec. 6.** Sections 3 through 5 of this act expire December 31, 2019.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (1056) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2408.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2408, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 2957, by Representatives Lytton, Peterson, Robinson, Wilcox, Taylor, Stambaugh, Sawyer, Chapman, Pollet and Stanford

Reducing escape of nonnative finfish from marine finfish aquaculture facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2957 was not substituted for House Bill No. 2957.

Representative Blake moved the adoption of the striking amendment (1068):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Recent developments have thrown into stark relief the threat that nonnative marine finfish aquaculture may pose to Washington's native salmon populations. But just as evidence has emerged that nonnative marine finfish aquaculture may endanger Washington's native salmon populations, so too has evidence emerged that marine finfish aquaculture in general may pose unacceptable risks not only to Washington's native salmon populations but also to the broader health of Washington's marine environment. Given this evidence, the legislature intends to phase out nonnative finfish aquaculture in Washington's marine waters. Because the state of the science and engineering with regard to marine finfish aquaculture may be evolving, the legislature further intends to study this issue in greater depth, and to revisit the issue of marine finfish aquaculture once additional research becomes available.

NEW SECTION. **Sec. 2.** A new section is added to chapter 79.105 RCW to read as follows:

(1) The department may not allow nonnative marine finfish aquaculture as an authorized use under any new lease or other use authorization.

(2) The department may not renew or extend a lease or other use authorization in existence on the effective date of

this section where the use includes nonnative marine finfish aquaculture.

NEW SECTION. Sec. 3. A new section is added to chapter 77.125 RCW to read as follows:

(1) The department may authorize or permit activities associated with the use of marine net pens for nonnative marine finfish aquaculture only if these activities are performed under a lease of state-owned aquatic lands in effect on the effective date of this section. The department may not authorize or permit any of these activities or operations after the expiration date of the relevant lease of state-owned aquatic lands in effect on the effective date of this section.

(2) For purposes of this section, "state-owned aquatic lands" has the same meaning as defined in RCW 79.105.060.

NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department may issue national pollutant discharge elimination system permits associated with nonnative marine finfish aquaculture only if these activities are performed under a lease of state-owned aquatic lands in effect on the effective date of this section. The department may not issue national pollutant discharge elimination system permits in connection with any of these activities or operations after the expiration date of the relevant lease of state-owned aquatic lands in effect on the effective date of this section.

(2) For purposes of this section, "state-owned aquatic lands" has the same meaning as defined in RCW 79.105.060.

NEW SECTION. Sec. 5. (1) The departments of ecology, agriculture, and fish and wildlife, as well as the department of natural resources, shall continue the existing effort to update guidance and informational resources to industry and governments for planning and permitting commercial marine net pen aquaculture. As part of this effort, the departments shall seek advice and technical assistance from the Northwest Indian fisheries commission, and the national centers for coastal ocean science, and shall invite consultation and participation from the University of Washington school of aquatic and fishery sciences, Western Washington University, Washington State University, Northwest

Indian College, and additional authorities, as appropriate, including federally recognized Indian tribes. The guidance must be designed to eliminate commercial marine net pen escapement and to eliminate negative impacts to water quality and native fish, shellfish, and wildlife. At a minimum, the guidance must address the following topics:

(a) Local shoreline permitting;

(b) Water quality;

(c) The state of the science concerning marine finfish aquaculture impacts on native fish, shellfish, and wildlife;

(d) Best management practices for the safe and effective operation of finfish aquaculture in the marine environment;

(e) Interagency coordination in permitting, inspections, and enforcement; and

(f) Recommendations for future legislative oversight of marine finfish net pen aquaculture.

(2) The departments must report to the legislature, consistent with RCW 43.01.036, by November 1, 2019.

(3) This section expires June 30, 2020.

Sec. 6. RCW 77.115.010 and 2000 c 107 s 122 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

(a) Disease diagnosis;

(b) Import and transfer requirements;

(c) Provision for certification of stocks;

(d) Classification of diseases by severity;

(e) Provision for treatment of selected high-risk diseases;

(f) Provision for containment and eradication of high-risk diseases;

(g) Provision for destruction of diseased cultured aquatic products;

(h) Provision for quarantine of diseased cultured aquatic products;

(i) Provision for coordination with state and federal agencies;

(j) Provision for development of preventative or control measures;

(k) Provision for cooperative consultation service to aquatic farmers; and

(l) Provision for disease history records.

(2) The commission shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 77.12.047(1)(g), 77.60.060, 77.60.080, 77.65.210, (~~77.115.020~~), 77.115.030, and 77.115.040 constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 77.115.040.

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

(7) The department must implement this section consistent with section 3 of this act.

Sec. 7. RCW 77.115.030 and 2000 c 107 s 124 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 77.115.010 with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

(4) The department must implement this section consistent with section 3 of this act.

Sec. 8. RCW 77.115.040 and 2011 c 339 s 37 are each amended to read as follows:

(1) All aquatic farmers, as defined in RCW 15.85.020, shall register with the department. The application fee is one hundred five dollars. The director shall assign each aquatic farm a unique registration number and develop and

maintain in an electronic database a registration list of all aquaculture farms. The department shall establish procedures to annually update the aquatic farmer information contained in the registration list. The department shall coordinate with the department of health using shellfish growing area certification data when updating the registration list.

(2) Registered aquaculture farms shall provide the department with the following information:

- (a) The name of the aquatic farmer;
- (b) The address of the aquatic farmer;
- (c) Contact information such as telephone, fax, web site, and email address, if available;
- (d) The number and location of acres under cultivation, including a map displaying the location of the cultivated acres;
- (e) The name of the landowner of the property being cultivated or otherwise used in the aquatic farming operation;
- (f) The private sector cultured aquatic product being propagated, farmed, or cultivated; and
- (g) Statistical production data.

(3) The state veterinarian shall be provided with registration and statistical data by the department.

(4) The department must implement this section consistent with section 3 of this act.

Sec. 9. RCW 77.125.030 and 2001 c 86 s 3 are each amended to read as follows:

The director, in cooperation with the marine finfish aquatic farmers, shall develop proposed rules for the implementation, administration, and enforcement of marine finfish aquaculture programs. In developing such proposed rules, the director must use a negotiated rule-making process pursuant to RCW 34.05.310. The proposed rules shall be submitted to the appropriate legislative committees by January 1, 2002, to allow for legislative review of the proposed rules. The proposed rules shall include the following elements:

(1) Provisions for the prevention of escapes of cultured marine finfish aquaculture products from enclosures, net pens, or other rearing vessels;

(2) Provisions for the development and implementation of management plans to facilitate the most rapid recapture of live marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels, and to prevent the spread or permanent escape of these products;

(3) Provisions for the development of management practices based on the latest available science, to include:

(a) Procedures for inspections of marine aquatic farming locations on a regular basis to determine conformity with law and the rules of the department relating to the operation of marine aquatic farming locations; and

(b) Operating procedures at marine aquatic farming locations to prevent the escape of marine finfish, to include the use of net antifoulants;

(4) Provisions for the eradication of those cultured marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels found spawning in state waters;

(5) Provisions for the determination of appropriate species, stocks, and races of marine finfish aquaculture products allowed to be cultured at specific locations and sites;

(6) Provisions for the development of an Atlantic salmon watch program similar to the one in operation in British Columbia, Canada. The program must provide for the monitoring of escapes of Atlantic salmon from marine aquatic farming locations, monitor the occurrence of naturally produced Atlantic salmon, determine the impact of Atlantic salmon on naturally produced and cultured finfish stocks, provide a focal point for consolidation of scientific information, and provide a forum for interaction and education of the public; and

(7) Provisions for the development of an education program to assist marine aquatic farmers so that they operate in an environmentally sound manner.

(8) The department must implement this section consistent with section 3 of this act.

Sec. 10. RCW 77.12.047 and 2017 c 159 s 2 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state. However, this authority must be exercised consistent with sections 3 and 12 of this act. Additionally, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an area with elk affected by hoof disease to any other location except:

(i) Consistent with a process developed by the department with input from the affected federally recognized tribes for translocation for monitoring or hoof disease management purposes; or

(ii) Within an elk herd management plan area affected by hoof disease.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2)(a) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

(b) "Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

Sec. 11. RCW 50.04.075 and 2011 c 4 s 12 are each amended to read as follows:

(1) With respect to claims with an effective date prior to July 1, 2012, "dislocated worker" means any individual who:

(a) Has been terminated or received a notice of termination from employment;

(b) Is eligible for or has exhausted entitlement to unemployment compensation benefits; and

(c) Is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry.

(2) With respect to claims with an effective date on or after July 1, 2012, "dislocated worker" means any individual who:

(a) Has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, ~~((or))~~ has separated from a declining occupation, or has separated from employment as a result of this act; and

(b) Is eligible for or has exhausted entitlement to unemployment compensation benefits.

NEW SECTION. Sec. 12. A new section is added to chapter 77.125 RCW to read as follows:

(1) For marine finfish aquaculture, the facility operator must hire, at their own expense, a marine engineering firm approved by the department to conduct inspections. Inspections must occur approximately every two years, when net pens are fallow, and must include topside and mooring assessments related to escapement potential, structural integrity, permit compliance, and operations.

(2) Any net pen facility must be found to be in good working order to receive fish.

(3) If the facility is found to be in imminent danger of collapse or release of finfish, the director may require the operator to remove fish or deny a fish transfer permit."

Correct the title.

Representative Blake spoke in favor of the adoption of the striking amendment.

Representative Buys spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 56 - YEAS; 42 - NAYS.

The striking amendment (1068) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Chapman and Wilcox spoke in favor of the passage of the bill.

Representatives Taylor, DeBolt, Kretz and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2957.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2957, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Vick, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Harmsworth, Harris, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Muri, Nealey, Orcutt, Pike, Schmick, Shea, Steele, Taylor, Van Werven, Volz and Walsh.

ENGROSSED HOUSE BILL NO. 2957, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2515, by Representatives Tharinger, Schmick, Cody, Johnson, Jinkins, Harris, Robinson, Wylie, Pollet and Ormsby

Updating the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2515 was substituted for House Bill No. 2515 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2515 was read the second time.

With the consent of the House, amendment (1037) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2515.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2515, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

SUBSTITUTE HOUSE BILL NO. 2515, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2750, by Representatives Tharinger, Johnson, Cody, Stonier, Slatter, Robinson, Jinkins, Appleton, Muri and Gregerson

Concerning quality in assisted living facilities.

The bill was read the second time.

With the consent of the house, amendments (1034) and (1039) were withdrawn.

Representative Tharinger moved the adoption of amendment (1069):

On page 2, beginning on line 1, strike all of subsections (5) and (6)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, beginning on line 14, strike all of sections 2 and 3 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

The department shall provide information to consumers about assisted living facilities. This information must be made available online and must include information related to site visits, substantiated inspection and complaint investigation reports, including any citation and remedy imposed, and a listing of licensed assisted living facilities by geographic location.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall facilitate a work group process to recommend quality metrics for assisted living facilities. The department shall keep a public record of comments submitted by stakeholders throughout the work group process.

(2) The work group shall consist of representatives from the department, assisted living provider associations, the long term care ombuds; organizations with expertise in serving persons with mental health needs in an institutional setting, as selected by the department; organizations with expertise in serving persons with developmental disability needs in an institutional setting, as selected by the department; licensed health care professionals with experience caring for geriatric patients, as selected by the department; and an Alzheimer's advocacy organization. The work group may solicit input from individuals with additional expertise, if necessary.

(3) The work group shall make an interim report by September 1, 2019, and final recommendations to the appropriate legislative committees by September 1, 2020, and shall include a dissent report if agreement is not achieved among stakeholders and the department.

(4) The work group must submit recommendations for a quality metric system, propose a process for monitoring and tracking performance, and recommend a process to inform consumers.

(5) The department shall include at least one meeting dedicated to review and analysis of other states with quality

metric methodologies for assisted living and must include information on how well each state is achieving quality care outcomes. In addressing data metrics the workgroup shall consider whether the data that must be reported reflect and promote quality of care and whether reporting the data is unnecessarily burdensome upon assisted living facilities."

On page 4, line 35, after "actions" insert ", using a tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines"

On page 5, line 2, after "violation" and insert ". Until July 1, 2019, the civil penalties may not exceed one thousand dollars per day per violation. Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed two thousand dollars per day per violation. Beginning July 1, 2020, the civil penalties may not exceed three thousand dollars per day per violation"

On page 5, beginning on line 3, after "(d)" strike all material through "(e)" on line 9

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 18, after "(3)" strike all material through "(4)" on line 24

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Tharinger and Schmick spoke in favor of the adoption of the amendment.

Amendment (1069) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2750.

The Clerk called the roll on the final passage of Engrossed House Bill No. 2750, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier, DeBolt, MacEwen, Orcutt, Pike, Taylor and Young.

ENGROSSED HOUSE BILL NO. 2750, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1562, by Representatives Gregerson, Stonier, Orwall, Senn, Slatter, Peterson, Lovick, Farrell, Santos, Ryu, McBride, Ortiz-Self, Hudgins, Pollet, Riccelli, Macri, Pike, Stanford, Doglio, Fitzgibbon, Bergquist, Tharinger, Sawyer, Ormsby, Dolan, Cody and Fey

Continuing the work of the Washington food policy forum.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1562 was substituted for Engrossed Second Substitute House Bill No. 1562 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1562 was read the second time.

With the consent of the House, amendment (816) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gregerson and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1562.

ROLL CALL

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1562, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harmsworth, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Dye, Graves, Griffey, Haler, Hargrove, Harris, Hayes, Holy, Jenkin, Klippert, Kraft, MacEwen, McCaslin, Orcutt, Pike, Schmick, Shea, Steele, Stokesbary, Taylor, Vick, Volz, Walsh and Young.

THIRD SUBSTITUTE HOUSE BILL NO. 1562, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2639, by Representatives Buys, Peterson, Stokesbary, Graves, Stambaugh, Bergquist, Vick, Walsh, Volz, Shea, Blake and Young

Exempting certain mobile food units from state and local regulations pertaining to commissaries or servicing areas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2639 was substituted for House Bill No. 2639 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2639 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buys and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2639.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2639, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2639, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2307, by Representatives Van Werven and Young

Requiring confidentiality in the release of sensitive fish and wildlife data.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2307.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2307, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2307, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2291, by Representatives Kraft, Wylie, Jinkins and Harris

Concerning the licensure and certification of massage therapists and reflexologists.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2291 was substituted for House Bill No. 2291 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2291 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kraft and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2291.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2291, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chapman and Kloba.

SUBSTITUTE HOUSE BILL NO. 2291, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4012, by Representatives Dent, Dye, Morris, Buys, Shea, Pettigrew, Lovick, Ryu, Smith, Tarleton, Young and Walsh

Requesting Congress to reform the harbor maintenance tax.

The bill was read the second time.

Representative Dent moved the adoption of amendment (709):

On page 1, after line 20, insert the following:

"WHEREAS, Current United States law does not require the revenues raised through the harbor maintenance tax to be fully spent on harbor maintenance related investments, collections have far exceeded fund appropriation and surplus collections will grow to over nine billion dollars this year; and"

On page 2, after line 5, insert the following:

"WHEREAS, The Columbia river channel is critical to maintain global trade and the port of Vancouver USA serves as the largest wheat export gateway in the nation; and"

On page 2, line 16, after "cargo," insert "ensures full use of funds for intended purposes"

On page 2, line 18, after "revenues" insert "to meet all Northwest port needs"

Representatives Dent and Tarleton spoke in favor of the adoption of the amendment.

Amendment (709) was adopted.

The joint memorial was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Dent and Tarleton spoke in favor of the passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Joint Memorial No. 4012.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4012, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth,

Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4012, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1144, by Representatives Fitzgibbon, Ryu, Peterson, Stanford, Jinkins, Goodman, Ormsby, Fey, Pollet, Tarleton, Doglio, Farrell and Macri

Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1144 was substituted for House Bill No. 1144 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1144 was read the second time.

Representative Maycumber moved the adoption of amendment (931):

On page 1, line 7, after "limit" insert "per capita"

On page 1, line 9, after "reduce" strike "overall" and insert "~~((overall))~~ per capita"

On page 1, line 11, after "reduce" insert "per capita"

On page 1, line 12, after "reduce" insert "per capita"

On page 1, line 17, after "reduce" strike "overall" and insert "~~((overall))~~ per capita"

On page 1, line 20, after "reducing" strike "overall" and insert "~~((overall))~~ per capita"

Representative Maycumber and Maycumber (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (931) and the amendment was not adopted by the following vote: Yeas, 49; Nays, 49; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (931) was not adopted.

Representative Taylor moved the adoption of amendment (936):

On page 1, line 7, after "gases" insert "emitted by sources physically located inside the state"

Representatives Taylor, Shea and Taylor (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (936) and the amendment was not adopted by the following vote: Yeas, 49; Nays, 49; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford,

Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (936) was not adopted.

Representative Taylor moved the adoption of amendment (939):

On page 1, line 10, after "to" strike "1990" and insert "~~(1990)~~ 2006"

On page 1, line 12, after "below" strike "1990" and insert "2006"

On page 1, beginning on line 13, after "below" strike all material through "agreement" on line 16, and insert "2006 levels"

On page 1, line 18, after "below" strike "1990" and insert "~~(1990)~~ 2006"

On page 2, line 1, after "below" strike "1990" and insert "~~(1990)~~ 2006"

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (939) was not adopted.

Representative Taylor moved the adoption of amendment (938):

On page 2, after line 2, insert the following:

"(v) The reductions in greenhouse gas emissions specified in (i) through (iv) of this subsection (1) (a) shall not take effect if the United States is not a signatory to the 2015 Paris climate agreement."

Representatives Taylor and Shea spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (938) and the amendment was not adopted by the following vote: Yeas, 1; Nays, 97; Absent, 0; Excused, 0.

Voting yea: Representative Taylor.

Voting nay: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth,

Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker. .

Amendment (938) was not adopted.

Representative Maycumber moved the adoption of amendment (935):

On page 3, after line 15, insert the following:

"(5) The reductions in this section apply only if the climate impacts group at the university of Washington determines that, taking into account both anthropogenic and non-anthropogenic greenhouse gas emissions within Washington, the proposed reductions can have a statistically significant impact on the global temperature."

Representatives Maycumber, Maycumber (again) Taylor and Buys spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (935) and the amendment was not adopted by the following vote: Yeas, 49; Nays, 49; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (935) was not adopted.

Representative Taylor moved the adoption of amendment (937):

On page 3, after line 15, insert the following:

"(5) Neither the department nor the attorney general of Washington shall expend funds from any account maintained by the office of the state treasurer for the purpose of implementing or defending any state law regarding greenhouse gas emissions limits that is not consistent with federal law."

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (937) was not adopted.

Representative Griffey moved the adoption of amendment (943):

On page 3, after line 15, insert the following:

"(5) The department of commerce shall submit to the legislature, no later than July 1, 2018, a report that examines the nexus between increased hydroelectric output in the state and reduced greenhouse gas emissions in the state, as a result of reduced reliance on fossil-fuel based energy generation, and that makes recommendations on all available methods to incentivize increased hydroelectric output in the state in order to reduce greenhouse gas emissions."

(6) None of the greenhouse gas emissions reduction goals in this section shall have the force of law unless all recommendations of the report in subsection (5) of this section have been enacted into law no later than December 31, 2019."

Representatives Griffey, Taylor, Maycumber and Griffey (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (943) was not adopted.

Representative Taylor moved the adoption of amendment (1026):

On page 3, after line 15, insert the following:

"(5) The joint legislative audit and review committee must prepare and submit to the legislature by June 30, 2019, and every five years thereafter, an analysis of the economic impact, whether positive or negative, and the impact on jobs, whether positive or negative, resulting from the greenhouse gas emissions reductions specified in this section."

Representatives Taylor and Fitzgibbon spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1026) and the amendment was adopted by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker. .

Amendment (1026) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon, Peterson, Slatter and Doglio spoke in favor of the passage of the bill.

Representatives Taylor, Maycumber, Dye, Smith, Barkis, Shea, Walsh, Orcutt and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1144.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1144, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1144, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 15, 2018, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4672, by Representatives Bergquist, Clibborn, Senn, Santos, and Hudgins

WHEREAS, Dr. Gary Kohlwes was the superintendent for the Renton School District from 1974 to 1997 where his steadfast leadership and guidance was seen by many; and

WHEREAS, Dr. Kohlwes empowered and encouraged countless teachers, students, and administrators that contributed to the strength and success of the Renton School District; and

WHEREAS, Dr. Kohlwes attended Western Washington University for his bachelor's and master's degrees and ultimately obtained his doctorate in educational psychology from the University of Washington; and

WHEREAS, Many of his academic colleagues describe him as a supportive and honest person, who is tough-minded, multifaceted, and hard-working; and

WHEREAS, In his community, Dr. Kohlwes served as Director of First Financial Northwest Bank, a position he held for thirty-six years and later served as Chairman of the Board for four years; and

WHEREAS, Dr. Kohlwes was able to give back to his community as Executive Director and Trustee of the First Financial Northwest Foundation through various charitable causes, including a recent three million dollar donation to the Doug Baldwin Family First Community Center in Renton's Benson Hill/Cascade neighborhood; and

WHEREAS, Various Renton civic organizations have benefitted from the leadership of Dr. Kohlwes, including the Renton Rotary Club where he served as a past president and is still active; and

WHEREAS, Dr. Kohlwes also took great pride as a college basketball coach and trainer at Western Washington University; and

WHEREAS, He was a high school teacher and as coach, led the Arlington High School football team through an undefeated season; and

WHEREAS, Dr. Kohlwes has dedicated an immeasurable amount of personal time to his community

House Chamber, Olympia, Thursday, February 15, 2018

and has shown his devotion through acts of service and valuable contributions; and

WHEREAS, Dr. Kohlwes and his wife, Elizabeth, have raised two boys and two girls, all graduates of Renton High School, during their marriage of over sixty years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Dr. Gary Kohlwes for his long dedication as a teacher, superintendent, and director in Washington state, and, above all, wish him the best health and happiness in his retirement; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Gary Kohlwes.

There being no objection, HOUSE RESOLUTION NO. 4672 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

February 13, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5328,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5397,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6161,
ENGROSSED SENATE BILL NO. 6213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6226,
ENGROSSED SENATE BILL NO. 6379,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 14, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6052,
SUBSTITUTE SENATE BILL NO. 6124,
SUBSTITUTE SENATE BILL NO. 6531,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 14, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6132,
SUBSTITUTE SENATE BILL NO. 6283,
SUBSTITUTE SENATE BILL NO. 6313,
SUBSTITUTE SENATE BILL NO. 6340,
SENATE BILL NO. 6354,
SECOND SUBSTITUTE SENATE BILL NO. 6410,
SENATE BILL NO. 6414,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 13, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5928,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6587,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2990 by Representatives Fey, Young and Muri

AN ACT Relating to the Tacoma Narrows bridge debt service payment plan; amending RCW 47.46.110; and adding new sections to chapter 47.46 RCW.

Referred to Committee on Transportation.

HB 2991 by Representative Tarleton

AN ACT Relating to updating spirits industry regulation, including licensing and fees; amending RCW 66.04.010, 66.24.140, 66.24.145, 66.24.520, 66.24.630, 66.28.040, 66.28.295, 66.20.410, 66.20.010, 66.24.055, 66.24.695, 66.24.640, 19.126.020, and 66.24.660; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Gaming.

2ESSB 5180 by Senate Committee on Health Care (originally sponsored by Senators Bailey, Walsh, Darneille, Keiser, Palumbo and Conway)

AN ACT Relating to the legislative advisory committee on aging; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5525 by Senators Wilson, Palumbo, Cleveland, Baumgartner, Zeiger, O'Ban, Liias, Frockt, Schoesler, Hobbs, Kuderer, Conway and Bailey

AN ACT Relating to veterans' mental health services at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Appropriations.

SB 5643 by Senators Wellman, Hobbs and Saldaña

AN ACT Relating to lead-based paint certification fees; and amending RCW 70.103.030.

Referred to Committee on Appropriations.

ESSB 5700 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Ranker, Rivers, Liias, Pedersen, Darneille, Chase and Kuderer)

AN ACT Relating to training long-term care providers on the needs of the LGBTQ population; amending RCW 74.39A.341; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Appropriations.

ESSB 5928 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Rivers, Palumbo and Hasegawa)

AN ACT Relating to making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW; and adding a new section to chapter 9A.04 RCW.

Referred to Committee on Judiciary.

SSB 6011 by Senate Committee on Ways & Means (originally sponsored by Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel, Warnick, Carlyle, Van De Wege, Chase and Kuderer)

AN ACT Relating to governmental continuity during emergency periods; amending RCW 38.52.010, 38.52.030, 42.14.010, 42.14.020, 42.14.030, 42.14.035, 42.14.040, 42.14.050, and 42.14.075; creating a new section; and providing a contingent effective date.

Referred to Committee on Public Safety.

SB 6027 by Senators Kuderer and Palumbo

AN ACT Relating to the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SSB 6055 by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Hawkins, Carlyle, Palumbo and Mullet)

AN ACT Relating to creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot; amending RCW 70.94.6514; adding a new section to chapter 70.94 RCW; and providing an expiration date.

Referred to Committee on Environment.

SB 6058 by Senators Hunt, Zeiger and Kuderer

AN ACT Relating to write-in voting; and amending RCW 29A.24.091, 29A.24.311, 29A.60.021, and 29A.60.040.

Referred to Committee on State Government, Elections & Information Technology.

ESSB 6081 by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Palumbo, Carlyle, Mullet, Wellman, Ranker, Keiser, McCoy, Frockt, Rolfes, Pedersen and Hasegawa)

AN ACT Relating to distributed generation; amending RCW 80.60.020, 80.60.030, and 82.16.090; adding a new section to chapter 19.27 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

ESB 6087 by Senators Mullet, Palumbo, Carlyle, Braun, Kuderer, Dhingra, Pedersen, Takko, McCoy, Liias and Conway

AN ACT Relating to the Washington higher education tuition payment and college savings programs; and amending RCW 28B.95.020, 28B.95.030, and 28B.95.045.

Referred to Committee on Appropriations.

SB 6088 by Senators Takko and Short

AN ACT Relating to employee recognition awards; and amending RCW 36.32.460.

Referred to Committee on Local Government.

SB 6113 by Senators Bailey, Keiser, Darneille and Rivers

AN ACT Relating to priority processing for adult family home license applications; and amending RCW 70.128.064.

Referred to Committee on Health Care & Wellness.

SB 6125 by Senator Honeyford

AN ACT Relating to extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements; amending RCW 90.90.030 and 90.90.050; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 6132 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Wellman, Zeiger, Chase and Hasegawa)

AN ACT Relating to the second grade reading assessments; amending RCW 28A.300.310; adding a new section to chapter 28A.320 RCW; recodifying RCW 28A.300.310; and repealing RCW 28A.300.320.

Referred to Committee on Education.

ESSB 6135 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Wellman, Zeiger and Hasegawa)

AN ACT Relating to updating application requirements for the academic acceleration incentive program; and amending RCW 28A.320.195 and 28A.320.196.

Referred to Committee on Education.

ESSB 6137 by Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, King, Keiser, Hasegawa and Wilson)

AN ACT Relating to clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles; amending RCW 46.96.185 and 46.96.260; and adding new sections to chapter 46.96 RCW.

Referred to Committee on Business & Financial Services.

SSB 6141 by Senate Committee on Ways & Means (originally sponsored by Senators McCoy, Wellman, Van De Wege, Keiser, Hasegawa and Kuderer)

AN ACT Relating to strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students; and amending RCW 28A.300.288 and 28A.320.127.

Referred to Committee on Education.

SSB 6152 by Senate Committee on Local Government (originally sponsored by Senators Rivers and Takko)

AN ACT Relating to the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety; and amending RCW 36.87.130.

Referred to Committee on Local Government.

ESSB 6157 by Senate Committee on Health & Long Term Care (originally sponsored by Senators Short, Kuderer, Rivers, Cleveland, Palumbo, Nelson, Becker, Walsh, Warnick and Van De Wege)

AN ACT Relating to prior authorization; and amending RCW 48.43.016.

Referred to Committee on Health Care & Wellness.

SB 6159 by Senators Takko, Honeyford, Fain and Chase

AN ACT Relating to the reauthorization of the underground storage tank program; and amending RCW 43.131.393 and 43.131.394.

Referred to Committee on Appropriations.

E2SSB 6160 by Senate Committee on Ways & Means (originally sponsored by Senators Kuderer, Darneille and Palumbo)

AN ACT Relating to revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five; amending RCW 13.04.030, 13.40.0357, 13.40.110, 13.40.193, 13.40.300, and 13.40.300; reenacting and amending RCW 13.04.030; adding a new section to chapter 13.40 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

SB 6168 by Senators Kuderer, Mullet, Hunt and Liias

AN ACT Relating to school composting and recycling; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SB 6197 by Senators Keiser, Baumgartner, Hasegawa and Conway

AN ACT Relating to an employer's payment of indebtedness upon the death of an employee; and amending RCW 49.48.120.

Referred to Committee on Labor & Workplace Standards.

SB 6201 by Senators Liias, Zeiger, Carlyle and Palumbo

AN ACT Relating to the openly licensed courseware; and amending RCW 28A.300.803.

Referred to Committee on Appropriations.

ESSB 6223 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Carlyle, O'Ban, Walsh, Frockt, Darneille, Zeiger, Palumbo, Hunt, Kuderer, Wellman and Liias)

AN ACT Relating to equitable educational outcomes for vulnerable children and youth from preschool to postsecondary education; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

ESB 6229 by Senators Van De Wege, Chase, Conway, Wellman, Hasegawa, Saldaña, Keiser, Hunt and Kuderer

AN ACT Relating to requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; and adding a new section to chapter 49.39 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 6264 by Senators Ranker, Palumbo, Darneille, Keiser, Wellman and Hasegawa

AN ACT Relating to contracting by institutions of higher education with private entities; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Labor & Workplace Standards.

SSB 6277 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille, Kuderer and Saldaña)

AN ACT Relating to creating a graduated reentry program of partial confinement for certain offenders; amending RCW 9.94A.030, 9.94A.734, and 9.94A.190; reenacting and amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

SB 6278 by Senators Warnick, Schoesler and Chase

AN ACT Relating to the use of seed certification fees; and amending RCW 15.49.370.

Referred to Committee on Agriculture & Natural Resources.

SSB 6283 by Senate Committee on Ways & Means (originally sponsored by Senators Takko, Rivers and Palumbo)

AN ACT Relating to fire service mobilization; and amending 2015 c 181 s 5 (uncodified).

Referred to Committee on Appropriations.

SSB 6313 by Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Wellman, Frockt, Cleveland, Kuderer, Ranker, Conway and Saldaña)

AN ACT Relating to preserving an employee's right to publicly file a complaint or cause of action for discrimination in employment contracts and agreements; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 6319 by Senators Honeyford and Van De Wege

AN ACT Relating to implementing the federal produce safety rule; amending RCW 42.56.380; and adding a new chapter to Title 15 RCW.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6329 by Senate Committee on Local Government (originally sponsored by Senators Takko, Angel and Chase)

AN ACT Relating to clarifying the authority and procedures for contracting by public port districts; amending RCW 53.08.120; and creating a new section.

Referred to Committee on Capital Budget.

SSB 6340 by Senate Committee on Ways & Means (originally sponsored by Senators Conway, Bailey, Hobbs, Walsh, Hasegawa, Hunt, Mullet, Keiser, Palumbo and Saldaña)

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Appropriations.

SB 6351 by Senators Van De Wege, Chase and Keiser

AN ACT Relating to authorizing the state health care authority to require fingerprint-based background checks and conviction record checks for the nonemergency medical transportation program; amending RCW 43.43.837 and 43.43.838; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SB 6354 by Senator Ericksen

AN ACT Relating to allowing counties to request ferry capital improvement funds without creating ferry districts; and amending RCW 47.56.725.

Referred to Committee on Transportation.

SB 6363 by Senators Chase and Warnick

AN ACT Relating to a rail line over the Milwaukee Road corridor; and amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130.

Referred to Committee on Transportation.

SB 6369 by Senators Warnick and Van De Wege

AN ACT Relating to certificates of veterinary inspection for animals brought into the state; and amending RCW 16.36.140.

Referred to Committee on Agriculture & Natural Resources.

SSB 6388 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Mullet and Rivers)

AN ACT Relating to paraeducators; amending RCW 28A.413.040, 28A.413.060, 28A.413.070, and 28A.660.050; creating a new section; and repealing RCW 28A.660.042.

Referred to Committee on Education.

SB 6404 by Senators Wellman, Mullet, Fain, Hunt and Kuderer

AN ACT Relating to background checks for persons providing child care services; reenacting and amending RCW 43.216.270; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 6410 by Senate Committee on Ways & Means (originally sponsored by Senator Padden)

AN ACT Relating to school safety; amending RCW 28A.320.125; adding a new section to chapter 28A.310 RCW; creating a new section; and repealing RCW 28A.310.505.

Referred to Committee on Education.

SB 6414 by Senators Billig, Conway, Liias and Saldaña

AN ACT Relating to population-based representation on the governing body of public transportation benefit areas; amending RCW 36.57A.050 and 36.57A.055; and providing an effective date.

Referred to Committee on Transportation.

SSB 6438 by Senate Committee on Transportation (originally sponsored by Senators King, Palumbo and Hobbs)

AN ACT Relating to clarifying the collection process for existing vehicle service transactions; amending RCW 46.17.040; and providing an effective date.

Referred to Committee on Transportation.

2SSB 6453 by Senate Committee on Ways & Means (originally sponsored by Senators King, Carlyle, Hobbs, Zeiger, O'Ban, Walsh, Brown, Darneille, Miloscia, Palumbo and Saldaña)

AN ACT Relating to legal support for kinship caregivers; and reenacting and amending RCW 74.13.031.

Referred to Committee on Appropriations.

SB 6462 by Senators Angel and Mullet

AN ACT Relating to the seller's real estate disclosure regarding oil tank insurance; adding a new section to chapter 64.06 RCW; and providing an effective date.

Referred to Committee on Business & Financial Services.

SSB 6474 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McCoy, Sheldon, Chase, Conway, Frockt, Hasegawa, Hunt, Kuderer, Palumbo, Rolfes, Saldaña and Van De Wege)

AN ACT Relating to creating a pilot project for tribal compact schools that accommodates cultural and agricultural events in school attendance requirements; adding a new section to chapter 28A.715 RCW; and providing an expiration date.

Referred to Committee on Education.

ESSB 6486 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Ranker, Zeiger, Palumbo, Hasegawa, Wellman, Miloscia, Keiser, Conway, Darneille, O'Ban, Sheldon, Chase, Frockt, Kuderer and Saldaña)

AN ACT Relating to expanding registered apprenticeship programs; amending RCW 28B.120.005, 28B.120.010, 28B.120.030, and 28B.120.040; adding new sections to chapter 49.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 6491 by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban and Darneille)

AN ACT Relating to increasing the availability of assisted outpatient behavioral health treatment; amending RCW 71.05.020, 71.05.150, 71.05.150, 71.05.230, 71.05.240, 71.05.590, 71.05.590, 71.05.201, 71.05.156, 71.05.212, 71.05.245, 71.05.280, and 71.05.595; reenacting and amending RCW 71.05.585 and 71.05.240; adding a new section to chapter 71.05 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 6493 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Billig, Palumbo, Ranker, Carlyle, Hasegawa and Kuderer)

AN ACT Relating to increased transparency and accountability for intercollegiate athletic programs at public colleges and universities; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

E2SSB 6529 by Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Ranker, Cleveland, Rolfes, Van De Wege, Miloscia, Chase, Conway, McCoy, Hunt, Keiser and Hasegawa)

AN ACT Relating to establishing a pesticide application safety work group; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 6550 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille and Saldaña)

AN ACT Relating to diversion of juvenile offenses; amending RCW 13.40.070, 13.40.020, and 13.40.080; reenacting and amending RCW 13.40.020; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

SB 6582 by Senators Chase, Saldaña and Hasegawa

AN ACT Relating to the criminal history of applicants to institutions of higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SJR 8211 by Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel, Warnick, Carlyle, Van De Wege, Keiser, Chase and Kuderer

Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident.

Referred to Committee on Public Safety.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., February 16, 2018, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 16, 2018

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

February 14, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5731,
 ENGROSSED SENATE BILL NO. 5917,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 5935,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 6162,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 6386,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6548,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 14, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 6029,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 6362,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2992 by Representatives Chapman, Maycumber and Muri

AN ACT Relating to modifying the business and occupation tax structure for rural manufacturers and timber and wood product manufacturers, extractors, and wholesalers; amending RCW 82.04.240, 82.04.240, 82.04.440, 82.04.260, 82.04.261, and 82.32.790; creating new sections; providing an effective date; providing an expiration date; providing a contingent effective date; and providing contingent expiration dates.

Referred to Committee on Finance.

ESSB 5328 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, Hobbs, Bailey, Becker, Miloscia, Angel, Brown, Sheldon, Rivers, Warnick and Rossi)

AN ACT Relating to creating a community aviation revitalization board; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

ESSB 5397 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Warnick, Lias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford, Wilson, Pedersen, Hunt, Wellman, Saldaña and Carlyle)

AN ACT Relating to disclosure in initiatives, referenda, and recall petitions; adding new sections to chapter 42.17A RCW; adding a new section to chapter 29A.04 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government, Elections & Information Technology.

ESSB 5513 by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Hasegawa, Miloscia, Rolfes, Saldaña, Keiser, Wellman, Conway, Chase, Billig, Kuderer, Hunt, McCoy and Darneille)

AN ACT Relating to increasing tax exemption transparency and accountability; amending RCW 43.06.400, 82.33.060, 43.88.030, and 43.88.055; and creating a new section.

Referred to Committee on Finance.

ESB 5731 by Senators Chase and Frockt

AN ACT Relating to acceptance of additional high school equivalency tests; amending RCW 28B.50.536; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

ESB 5917 by Senators Mullet, Palumbo, Wilson, Frockt, Rolfes and Liias

AN ACT Relating to a systemwide credit policy regarding international baccalaureate exams; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

E2SSB 5935 by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon and Carlyle)

AN ACT Relating to enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services; amending RCW 35.99.010, 80.36.135, 80.36.630, 80.36.650, 80.36.690, and 53.08.370; amending 2013 2nd sp.s. c 8 s 212 (uncodified); adding a new section to chapter 35.99 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 34.12 RCW; creating new sections; repealing RCW 43.330.400, 43.330.403, 43.330.406, 43.330.409, 43.330.412, 43.330.415, 43.330.418, and 43.330.421; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

SB 6052 by Senators Walsh, Carlyle, Kuderer, McCoy, Pedersen, Billig, Dhingra, Cleveland, Liias, Darneille, Keiser, Hunt, Wellman, Chase, Miloscia, Saldaña and Hasegawa

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder; amending RCW 10.95.030; and repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, and 10.95.200.

Referred to Committee on Judiciary.

SSB 6124 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Dhingra, Palumbo, Mullet, Frockt, Takko, Darneille, Rolfes, Billig, Cleveland, Kuderer, Wellman, Carlyle, Ranker, Hasegawa, Saldaña,

Nelson, Keiser, McCoy, Van De Wege, Chase and O'Ban)

AN ACT Relating to clarifying that court hearings under the involuntary commitment act may be conducted by video; and amending RCW 71.05.020.

Referred to Committee on Judiciary.

E2SSB 6161 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Becker, Hunt, Fain, Rivers, Kuderer, Saldaña, Zeiger, Bailey, Carlyle, Conway, Wilson, Rolfes, Wellman, Hasegawa, Honeyford, Darneille, Angel, Liias, Walsh, O'Ban, Sheldon, Palumbo, Fortunato, Hobbs, Short, Mullet, Van De Wege and Wagoner)

AN ACT Relating to establishing a training course for campaign treasurers; reenacting and amending RCW 42.17A.210; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government, Elections & Information Technology.

E2SSB 6162 by Senate Committee on Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo and Mullet)

AN ACT Relating to defining dyslexia as a specific learning disability and requiring early screening for dyslexia; amending RCW 28A.165.035 and 28A.710.040; adding new sections to chapter 28A.155 RCW; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Education.

ESB 6213 by Senators Ranker, Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Saldaña, Hunt, Walsh, Kuderer, Wellman and Fortunato

AN ACT Relating to the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement; and amending RCW 51.32.185.

Referred to Committee on Labor & Workplace Standards.

E2SSB 6226 by Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Conway, Cleveland, Kuderer and Saldaña)

AN ACT Relating to improving health outcomes for injured workers by facilitating better access to medical

records and telemedicine; and amending RCW 51.36.070.

Referred to Committee on Labor & Workplace Standards.

ESSB 6241 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Fain, Mullet and Keiser)

AN ACT Relating to the January 1, 2020, implementation of the school employees' benefits board program; amending RCW 41.05.740, 41.05.006, 41.05.009, 41.05.011, 41.05.021, 41.05.022, 41.05.023, 41.05.026, 41.05.050, 41.05.055, 41.05.065, 41.05.066, 41.05.075, 41.05.080, 41.05.085, 41.05.140, 41.05.225, 41.05.300, 41.05.320, 41.04.205, 28A.400.350, 41.05.120, 41.05.123, 41.05.143, 43.79A.040, 28A.400.280, and 41.05.700; reenacting and amending RCW 28A.400.275 and 42.56.400; adding new sections to chapter 41.05 RCW; adding a new section to chapter 28A.710 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

ESB 6379 by Senators Fain, Keiser, Takko and Short

AN ACT Relating to requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government; and amending RCW 35.21.960, 35A.21.410, and 36.01.350.

Referred to Committee on Local Government.

E2SSB 6386 by Senate Committee on Ways & Means (originally sponsored by Senators Warnick, Takko, Rivers, Short, Becker, Hunt, Van De Wege, Schoesler, Braun, Honeyford, Conway, Wagoner and Zeiger)

AN ACT Relating to ensuring the funding of fairs; amending RCW 15.76.115; adding a new section to chapter 82.08 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6531 by Senate Committee on Ways & Means (originally sponsored by Senators Pedersen, Warnick, Carlyle, Rivers, Keiser, Fain, Rolfes, King, Hobbs, Nelson, O'Ban, Zeiger, Billig, Bailey, Darneille, Miloscia, Frockt, Cleveland, Conway, Wellman, Kuderer, Hasegawa, Chase, Hunt, Van De Wege, Takko, Dhingra, Lias, Ranker, Palumbo, McCoy, Saldaña, Wilson, Angel, Wagoner and Short)

AN ACT Relating to the school construction assistance program; amending RCW 28A.525.166; and providing an effective date.

Referred to Committee on Capital Budget.

ESSB 6548 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Palumbo and Van De Wege)

AN ACT Relating to establishing the joint legislative task force on fire service administration; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety.

ESSB 6587 by Senate Committee on Local Government (originally sponsored by Senators Hasegawa and Van De Wege)

AN ACT Relating to the transparency of local taxing districts; adding a new section to chapter 87.03 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 36.58A RCW; adding a new section to chapter 36.58 RCW; adding a new section to chapter 36.95 RCW; adding a new section to chapter 57.02 RCW; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., February 19, 2018, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 19, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Seattle Buddhist Church Boy Scout and Pack Troup 252. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed by the Steilacoom High School Advanced Women's Choir. The prayer was offered by Reverend Katsuya Kusunoki, Seattle Betsuin Buddhist Temple, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4673, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the United States military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese-American residents of Washington State; and

WHEREAS, The first civilian evacuation order gave Japanese-Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and report to hastily constructed detention centers like Camp Harmony on the grounds of the Washington State fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by

Japanese-Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese-Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

WHEREAS, Equally loyal and patriotic Japanese-Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional commission on wartime relocation and internment of civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined the cause of the incarceration as "racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Through this travesty of justice, Japanese-Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1979, Washington State Congressman Mike Lowry introduced H.R. 5977 to provide reparations and an apology to the Japanese-American incarcerated, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the seventy-sixth anniversary of the signing of

Executive Order 9066; to recognize and remember Japanese-American veterans, incarcerated, and civil rights activists from the State of Washington, and to honor the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service-Northwest Association, Densho, the Japanese-American Citizens League, the Japanese Cultural and Community Center of Washington State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Santos moved adoption of HOUSE RESOLUTION NO. 4673

Representatives Santos, Johnson, Stonier, Graves and Stambaugh spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4673 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Shig Tanagi, World War II Veteran and Takeshi Murasawa, Senior Consul from the Japanese Consulate in Seattle, and asked the members to acknowledge them.

The Speaker (Representative Lovick presiding) also recognized members of the Japanese American Citizen League representing the Olympia, Seattle and Puyallup chapters, led by Olympia Chapter President Bob Nakamura and the Seattle Chapter President Joseph Lachman; members of the Nisei Veteran's Committee led by Commander Brian Takeuchi; members of Keiro Northwest Commission on Asian Pacific American Affairs; and members of the Japanese Cultural and Community Center of Washington and asked the members to acknowledge them.

The Speaker (Representative Lovick presiding) recognized Washington State Supreme Court Justice Steven Gonzalez, Superintendent of Public Instruction Chris Reykdal, Senator Karen Fraser, Deputy Mayor of the City of Fife Bryan Yambe and Council Member of the City of Federal Way Jesse Johnson, and asked members to acknowledge them.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4674, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos,

Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Originally established in 1855 to celebrate George Washington's birthday, the United States celebrates Presidents' Day on the third Monday of February; and

WHEREAS, Washington is the only state named after a president, the first president of the United States, George Washington; and

WHEREAS, George Washington led the Continental Army against the larger and more powerful British army, triumphed in the face of adversity, and thus established the United States of America on the principle of freedom for all; and

WHEREAS, President Abraham Lincoln led the United States of America through the Civil War, and ended slavery by signing the Emancipation Proclamation; and

WHEREAS, The framers crafted this nation and our Constitution to protect the freedoms and liberties of all its citizens, and establish a democratic republic that exemplifies leadership and justice, with a president operating under the rule of law with the consent of the governed instead of a king with unlimited power; and

WHEREAS, The United States was created as a beacon of hope and refuge from tyrannical governments by providing liberty to people of all cultures; and

WHEREAS, The Presidents of the United States exemplify fair-mindedness, determination, and the ability to unite a diverse Congress to pass legislation benefiting every citizen of the United States; and

WHEREAS, No Presidents' Day would be accurately celebrated without recognizing the strengths and successes of the First Ladies of the United States; and

WHEREAS, The First Ladies of the United States are role models to all generations of Americans, and consistently prove to be advocates of equality, even during times of despair; and

WHEREAS, The Presidents of the United States and the First Ladies are protectors of justice for all citizens of the United States; and

WHEREAS, Presidents' Day honors all of those who have and who will sacrifice to lead and protect the United States;

NOW, THEREFORE, BE IT RESOLVED, That on this nineteenth day of February 2018, the House of Representatives of the State of Washington honor George Washington, Abraham Lincoln, and all other presidents for their contributions to the causes of liberty, equality, and the pursuit of happiness.

Representative Pettigrew moved adoption of HOUSE RESOLUTION NO. 4674.

Representatives Pettigrew and Graves spoke in favor of the adoption of the resolution.

February 15, 2018

HOUSE RESOLUTION NO. 4674 was adopted.

SPEAKER’S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Danny Glover, here on behalf of the Charles Rolland African American Legislative Day, and asked the members to acknowledge him.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

E2SSB 6029 by Senate Committee on Ways & Means (originally sponsored by Senators Liias, Ranker, Fain, Frockt, Billig, Darneille, Palumbo, Rolfes, Keiser, Cleveland, Pedersen, Hunt, Wellman, Conway, Chase, Saldaña, Kuderer, Hasegawa and Mullet)

AN ACT Relating to establishing a student loan bill of rights; amending RCW 28B.10.285, 43.320.110, 31.04.027, 31.04.035, 31.04.093, 31.04.102, 31.04.145, 31.04.165, 31.04.277, and 31.04.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 28B.77 RCW; adding new sections to chapter 31.04 RCW; and creating new sections.

Referred to Committee on Higher Education.

E2SSB 6362 by Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Rolfes and Billig)

AN ACT Relating to modifying basic education funding provisions; amending RCW 28A.150.260, 28A.150.390, 28A.165.055, 28A.320.330, 28A.150.412, 28A.400.006, 28A.400.200, 28A.400.205, 41.05.740, 41.56.800, 41.59.800, 28A.150.276, 28A.320.330, 28A.500.015, 84.52.053, 84.52.0531, 28A.150.392, 28A.150.415, 28A.505.240, 28A.710.280, 28A.715.040, and 43.09.2856; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 84.52 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day’s introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; McCaslin and Volz.

Referred to Committee on Appropriations.

February 15, 2018

SB 6059 Prime Sponsor, Senator Angel: Addressing the insurer corporate governance annual disclosure model act. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

February 15, 2018

SB 6073 Prime Sponsor, Senator Takko: Adjusting assessments levied on hardwood processors. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Kretz; Lytton; Orcutt; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 15, 2018

SSB 6133 Prime Sponsor, Committee on Early Learning & K-12 Education: Expanding statewide career and technical education course equivalency options. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary; Valdez and Volz.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection the following bills were returned to the Committee on Rules:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046
HOUSE BILL NO. 1182
HOUSE BILL NO. 1263
SUBSTITUTE HOUSE BILL NO. 1291
HOUSE BILL NO. 1469
HOUSE BILL NO. 1483
HOUSE BILL NO. 1487
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514
HOUSE BILL NO. 1567
HOUSE BILL NO. 1590
HOUSE BILL NO. 1603
HOUSE BILL NO. 1669
HOUSE BILL NO. 1679
HOUSE BILL NO. 1740
SECOND SUBSTITUTE HOUSE BILL NO. 1789
HOUSE BILL NO. 1800
HOUSE BILL NO. 1855
HOUSE BILL NO. 1860
ENGROSSED HOUSE BILL NO. 1958
HOUSE BILL NO. 2137
HOUSE BILL NO. 2214
HOUSE BILL NO. 2253
HOUSE BILL NO. 2258
HOUSE BILL NO. 2262
HOUSE BILL NO. 2263
HOUSE BILL NO. 2271
HOUSE BILL NO. 2278
HOUSE BILL NO. 2280
HOUSE BILL NO. 2292
HOUSE BILL NO. 2297
HOUSE BILL NO. 2314
HOUSE BILL NO. 2319
HOUSE BILL NO. 2331
HOUSE BILL NO. 2336
HOUSE BILL NO. 2355
HOUSE BILL NO. 2364
HOUSE BILL NO. 2369
HOUSE BILL NO. 2372
HOUSE BILL NO. 2373
HOUSE BILL NO. 2391

HOUSE BILL NO. 2402
HOUSE BILL NO. 2413
HOUSE BILL NO. 2436
HOUSE BILL NO. 2449
HOUSE BILL NO. 2475
HOUSE BILL NO. 2476
HOUSE BILL NO. 2485
HOUSE BILL NO. 2486
HOUSE BILL NO. 2487
HOUSE BILL NO. 2497
HOUSE BILL NO. 2502
HOUSE BILL NO. 2507
HOUSE BILL NO. 2510
HOUSE BILL NO. 2512
HOUSE BILL NO. 2542
HOUSE BILL NO. 2544
HOUSE BILL NO. 2545
HOUSE BILL NO. 2553
HOUSE BILL NO. 2554
HOUSE BILL NO. 2555
HOUSE BILL NO. 2568
HOUSE BILL NO. 2587
HOUSE BILL NO. 2592
HOUSE BILL NO. 2605
HOUSE BILL NO. 2606
HOUSE BILL NO. 2609
HOUSE BILL NO. 2314
HOUSE BILL NO. 2624
HOUSE BILL NO. 2633
HOUSE BILL NO. 2635
HOUSE BILL NO. 2640
HOUSE BILL NO. 2643
HOUSE BILL NO. 2644
HOUSE BILL NO. 2646
HOUSE BILL NO. 2674
HOUSE BILL NO. 2675
HOUSE BILL NO. 2679
HOUSE BILL NO. 2681
HOUSE BILL NO. 2690
HOUSE BILL NO. 2693
HOUSE BILL NO. 2715
HOUSE BILL NO. 2724
HOUSE BILL NO. 2741
HOUSE BILL NO. 2742
HOUSE BILL NO. 2776
HOUSE BILL NO. 2787
HOUSE BILL NO. 2791
HOUSE BILL NO. 2793
HOUSE BILL NO. 2799
HOUSE BILL NO. 2814
HOUSE BILL NO. 2829
HOUSE BILL NO. 2831
HOUSE BILL NO. 2838
HOUSE BILL NO. 2852
HOUSE BILL NO. 2864
HOUSE BILL NO. 2895
HOUSE BILL NO. 2900
HOUSE BILL NO. 2903
HOUSE BILL NO. 2907
HOUSE BILL NO. 2925
HOUSE BILL NO. 2931
HOUSE BILL NO. 2944

HOUSE BILL NO. 2952
 HOUSE BILL NO. 2963
 HOUSE BILL NO. 2974
 HOUSE BILL NO. 2983
 HOUSE JOINT RESOLUTION NO. 4210

There being no objection, the Committee on Early Learning & Human Services was relieved of SENATE BILL NO. 6223, and the bill was referred to the Committee on Education.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2816, by Representatives Senn, Dent, Kagi, Muri and Appleton

Transferring the working connections and seasonal child care programs to the department of children, youth, and families.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Hayes, Representatives McDonald and Pike were excused.

On motion of Representative Riccelli, Representative Morris was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2816.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2816, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier,

Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.
 Excused: Representatives McDonald, Morris and Pike.

HOUSE BILL NO. 2816, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

January 31, 2018

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that thoughtful and evidence-based school food programs are associated with improved outcomes for students, including reductions in tardiness, absenteeism, suspensions, and reported illnesses and visits to nurses' offices. The legislature further finds that thoughtful and evidence-based school food programs are also associated with improved student results on standardized tests and improved graduation rates.

(2) The legislature acknowledges that existing school-related farm programs play an important role in helping students to better understand the relationships between academics, food, farming, and good health.

(3) The legislature finds that the purpose of sections 1 through 7 of this act is to achieve the public policy benefits specified in subsection (1) of this section: Improved student outcomes. To do so, the legislature intends to:

(a) Expand opportunities for students to have a healthy breakfast by requiring schools with large populations of qualifying low-income students to offer breakfast after the bell programs, a program model that has increased breakfast participation rates in other states; and

(b) Increase support for school-related farm programs that have proven successful in supporting students

through policies that, among other benefits, promote student health and readiness through healthy local foods and school garden projects; and

(c) Conduct an analysis of breakfast after the bell programs established in accordance with section 3 of this act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 4 of this act unless the context clearly requires otherwise.

(1) "Breakfast after the bell" means a breakfast that is offered to students after the beginning of the school day. Examples of breakfast after the bell models include, but are not limited to:

(a) "Grab and go," where easy-to-eat breakfast foods are available for students to take at the start of the school day or in between morning classes;

(b) "Second chance breakfast," where breakfast foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and

(c) "Breakfast in the classroom," where breakfast is served in the classroom, often during homeroom or first period.

(2) "Eligible for free or reduced-price meals" means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

(3) "High-needs school" means any public school: (a) That has enrollment of seventy percent or more students eligible for free or reduced-price meals in the prior school year; or (b) that is using provision two of the national school lunch act or the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 to provide universal meals and that has a claiming percentage for free or reduced-price meals of seventy percent or more.

(4) "Public school" has the same meaning as provided in RCW 28A.150.010.

(5) "School breakfast program" means a program meeting federal requirements under 42 U.S.C. Sec. 1773.

(6) "School lunch program" means a program meeting federal requirements under 42 U.S.C. Sec. 1751.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) (a) In accordance with section 6 of this act and except as provided in subsection (2) of this section, beginning in the 2019-20 school year, each high-needs school shall offer breakfast after the bell to each student and provide adequate time for students to consume the offered food.

(b) Public schools that are not obligated by this section to offer breakfast after the bell are encouraged to do so. Nothing in this section is intended to prevent a high-needs school from implementing a breakfast after the bell program before the 2019-20 school year.

(2) High-needs schools with at least seventy percent of free or reduced-price eligible children participating in both school lunch and school breakfast are exempt from the provisions of subsection (1) of this section. The office of the superintendent of public instruction shall evaluate individual participation rates annually, and make the participation rates publicly available.

(3) Each high-needs school may determine the breakfast after the bell service model that best suits its students. Service models include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast.

(4) All breakfasts served in a breakfast after the bell program must comply with federal meal patterns and nutrition standards for school breakfast programs under the federal healthy, hunger-free kids act of 2010, (P.L. 111-296) and any federal regulations implementing that act. By December 1, 2018, and as needed thereafter, the office of the superintendent of public instruction must develop and distribute best practices and provide technical assistance to school districts on strategies for selecting food items that are low in added sugar. When choosing foods to serve in a breakfast after the bell program, schools must give

preference to foods that are healthful and fresh, and if feasible, give preference to Washington-grown food.

(5) Subject to the availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall administer one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under this section. Grant funds provided under this section must be used for the costs associated with launching a breakfast after the bell program, including but not limited to equipment purchases, training, additional staff costs, and janitorial services.

(6) The legislature does not intend to include the breakfast after the bell programs under this section, including the provision of breakfast, within the definition or funding of the program of basic education under Article IX of the state Constitution.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) Before January 2, 2019, the office of the superintendent of public instruction shall develop and distribute procedures and guidelines for the implementation of section 3 of this act that comply with federal regulations governing the school breakfast program. The guidelines and procedures must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of breakfast after the bell programs. The guidelines and procedures must also include recommendations and best practices for designing, implementing, and operating breakfast after the bell programs that are based upon the implementation and operational experiences of schools of differing sizes and in different geographic regions of the state that have implemented breakfast after the bell programs.

(2) The office of the superintendent of public instruction shall offer training and technical and marketing assistance to all public schools and school districts related to offering breakfast after the bell, including assistance with various funding options available to high-needs schools such as the community eligibility provision under 42 U.S.C. Sec. 1759a(a)(1),

programs under provision two of the national school lunch act, and claims for reimbursement under the school breakfast program.

(3) In accordance with this section, the office of the superintendent of public instruction shall collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to school breakfast. The office shall maintain a list of opportunities for philanthropic support of school breakfast programs and make the list available to schools interested in breakfast after the bell programs.

(4) The office of the superintendent of public instruction shall incorporate the annual collection of information about breakfast after the bell delivery models into existing data systems and make the information publicly available.

Sec. 5. RCW 28A.150.205 and 1992 c 141 s 502 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

(1) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(2)(a) If students are provided the opportunity to engage in educational activity that is part of the regular instructional program concurrently with the consumption of breakfast, the period of time designated for student participation in breakfast after the bell, as defined in section 2 of this act, must be considered instructional hours.

(b) Breakfast after the bell programs, as defined in section 2 of this act, including the provision of breakfast, are not considered part of the definition or funding of the program of basic education

under Article IX of the state Constitution.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.235 RCW to read as follows:

The office of the superintendent of public instruction, school districts, and affected schools shall implement sections 2 through 4, chapter . . . , Laws of 2018 (sections 2 through 4 of this act) only in years in which funding is specifically provided for the purposes of chapter . . . , Laws of 2018 (this act), referencing chapter . . . , Laws of 2018 (this act) by bill or chapter number or statutory references, in a biennial or supplemental operating budget.

Sec. 7. RCW 28A.235.150 and 1993 c 333 s 3 are each amended to read as follows:

(1)(a) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction may award grants to school districts to:

(i) Increase awareness of and participation in school breakfast and lunch programs(~~(7-10)~~), including breakfast after the bell programs;

(ii) Improve program quality(~~(7-10)~~), including the nutritional content of program food and the promotion of nutritious food choices by students;

(iii) Promote innovative school-based programs, including but not limited to developing gardens that provide produce used in school breakfast or lunch programs; and

(iv) Improve the equipment and facilities used in the programs.

(b) If applicable, school districts shall demonstrate that they have applied for applicable federal funds before applying for funds under this subsection.

(2) To the extent funds are appropriated for this specific purpose, the superintendent of public instruction shall increase the state support for school breakfasts and lunches, including breakfast after the bell programs.

(3) As used in this section, "breakfast after the bell" has the definition in section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

(2) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture must be a centralized connection point for schools and other institutions for accessing and sharing information, tools, ideas, and best practices for purchasing Washington-grown food.

(a) In accordance with this subsection (2), program staff from the department of agriculture may provide:

(i) Scale-appropriate information and resources to farms to help them respond to the growing demand for local and direct marketed products; and

(ii) Targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

(b) In accordance with this subsection (2), program staff from the department of agriculture may provide technical assistance to:

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

(iii) Support compliance with applicable federal, state, and local requirements; and

(iv) Support access and preparation efforts for competing in markets that are a good fit for their scale and products, including schools and public institutions, and direct-to-consumer

markets that include, but are not limited to, farmers' markets, local retailers, restaurants, value-added product developments, and agritourism opportunities.

(3) Subject to the availability of amounts appropriated for this specific purpose, the regional markets programs of the department of agriculture may support school districts in establishing or expanding farm-to-school initiatives by providing information and guidance to overcome barriers to purchasing Washington-grown food. In accordance with this subsection (3), regional markets program activities may include, but are not limited to:

- (a) Connecting schools and other institutions with farmers and distribution chains;
- (b) Overcoming seasonality constraints;
- (c) Providing budgeting assistance;
- (d) Navigating procurement requirements; and
- (e) Developing educational materials that can be used in cafeterias, classrooms, and in other educational environments.

(4) Subject to the availability of amounts appropriated for this specific purpose, school districts and other institutions may coordinate with the department of agriculture to promote and facilitate new and existing farm-to-school initiatives. School district representatives involved in these initiatives may include, but not limited to, school nutrition staff, purchasing staff, student representatives, and parent organizations.

(5) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may award grants to school districts to collaborate with community-based organizations, food banks, and farms or gardens for reducing high school dropout occurrences through farm engagement projects. Projects established by school districts that receive grants in accordance with this section must:

- (a) Primarily target low-income and disengaged youth who have dropped out or who are at risk of dropping out of high school; and

(b) Provide participating youth with opportunities for:

- (i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through farm or garden programs;
- (ii) Earning core and elective credits applied toward high school graduation, including but not limited to, science, health, and career and technical education credits;
- (iii) Receiving development support and services, including social and emotional learning, counseling, leadership training, and career and college guidance; and
- (iv) Improving food security for themselves and their community through the project.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct an analysis of breakfast after the bell programs established in schools in accordance with section 3 of this act. The analysis of the schools establishing breakfast after the bell programs shall include a review of any changes in student:

- (a) Tardiness and absenteeism;
- (b) Suspensions;
- (c) Reported illnesses and visits to nurses' offices;
- (d) Results on standardized tests; and
- (e) Graduation rates.

(2) The analysis shall also include a review of the outcomes of similar programs or efforts in other states.

(3) The office of the superintendent of public instruction and the education and research data center of the office of financial management shall assist in providing any data required to conduct the analysis. The analysis, including any findings and recommendations, must be completed and submitted to the superintendent of public instruction and, in accordance with RCW 43.01.036, the education committees of the house of representatives and the senate by December 1, 2026.

NEW SECTION. Sec. 10. Sections 3, 4, and 6 of this act expire June 30, 2028.

NEW SECTION. Sec. 11. This act may be known and cited as the Washington kids ready to learn act of 2018."

2ESHB 1508 - S COMM AMD

By Committee on Ways & Means

ADOPTED 01/31/2018

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.150.205 and 28A.235.150; adding new sections to chapter 28A.235 RCW; creating new sections; and providing an expiration date."

EFFECT: Clarifies that breakfast after the bell programs, including the provision of breakfast, is not intended to be included within the definition or funding of the program of basic education under Article IX of the state Constitution.

Includes this language within the definition of instructional hours.

Removes the requirement that breakfast items served in a breakfast after the bell program contain less than 25 percent, by weight, added sugar.

Requires the Office of the Superintendent of Public Instruction to develop and distribute best practices and provide technical assistance on strategies for selecting food items that are low in added sugar by December 1, 2018.

Removes the word "organic" to describe gardens, which is a type of innovative school-based program that may receive a grant.

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Stonier and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1508, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1508, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dent, Dye, Kraft, McCaslin, Orcutt, Shea, Taylor and Vick.

Excused: Representatives McDonald, Morris and Pike.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Engrossed Substitute House Bill No. 1508.

Representative Klippert, 8th District

MESSAGE FROM THE SENATE

January 25, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1723 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.32 RCW to read as follows:

(1) The definitions in this section apply throughout this section.

(a) "Hanford nuclear site" and "Hanford site" and "site" means the approximately five hundred sixty square miles in southeastern Washington state,

excluding leased land, state-owned lands, and lands owned by the Bonneville Power Administration, which is owned by the United States and which is commonly known as the Hanford reservation.

(b) "United States department of energy Hanford site workers" and "Hanford site worker" means any person, including a contractor or subcontractor, who was engaged in the performance of work, either directly or indirectly, for the United States, regarding projects and contracts at the Hanford nuclear site and who worked on the site at the two hundred east, two hundred west, three hundred area, environmental restoration disposal facility site, central plateau, or the river corridor locations for at least one eight-hour shift while covered under this title.

(2) (a) For United States department of energy Hanford site workers, as defined in this section, who are covered under this title, there exists a prima facie presumption that the diseases and conditions listed in subsection (3) of this section are occupational diseases under RCW 51.08.140.

(b) This presumption of occupational disease may be rebutted by clear and convincing evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(3) The prima facie presumption applies to the following:

(a) Respiratory disease;

(b) Any heart problems, experienced within seventy-two hours of exposure to fumes, toxic substances, or chemicals at the site;

(c) Cancer, subject to subsection (4) of this section;

(d) Beryllium sensitization, and acute and chronic beryllium disease; and

(e) Neurological disease.

(4) (a) The presumption established for cancer only applies to any active or former United States department of energy Hanford site worker who has cancer that develops or manifests itself and who was given a qualifying medical examination upon becoming a United States department of energy Hanford site worker that showed no evidence of cancer.

(b) The presumption applies to the following cancers:

(i) Leukemia;

(ii) Primary or secondary lung cancer, including bronchi and trachea, sarcoma of the lung, other than in situ lung cancer that is discovered during or after a postmortem examination, but not including mesothelioma or pleura cancer;

(iii) Primary or secondary bone cancer, including the bone form of solitary plasmacytoma, myelodysplastic syndrome, myelofibrosis with myeloid metaplasia, essential thrombocytosis or essential thrombocythemia, primary polycythemia vera (also called polycythemia rubra vera, P. vera, primary polycythemia, proliferative polycythemia, spent-phase polycythemia, or primary erythremia);

(iv) Primary or secondary renal (kidney) cancer;

(v) Lymphomas, other than Hodgkin's disease;

(vi) Waldenstrom's macroglobulinemia and mycosis fungoides; and

(vii) Primary cancer of the: (A) Thyroid; (B) male or female breast; (C) esophagus; (D) stomach; (E) pharynx, including all three areas, oropharynx, nasopharynx, and hypopharynx and the larynx. The oropharynx includes base of tongue, soft palate and tonsils (the hypopharynx includes the pyriform sinus); (F) small intestine; (G) pancreas; (H) bile ducts, including ampulla of vater; (I) gall bladder; (J) salivary gland; (K) urinary bladder; (L) brain (malignancies only and not including intracranial endocrine glands and other parts of the central nervous system or borderline astrocytomas); (M) colon, including rectum and appendix; (N) ovary, including fallopian tubes if both organs are involved; and (O) liver, except if cirrhosis or hepatitis B is indicated.

(5) (a) The presumption established in this section extends to an applicable United States department of energy Hanford site worker following termination of service for the lifetime of that individual.

(b) A worker or the survivor of a worker who has died as a result of one of the conditions or diseases listed in subsection (3) of this section, and whose claim was denied by order of the

department, the board of industrial insurance appeals, or a court, can file a new claim for the same exposure and contended condition or disease.

(c) This section applies to decisions made after the effective date of this section, without regard to the date of last injurious exposure or claim filing.

(6) (a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim of benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the worker or his or her beneficiary by the opposing party.

(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of appeal, including attorneys' fees and witness fees, be paid to the worker or his or her beneficiary by the opposing party.

NEW SECTION. **Sec. 2.** A new section is added to chapter 51.32 RCW to read as follows:

(1) Five years after the effective date of this section, the department must submit a report to the appropriate labor committees of the legislature by December 1, 2023. The report must include the number of industrial insurance claims which included the presumption provided for in section 1(2) (a) of this act.

(2) This section expires December 1, 2024."

On page 1, line 3 of the title, after "site;" strike the remainder of the title and insert "adding new sections to chapter 51.32 RCW; and providing an expiration date."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1723 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

Representatives Haler and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1723, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1723, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hayes, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Dent, Dye, Hargrove, Harris, Holy, Irwin, Kretz, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Schmick, Shea, Stokesbary, Taylor, Vick, Volz and Wilcox.

Excused: Representatives McDonald, Morris and Pike.

SUBSTITUTE HOUSE BILL NO. 1723, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., February 20, 2018, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 20, 2018

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4675, by Representative Chandler

WHEREAS, The earliest documented proof of Filipino presence in the continental United States was on October 18, 1587, and they have contributed to the cultural, economic, social, and political life of the state of Washington, the Pacific Northwest, and the entire country; and

WHEREAS, The United States Congress, in 2016, passed the Filipino Veterans of World War II Congressional Gold Medal Act of 2015, now enshrined as Public Law 114-265; and

WHEREAS, On October 25, 2017, the United States Congress held a national celebration in Washington, D.C., where for the first time, they recognized the service and sacrifice of Filipino and American veterans of World War II who fought under active status in the Far East, and awarded the United States Congressional Gold Medal to the veterans or their surviving families; and

WHEREAS, The Congressional Gold Medal is one of the highest civilian awards bestowed by the United States, and represents a public expression of the U.S. Congress' gratitude on behalf of the nation for the distinguished contributions of 260,000 Filipino soldiers and guerrillas during World War II in the Philippines; and

WHEREAS, The recognition and celebration of these Filipino and American heroes is continuing, defined by the work of the Filipino Veterans Recognition and Education Project Region 8, the Washington State Department of Veterans Affairs, the Washington State Commission on Asian Pacific American Affairs, other Filipino American organizations, and others, in awarding the Gold Medals to eligible veterans; and

WHEREAS, The Filipino Veterans Recognition and Education Project Region 8 has set ceremonies in Olympia on April 14, 2018, and in Renton on April 15, 2018, to recognize Filipino and American Veterans of World War II for the states of Washington, Alaska, Idaho, and Oregon;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the recipients of the medal, honor and thank them for their service to our country

and encourage all Washingtonians to join in celebration of these American heroes.

There being no objection, HOUSE RESOLUTION NO. 4675 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4676, by Representative Orcutt

WHEREAS, Washington agriculture generates \$10.16 billion annually and is a cornerstone of the Washington State economy; and

WHEREAS, Washington FFA members' continuous efforts culminated in four chapters being named as national finalists in the National Chapter Awards Program, which recognizes the top ten chapters in the nation in four qualifying areas out of the eight thousand five hundred sixty-eight chapters nationwide; and

WHEREAS, Washington FFA members contribute to the nationally generated \$4.4 billion through Supervised Agricultural Experience programs, which are an extension of classroom instruction; and

WHEREAS, National FFA Week is celebrated annually nationwide during the week of George Washington's birthday, in celebration of his legacy as an agriculturalist, and to emphasize the importance of the foundation of agriculture to FFA members; and

WHEREAS, The FFA motto, "Learning to Do, Doing to Learn, Earning to Live, Living to Serve," gives direction and purpose to students who take an active role in succeeding in agricultural education; and

WHEREAS, FFA promotes citizenship, volunteerism, patriotism, and cooperation through approximately 482,000 service hours which equates to an economic impact of over \$10.9 million nationally; and

WHEREAS, Agricultural education and FFA ensure a steady supply of young professionals to meet the growing needs of science, business, and technology in the agricultural industry; and

WHEREAS, Agricultural education is the original science, technology, engineering, and math (STEM) education model, and agricultural education is celebrating 101 years as a result of the Smith-Hughes Act influencing more than 50,000 Washington students enrolled in agricultural education courses annually; and

WHEREAS, Washington FFA Week is recognized by approximately 11,000 members statewide;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Washington FFA members and their distinction in the agricultural field during the celebration of FFA Week, February 17th through 24th, 2018.

There being no objection, HOUSE RESOLUTION NO. 4676 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2993 by Representatives Sullivan and Lytton

AN ACT Relating to transferring nine hundred ninety-five million eight hundred two thousand dollars from the budget stabilization account to the state general fund to offset the revenue impact of reducing the combined rate for state property tax levies to 2.365 dollars per thousand dollars of assessed value for taxes levied for collection in calendar year 2019 and to two dollars and thirty cents per thousand dollars of assessed value for taxes levied for collection in calendar year 2020; and amending RCW 84.52.065 and 43.79.496.

Referred to Committee on Finance.

HB 2994 by Representative Kirby

AN ACT Relating to updating Washington's architect registration law to increase reciprocity and align the law with national standards; and amending RCW 18.08.350.

Referred to Committee on Business & Financial Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2018

E2SSB 5179 Prime Sponsor, Committee on Ways & Means: Requiring coverage for hearing instruments under public employee and medicaid programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or

osteopathic physician who specializes in otolaryngology"

On page 1, line 16, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 2, line 11, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 2, line 12, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier; Clibborn; DeBolt; Harris; Jinkins; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member Graves, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 16, 2018

SSB 5522 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that on February 12, 2014, the body of a newborn girl was found near the side of a road in North Bend, Washington, wrapped in a blanket. The newborn was less than half a mile away from Snoqualmie valley hospital, a location where infants can be safely and anonymously surrendered under Washington state's safety of newborn children law. The legislature further finds that while national estimates are that safe surrender laws across the country have saved well over one thousand infants in

the past decade, surprisingly little is known about how many abandonment incidents occur and how many could have been or have been prevented through safe surrender laws.

The legislature further finds that no newborn should be abandoned to die alone and hungry as its first and only exposure to the world, any life that can be saved under the safety of the newborn children law is worth saving, and understanding the characteristics of newborn abandonment and knowing when and where they occur is crucial for developing effective public awareness strategies to make caregivers aware of the state's safe surrender option. The legislature further finds that while existing state law requires persons receiving infants under the safety of newborn children law to notify child protective services, which is situated within the Washington state department of social and health services children's administration, within twenty-four hours, there is no statutory requirement for the department of social and health services to report data on surrendered newborns. The legislature therefore intends to require the department of social and health services to provide consistent tracking and regular public reporting of safe surrender information statewide and to regularly publish information on safe surrenders.

Sec. 2. RCW 13.34.360 and 2009 c 290 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means (i) the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation; (ii) a fire station during its hours of operation and while fire personnel are present; or (iii) a federally designated rural health clinic during its hours of operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means (i) any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital or federally designated rural health clinic and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs; or (ii) a firefighter, volunteer, or emergency

medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person at an appropriate location shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) The qualified person at an appropriate location shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the qualified person such information as the parent knows about the family medical history of the parents and the newborn. The qualified person at an appropriate location shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this section, the qualified person shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification.

(d) A federally designated rural health clinic is not required to provide ongoing medical care of a transferred newborn beyond that already required by law and may transfer the newborn to a hospital licensed under chapter 70.41 RCW. The federally designated rural health clinic shall notify child protective services of the transfer of the newborn to the hospital.

(e) A hospital, federally designated rural health clinic, or fire station, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

(4) (a) Beginning July 1, 2011, an appropriate location shall post a sign indicating that the location is an appropriate place for the safe and legal transfer of a newborn.

(b) To cover the costs of acquiring and placing signs, appropriate locations may accept nonpublic funds and donations.

(5) The department shall collect and compile information concerning the number of newborns transferred under this section after the effective date of this section. The department shall report its findings to the public annually, which may be on its web site, beginning July 31, 2018."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 15, 2018

SSB 5553 Prime Sponsor, Committee on Law & Justice: Preventing suicide by permitting the voluntary waiver of firearm rights. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.41 RCW to read as follows:

(1) A person may file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide an alternate person to be contacted if a voluntary waiver of firearm rights is revoked. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of

firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any contact person listed on the voluntary waiver of firearm rights and destroy all records of the voluntary waiver. Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

(3) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

(4) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

(5) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

(6) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) The administrator for the courts, under the direction of the chief justice,

shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts web site, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

Sec. 3. RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended to read as follows:

No person may deliver a firearm to any person whom he or she has reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under section 1 of this act. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

Sec. 4. RCW 9.41.092 and 2015 c 1 s 4 are each amended to read as follows:

Except as otherwise provided in this chapter, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

(1) The results of all required background checks are known and the purchaser or transferee (a) is not prohibited from owning or possessing a firearm under federal or state law and (b) does not have a voluntary waiver of firearm rights currently in effect; or

(2) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the

purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.

NEW SECTION. Sec. 5. Sections 1, 3, and 4 of this act take effect January 1, 2019."

Correct the title.

Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Shea.

Referred to Committee on Rules for second reading.

February 16, 2018

SSB 5683 Prime Sponsor, Committee on Ways & Means: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The compact of free association (COFA) islands, which consists of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, has had a long-standing relationship with the United States;

(b) The relationship between the COFA islands and the United States includes economic development and a military presence in the islands;

(c) The region served as a testing ground for atmospheric nuclear weapons between 1946 and 1957, which resulted in past and current inhabitants being exposed to nuclear fallout;

(d) Residents of the COFA islands are allowed to enter the United States without work permits or visas where they live, study, work, serve in the military, and pay state and federal taxes, but are

ineligible for federal health programs like medicaid and medicare; and

(e) This ineligibility for federal health programs has exacerbated barriers to health care access for this population, which has led to poorer health outcomes and increased, long-term costs on the health care system as a whole.

(2) The legislature therefore intends to increase access to health care services for COFA islanders residing in Washington by providing premium and cost-sharing assistance for health coverage purchased through the health benefit exchange.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advance premium tax credit" means the premium assistance amount determined in accordance with the affordable care act.

(2) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(3) "Authority" means the Washington state health care authority.

(4) "COFA citizen" means a person who is a citizen of:

(a) The Republic of the Marshall Islands;

(b) The Federated States of Micronesia; or

(c) The Republic of Palau.

(5) "Health benefit exchange" or "exchange" means the Washington health benefit exchange established in chapter 43.71 RCW.

(6) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(7) "In-network provider" means a health care provider or group of providers that directly contracts with an insurer to provide health benefits

covered by a health benefit plan offered by an insurer.

(8) "Open enrollment period" means the period during which a person may enroll in a qualified health plan.

(9) "Out-of-pocket costs" means copayments, coinsurance, deductibles, and other cost-sharing requirements imposed under a qualified health plan for services, pharmaceuticals, devices, and other health benefits that are covered by the plan and rendered by in-network providers.

(10) "Premium cost" means an individual's premium for a qualified health plan less the amount of the individual's advance premium tax credit.

(11) "Qualified health plan" means a health benefit plan sold through the health benefit exchange.

(12) "Resident" means a person who is domiciled in this state.

(13) "Special enrollment period" means a period during which a person who has not done so during the open enrollment period may enroll in a qualified health plan through the exchange if the person meets specified requirements.

NEW SECTION. Sec. 3. (1) An individual is eligible for the COFA premium assistance program if the individual:

(a) Is a resident;

(b) Is a COFA citizen;

(c) Enrolls in a silver qualified health plan;

(d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and

(e) Is ineligible for a federal or state medical program.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall pay the premium cost for a qualified health plan and the out-of-pocket costs for the coverage provided by the plan for an individual who is eligible for the premium assistance program under subsection (1) of this section.

(3) The authority may disqualify a participant from the program if the participant:

(a) No longer meets the eligibility criteria in subsection (1) of this section;

(b) Fails, without good cause, to comply with procedural or documentation requirements established by the authority in accordance with subsection (4) of this section;

(c) Fails, without good cause, to notify the authority of a change of address in a timely manner;

(d) Withdraws the participant's application or requests termination of coverage; or

(e) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(4) The authority shall establish:

(a) Application, enrollment, and renewal processes for the COFA premium assistance program;

(b) The qualified health plans that are eligible for reimbursement under the program;

(c) Procedural requirements for continued participation in the program, including participant documentation requirements that are necessary for the authority to administer the program;

(d) Open enrollment periods and special enrollment periods consistent with the enrollment periods for the health insurance exchange; and

(e) A comprehensive community education and outreach campaign, working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the program. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities.

(5) The community education and outreach campaign conducted by the authority must begin no later than September 1, 2018.

(6) The first open enrollment period for the COFA premium assistance program

must begin no later than November 1, 2018.

NEW SECTION. **Sec. 4.** The authority shall appoint an advisory committee that includes, but is not limited to, insurers and representatives of communities of COFA citizens. The committee shall advise the authority in the development, implementation, and operation of the COFA premium assistance program established in this chapter. The advisory committee must exist until at least December 31, 2019. Subject to the availability of amounts appropriated for this specific purpose, advisory committee members may be reimbursed for transportation and travel expenses related to serving on the committee, as needed.

NEW SECTION. **Sec. 5.** No later than December 31, 2019, the authority shall report to the governor and the legislature on the implementation of the COFA premium assistance program established under this chapter including, but not limited to:

(1) The number of individuals participating in the program;

(2) The actual costs of the program compared to predicted costs;

(3) The results of the community education and outreach campaign; and

(4) Funding needed to continue the program through the end of the biennium.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; DeBolt; Harris; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier and Maycumber.

Referred to Committee on Appropriations.

February 16, 2018

SB 5722 Prime Sponsor, Senator Liias: Restricting the practice of conversion therapy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Maycumber.

Referred to Committee on Rules for second reading.

February 16, 2018

SB 5912 Prime Sponsor, Senator Kuderer: Concerning insurance coverage of tomosynthesis or three-dimensional mammography. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 15, 2018

ESB 5992 Prime Sponsor, Senator Van De Wege: Concerning trigger modification devices. (REVISED FOR ENGROSSED: Concerning bump-fire stocks.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Klippert and Shea.

Referred to Committee on Rules for second reading.

February 15, 2018

ESSB 6002 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Enacting the Washington voting rights act of 2018. Reported by Committee on State

Government, Elections & Information Technology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I - GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** This act may be known and cited as the Washington voting rights act of 2018.

NEW SECTION. **Sec. 102.** The legislature finds that electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice are inconsistent with the right to free and equal elections as provided by Article I, section 19 and Article VI, section 1 of the Washington state Constitution as well as protections found in the fourteenth and fifteenth amendments to the United States Constitution. The well-established principle of "one person, one vote" and the prohibition on vote dilution have been consistently upheld in federal and state courts for more than fifty years.

The legislature also finds that local government subdivisions are often prohibited from addressing these challenges because of Washington laws that narrowly prescribe the methods by which they may elect members of their legislative bodies. The legislature finds that in some cases, this has resulted in an improper dilution of voting power for these minority groups. The legislature intends to modify existing prohibitions in state laws so that these jurisdictions may voluntarily adopt changes on their own, in collaboration with affected community members, to remedy potential electoral issues so that minority groups have an equal opportunity to elect candidates of their choice or influence the outcome of an election.

The legislature intends for this act to be consistent with federal protections that may provide a similar remedy for minority groups. Remedies shall also be available where the drawing of crossover and coalition districts is able to address both vote dilution and racial polarization.

The legislature also intends for this act to be consistent with legal precedent

from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn. App. 165, 1997) that found that noncharter counties need not adhere to a single uniform county system of government, but that each county have the same "authority available" in order to be deemed uniform.

NEW SECTION. **Sec. 103.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance.

(1) "At-large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at-large with district-based elections.

(2) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(3) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

(4) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

(5) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal

voting rights act, 52 U.S.C. 10301 et seq.

NEW SECTION. **Sec. 104.** As provided in section 302 of this act, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes.

PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES

NEW SECTION. **Sec. 201.** (1) A political subdivision that conducts an election pursuant to state, county, or local law, is authorized to change its electoral system, including, but not limited to, implementing a district-based election system, to remedy a potential violation of section 104 of this act.

(2) If a political subdivision invokes its authority under this section to implement a district-based election system, the districts shall be drawn in a manner consistent with section 202 of this act.

NEW SECTION. **Sec. 202.** (1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of section 104 of this act. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community"

means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under this section and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under this section and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system, the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than eight months after its receipt of federal decennial census

data, the governing body of the political subdivision that had previously invoked its authority under this section to implement a district-based election system, or that was previously charged with redistricting under section 403 of this act, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this act.

NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.343 RCW to read as follows:

The school board of directors may authorize a change to its electoral system pursuant to section 201 of this act. Any staggering of directors' terms shall be accomplished as provided in RCW 28A.343.030 and 28A.343.600 through 28A.343.650.

Sec. 204. RCW 36.32.020 and 1982 c 226 s 4 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act. Except where necessary to comply with a court order issued pursuant to section 403 of this act, and except in the case of an intervening census, the lines of the districts shall not be changed ((~~often~~)) more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

Sec. 205. RCW 36.32.040 and 1982 c 226 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW 36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects.

(3) The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 206. A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of a city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 207. A new section is added to chapter 35A.21 RCW to read as follows:

The legislative authority of a code city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 208. A new section is added to chapter 52.14 RCW to read as follows:

The board of fire commissioners of a fire protection district may authorize a change to its electoral system pursuant to section 201 of this act by majority vote.

NEW SECTION. Sec. 209. A new section is added to chapter 53.12 RCW to read as follows:

The port commission may authorize a change to its electoral system pursuant to section 201 of this act.

Sec. 210. RCW 54.12.010 and 2004 c 113 s 1 are each amended to read as follows:

A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. of County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

(1) If the public utility district is countywide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change is made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county legislative authority districts.

(2) If the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or if the public utility district is countywide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, each with approximately equal population and following precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, subject to appropriate change by the county legislative authority if and when it changes the boundaries of the proposed public utility district. One commissioner shall be elected as a commissioner of each of the public utility district commissioner districts.

(3) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district. Only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person

as a commissioner of the commissioner district.

(4) The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW ((29A.20.040)) 29A.60.280 following the commissioner's election. All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW ((29A.20.040)) 29A.60.280.

(5) A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission. Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

(6) The boundaries of the public utility district commissioner districts may be changed only by the public utility district commission or by a court order issued pursuant to section 403 of this act, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29A.76 RCW. Except as provided in this section ((or)), section 403 of this act, RCW 54.04.039, or in the case of an intervening census, the boundaries shall not be changed ((oftener)) more often than once in four years. Boundaries may only be changed when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the boundaries of the public utility commissioner districts shall be changed to include the additional or exclude the withdrawn territory. Unless the boundaries are changed pursuant to RCW 54.04.039, the proposed change of the boundaries of the public utility district commissioner district must be made by resolution and after public hearing. Notice of the time of the public hearing shall be published for two weeks before the hearing. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit the proposed change of boundaries

to the voters of the public utility district for their approval or rejection. The petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of the petition is governed by the provisions of chapter 54.08 RCW.

PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES

NEW SECTION. **Sec. 301.** (1) A voter who resides in the political subdivision who intends to challenge a political subdivision's electoral system under this act shall first notify the political subdivision. The political subdivision shall promptly make such notice public.

(2) The notice provided shall identify and provide contact information for the person or persons who intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of section 302 of this act.

NEW SECTION. **Sec. 302.** (1) A political subdivision is in violation of this act when it is shown that:

(a) Elections in the political subdivision exhibit polarized voting; and

(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

(2) The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this act, but may be a factor in determining a remedy. The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts.

(3) In determining whether there is polarized voting under this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections,

elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. Elections conducted prior to the filing of an action pursuant to this act are more probative to establish the existence of racially polarized voting than elections conducted after the filing of an action.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this act shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.

(5) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.

(6) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this act.

NEW SECTION. Sec. 303. (1) The political subdivision shall work in good faith with the person providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political

subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with section 104 of this act and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(4) In agreeing to adopt the person's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

NEW SECTION. Sec. 304. (1) Any person may file an action under this act if, one hundred eighty days after a political subdivision receives notice of a challenge to its electoral system under section 301 of this act, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with section 104 of this act. However, if notice is received after July 1, 2021, then the political subdivision shall have ninety days to obtain a court order before an action may be filed.

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account,

the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of section 104 of this act. The persons who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT

NEW SECTION. **Sec. 401.** (1) After exhaustion of the time period in section 304 of this act, any voter who resides in a political subdivision where a violation of section 104 of this act is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) Members of different protected classes may file an action jointly pursuant to this act if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate.

NEW SECTION. **Sec. 402.** (1) In an action filed pursuant to this act, the trial court shall set a trial to be held no later than one year after the filing

of a complaint, and shall set a discovery and motions calendar accordingly.

(2) For purposes of any applicable statute of limitations, a cause of action under this act arises every time there is an election for any members of the governing body of the political subdivision.

(3) The plaintiff's constitutional right to the secrecy of the plaintiff's vote is preserved and is not waived by the filing of an action pursuant to this act, and the filing is not subject to discovery or disclosure.

(4) In seeking a temporary restraining order or a preliminary injunction, a plaintiff shall not be required to post a bond or any other security in order to secure such equitable relief.

(5) No notice may be submitted to any political subdivision pursuant to this act before July 19, 2018.

NEW SECTION. **Sec. 403.** (1) The court may order appropriate remedies including, but not limited to, the imposition of a district-based election system. The court may order the affected jurisdiction to draw or redraw district boundaries or appoint an individual or panel to draw or redraw district lines. The proposed districts must be approved by the court prior to their implementation.

(2) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.

(3) In tailoring a remedy after a finding of a violation of section 104 of this act:

(a) If the court's order providing a remedy or approving proposed districts,

whichever is later, is issued during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.

(b) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices.

NEW SECTION. Sec. 404. (1) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its electoral system after an action is filed that is approved by a court pursuant to section 303 of this act or implemented a court-ordered remedy pursuant to section 403 of this act for four years after adoption of the remedy if the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(2) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its electoral system in the previous decade before the effective date of this section as a result of a claim under the federal voting rights act until after the political subdivision completes redistricting pursuant to RCW 29A.76.010 for the 2020 decennial census.

NEW SECTION. Sec. 405. (1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW

4.84.010, and all reasonable expert witness fees. No fees or costs may be awarded if no action is filed.

(2) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.

PART V - MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 501. The provisions of parts I, III, and IV of this act are not applicable to cities and towns with populations under one thousand or to school districts with K-12 full-time equivalent enrollments of less than two hundred fifty.

NEW SECTION. Sec. 502. A new section is added to chapter 29A.76 RCW to read as follows:

In any change to its electoral system under section 201 of this act or preparation of a subsequent redistricting plan, political subdivisions may use population data regarding political parties only to the extent necessary to ensure compliance with this act or federal law.

NEW SECTION. Sec. 503. This act supersedes other state laws and local ordinances to the extent that those state laws or ordinances would otherwise restrict a jurisdiction's ability to comply with this act.

NEW SECTION. Sec. 504. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 505. Sections 101 through 202, 301 through 501, and 503 of this act constitute a new chapter in Title 29A RCW."

Correct the title.

Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

February 15, 2018

SSB 6021 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Extending the period for voter registration.

Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

February 15, 2018

SB 6136 Prime Sponsor, Senator Rolfes: Removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Valdez and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and Stokesbary.

Referred to Committee on Rules for second reading.

February 16, 2018

SSB 6155 Prime Sponsor, Committee on Transportation: Concerning bone marrow donation information provided to driver's license and identicard applicants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 16, 2018

SSB 6219 Prime Sponsor, Committee on Health & Long Term Care: Concerning health plan coverage of reproductive health care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; DeBolt and Maycumber.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 16, 2018

ESSB 6257 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing early intervention services for eligible children. (REVISED FOR ENGROSSED: Developing a funding model for early intervention services for eligible children.) Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

February 16, 2018

SB 6580 Prime Sponsor, Senator Rolfes: Concerning human immunodeficiency virus (HIV) testing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Graves, Assistant Ranking Minority Member; Clibborn; DeBolt; Harris; Jinkins; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Caldier.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 10:00 a.m., February 21, 2018, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the IMF Bangor Color Guard comprised of Machinist's Mate Auxiliary 1st Class Michael Dayton, Electrician's Mate 1st Class Charles Rehall, Machinist's Mate 2nd Class Kevin Trinidad, Fire Control Technician 2nd Class Alan Holman, Electronics Technician 1st Class John Carriveaux and Hospital Corpsman 3rd Class Kershelle Garcia. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Chief Musician Evan Vis. The prayer was offered by Commander William Holiman, Chaplain, Navy Region Northwest, accompanied by the Navy Band Northwest Clarinet Trio comprised of Musician 1st Class Luke Cox, Musician 1st Class Alan Holland, and Musician 2nd Class Emily Zizza who performed the Navy Hymn "Eternal Father."

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4678, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Washington state has both a strong maritime heritage and a contemporary reliance on the sea; and

WHEREAS, The United States Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and whose power projection

House Chamber, Olympia, Wednesday, February 21, 2018

promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has been a presence in Puget Sound since before Washington statehood; and

WHEREAS, Navy installations provide careers and economic stability to tens of thousands of Washington state citizens; and

WHEREAS, Washington state Navy bases support two aircraft carriers, more than five surface ships, thirteen submarines, and 144 aircraft; and

WHEREAS, Washington state and the Pacific Northwest are home to 23,293 active duty Navy service members, 21,624 Navy civilian employees, 3,600 drilling Naval reservists, 42,000 Navy family members, and 99,191 Navy retirees; and

WHEREAS, Washington state based Navy personnel and assets regularly deploy around the world to deter aggression, relieve the distressed, and aid America's friends and allies; and

WHEREAS, Washington state Navy bases are consistently recognized for their leadership and innovation in environmental stewardship, community engagement, and quality of life; and

WHEREAS, Navy personnel routinely provide homeland security, disaster assistance, and rescue services to the citizens of Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate the Navy and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Representative Appleton moved adoption of HOUSE RESOLUTION NO. 4678.

Representatives Appleton and MacEwen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4678 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Captain Tom Zwolfer, Chief of Staff, Navy Region Northwest and asked the members to acknowledge him.

The Speaker also recognized a delegation of Navy leadership, including the commanding officers of all Puget

Sound naval bases and facilities and a number of Commander Chiefs and Assistants, and asked the members to acknowledge them.

The Speaker (Representative Lovick presiding) called upon Representative Appleton to preside.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2995 by Representatives Tarleton, Doglio and Pollet

AN ACT Relating to Washington's clean, affordable, and reliable energy future; amending RCW 19.285.030, 19.285.040, 19.285.060, 19.285.070, and 19.285.080; adding a new section to chapter 19.285 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.16 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2018

HB 2858 Prime Sponsor, Representative Johnson:
Allowing excess local infrastructure financing revenues to be carried forward.
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 20, 2018

SB 6085 Prime Sponsor, Senator Hasegawa:
Addressing the linked deposit program.
Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2653
SUBSTITUTE SENATE BILL NO. 5553
SENATE BILL NO. 5722
SENATE BILL NO. 5912
ENGROSSED SENATE BILL NO. 5992
ENGROSSED SUBSTITUTE SENATE BILL NO.
6002
SUBSTITUTE SENATE BILL NO. 6021
SENATE BILL NO. 6059
SUBSTITUTE SENATE BILL NO. 6133
SUBSTITUTE SENATE BILL NO. 6155

There being no objection, the House adjourned until 10:00 a.m., February 22, 2018, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Luke Rohrer and Lucinda Young. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Russell Korets, City on a Hill Church, Kenmore, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SECOND ENGROSSED SUBSTITUTE HOUSE
BILL NO. 1508
SUBSTITUTE HOUSE BILL NO. 1723

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2996 by Representatives Barkis, Goodman, Springer, Muri, Vick and Appleton

AN ACT Relating to civil actions alleging violation of the right to be free from discrimination because of the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; amending RCW 49.60.030; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

HB 2997 by Representatives Doglio, Tarleton, Appleton, Morris, Fitzgibbon and Pollet

AN ACT Relating to Washington's clean, affordable, and reliable energy future; adding new sections to chapter 19.285 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.16 RCW;

House Chamber, Olympia, Thursday, February 22, 2018

creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2018

HB 2967 Prime Sponsor, Representative Lytton: Assisting Washington families by improving the fairness of the state's tax system by enacting a capital gains tax and providing property tax relief. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Wilcox.

Referred to Committee on Rules for second reading.

February 19, 2018

HB 2992 Prime Sponsor, Representative Chapman: Modifying the business and occupation tax structure for rural manufacturers and timber and wood product manufacturers, extractors, and wholesalers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary and Wilcox.

Referred to Committee on Rules for second reading.

February 20, 2018

E4SSB 5251 Prime Sponsor, Committee on Ways & Means: Concerning tourism marketing. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND PURPOSE. (1) The legislature finds that the tourism industry is the fourth largest economic sector in the state of Washington and provides general economic benefit to the state. Since 2011 there have been minimal general funds committed to statewide tourism marketing and Washington is the only state without a state-funded tourism marketing program. Before 2011, the amount of funds appropriated to statewide tourism marketing was not significant and, in fact, Washington ranked forty-eighth in state tourism funding. Washington has significant attractions and activities for tourists, including many natural outdoor assets that draw visitors to mountains, waterways, parks, and open spaces. There should be a program to publicize these assets and activities to potential out-of-state visitors that is implemented in an expeditious manner by tourism professionals in the private sector.

(2) The purpose of this act is to establish the framework and funding for a statewide tourism marketing program. The program needs to have a structure that includes significant, stable, long-term funding, and it should be implemented and managed by the tourism industry. The source of funds should be from major sectors of the tourism industry with government assistance in collecting these funds and providing accountability for their expenditure. The dedicated sales tax authorized for contributions made in this chapter will bring direct benefits to those making contributions by bringing more tourists into the state who will patronize the participating businesses and create economic benefit for the state.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington tourism marketing authority created in section 3 of this act.

(2) "Board" means the Washington tourism marketing authority board of directors.

(3) "Department" means the department of commerce.

(4) "Director" means the director of the department of commerce.

(5) "Statewide tourism marketing account" means the account created pursuant to section 5 of this act.

NEW SECTION. Sec. 3. WASHINGTON TOURISM MARKETING AUTHORITY—ESTABLISHED.

(1) The Washington tourism marketing authority is established as a public body constituting an instrumentality of the state of Washington.

(2) The authority is responsible for contracting for statewide tourism marketing services that promote tourism on behalf of the citizens of the state, and for managing the authority's financial resources.

(3) The department provides administrative assistance to the authority and serves as the fiscal agent of the authority for moneys appropriated for purposes of the authority.

(4) The authority must create a private local account to receive nonstate funds and state funds, other than general fund state funds, contributed to the authority for purposes of this chapter.

NEW SECTION. Sec. 4. BOARD OF DIRECTORS AND ADVISORY COMMITTEE.

(1) The authority must be governed by a board of directors. The board of directors must consist of:

(a) Two members and two alternates from the house of representatives, with one member and one alternate appointed from each of the two major caucuses of the house of representatives by the speaker of the house of representatives;

(b) Two members and two alternates from the senate, with one member and one alternate appointed from each of the two major caucuses of the senate by the president of the senate; and

(c) Nine representatives with expertise in the tourism industry and related businesses including, but not limited to, hotel, restaurant, outdoor recreation, attractions, retail, and rental car businesses appointed by the governor.

(2) The initial membership of the authority must be appointed as follows:

(a) By May 1, 2018, the speaker of the house of representatives and the president of the senate must each submit to the governor a list of ten nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee;

(b) The nominations from the speaker of the house of representatives must include at least one representative from the restaurant industry; one representative from the rental car industry; and one representative from the retail industry;

(c) The nominations from the president of the senate must include at least one representative from the hotel industry; one representative from the attractions industry; and one representative from the outdoor recreation industry; and

(d) The remaining member appointed by the governor must have a demonstrated expertise in the tourism industry.

(3) By July 1, 2018, the governor must appoint four members from each list submitted by the speaker of the house of representatives and the president of the senate under subsection (2)(a) through (c) of this section and one member under subsection (2)(d) of this section. Appointments by the governor must reflect diversity in geography, size of business, gender, and ethnicity. No county may have more than two appointments and no city may have more than one appointment.

(4) There must be a nonvoting advisory committee to the board. The advisory committee must consist of:

(a) One ex officio representative from the department, state parks and recreation commission, department of transportation, and other state agencies as the authority deems appropriate; and

(b) One member from a federally recognized Indian tribe appointed by the director of the department.

(5) The initial appointments under subsections (1) and (2) of this section must be appointed by the governor to terms as follows: Four members for two-year terms; four members for three-year terms; and five members for four-year terms, which must include the chair. After the initial appointments, all appointments must be for four years.

(6) The board must select from its membership the chair of the board and such other officers as it deems appropriate. The chair of the board must be a member from the tourism industry or related businesses.

(7) A majority of the board constitutes a quorum.

(8) The board must create its own bylaws in accordance with the laws of the state of Washington.

(9) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(10) If a vacancy occurs on the board, a replacement must be appointed for the unexpired term.

(11) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties.

(12) The board must meet at least quarterly.

(13) No board member of the authority may serve on the board of an organization that could be considered for a contract authorized under section 6 of this act.

NEW SECTION. Sec. 5. STATEWIDE TOURISM MARKETING ACCOUNT. The statewide tourism marketing account is created in the state treasury. All receipts from tax revenues under section 9 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenditures of the department that are related to implementation of a statewide tourism marketing program and operation of the authority. A two-to-one nonstate or state fund, other than general fund state, match must be provided for all expenditures from the account. A match may consist of nonstate or state fund, other than general fund state, cash

contributions deposited in the private local account created under section 3(4) of this act, the value of an advertising equivalency contribution, or an in-kind contribution. The board must determine criteria for what qualifies as an in-kind contribution.

NEW SECTION. Sec. 6. USE OF FUNDS.

(1) From amounts appropriated to the department for the authority and from other moneys available to it, the authority may incur expenditures for any purpose specifically authorized by this chapter including:

(a) Entering into a contract for a multiple-year statewide tourism marketing plan with a statewide nonprofit organization existing on the effective date of this section whose sole purpose is marketing Washington to tourists. The marketing plan must include, but is not limited to, focuses on rural tourism-dependent counties, natural wonders and outdoor recreation opportunities of the state, attraction of international tourists, identification of local offerings for tourists, and assistance for tourism areas adversely impacted by natural disasters. In the event that no such organization exists on the effective date of this section or the initial contractor ceases to exist, the authority may determine criteria for a contractor to carry out a statewide marketing program;

(b) Contracting for the evaluation of the impact of the statewide tourism marketing program; and

(c) Paying for administrative expenses of the authority, which may not exceed two percent of the state portion of funds collected in any fiscal year.

(2) All nonstate moneys received by the authority under section 7 of this act or otherwise provided to the authority for purposes of matching funding must be deposited in the authority's private local account created under section 3(4) of this act and are held in trust for uses authorized solely by this chapter.

NEW SECTION. Sec. 7. GIFTS OR GRANTS TO THE WASHINGTON TOURISM MARKETING AUTHORITY. The board may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the authority and spend gift, grants, or endowments or income from public or private sources according to their terms,

unless the receipt of gifts, grants, or endowments violates RCW 42.17A.560.

NEW SECTION. Sec. 8. SHORT TITLE. This chapter may be known and cited as the statewide tourism marketing act.

NEW SECTION. Sec. 9. A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning July 1, 2018, 0.2 percent of taxes collected pursuant to RCW 82.08.020(1) on retail sales of lodging, car rentals, and restaurants must be deposited into the statewide tourism marketing account created in section 5 of this act. Except as provided otherwise for fiscal year 2019 in subsection (2) of this section, future revenue collections under this section may be up to three million dollars per biennium and must be deposited into the statewide tourism marketing account created in section 5 of this act. The deposit under this subsection to the statewide tourism marketing account may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act.

(2) For fiscal year 2019, up to a maximum of one million five hundred thousand dollars must be deposited in the statewide tourism marketing account created in section 5 of this act. The deposit under this subsection to the statewide tourism marketing account may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act.

Sec. 10. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall

under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington

account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the

perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve

officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 11.** The joint legislative audit and review committee must conduct an evaluation of the performance of the authority created in chapter 43.--- RCW (the new chapter created in section 12 of this act) and report its findings and recommendations, in compliance with RCW 43.01.036, to the governor and the economic development committees of the senate and house of

representatives by December 1, 2023. The purpose of the evaluation is to determine the extent to which the authority has contributed to the growth of the tourism industry and economic development of the state. An interim report by the authority, submitted in compliance with RCW 43.01.036, is due to the governor and economic development committees of the house of representatives and senate by December 1, 2021. The report must provide an update on the authority's progress in implementing a statewide tourism marketing program.

NEW SECTION. **Sec. 12.** Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

Referred to Committee on Appropriations.

February 20, 2018

SSB 5633 Prime Sponsor, Committee on Law & Justice: Changing the definition of theft. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.56.020 and 2004 c 122 s 1 are each amended to read as follows:

(1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him or her of such property or services; or

(d) To conceal property of another intending that the concealment will deprive the other person of its use or benefit.

(2) In any prosecution for theft, it shall be a sufficient defense that:

(a) The property or service was appropriated openly and avowedly under a claim of title made in good faith, even though the claim be untenable; or

(b) The property was merchandise pallets that were received by a pallet recycler or repairer in the ordinary course of its business."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

February 20, 2018

SSB 6011 Prime Sponsor, Committee on Ways & Means: Concerning governmental continuity during emergency periods. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the ability of government to fulfill its constitutional and statutory responsibilities by continuing to conduct essential functions and services during the periods of significant disruption that follow catastrophic incidents requires both continuity of operations planning by individual agencies and continuity of government planning by state and local government. It is the intent of the legislature that all levels and branches of government, both state and local, take appropriate action to cooperatively conduct appropriate planning and preparation for continuity of operations and government to assist in fulfilling these responsibilities.

Sec. 2. RCW 38.52.010 and 2017 c 312 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population,

infrastructure, environment, economy, public morale, or government functions.

(2) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

~~((2))~~ (3) "Continuity of government planning" means the internal effort of all levels and branches of government to provide that the capability exists to continue essential functions and services following a catastrophic incident. These efforts include, but are not limited to, providing for: (a) Orderly succession and appropriate changes of leadership whether appointed or elected; (b) filling vacancies; (c) interoperability communications; and (d) processes and procedures to reconvene government following periods of disruption that may be caused by a catastrophic incident. Continuity of government planning is intended to preserve the constitutional and statutory authority of elected officials at the state and local level and provide for the continued performance of essential functions and services by each level and branch of government.

(4) "Continuity of operations planning" means the internal effort of an organization to ~~((assure))~~ provide that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

~~((3))~~ (5) "Department" means the state military department.

~~((4))~~ (6) "Director" means the adjutant general.

~~((5))~~ (7) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency

evacuation or relocation of residents in anticipation of nuclear attack.

~~((6))~~ (8) (a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 ~~((shall))~~ means an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor ~~((declaring))~~ proclaiming a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

~~((7))~~ (9) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ~~((6))~~ (8) (b) of this section.

~~((8))~~ (10) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

~~((9))~~ (11) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

~~((10))~~ (12) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an

appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

~~((111))~~ (13) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

~~((112))~~ (14) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

~~((113))~~ (15) "Life safety information" means information provided to people during a response to a life-threatening emergency or disaster informing them of actions they can take to preserve their safety. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

~~((114))~~ (16) "Local director" means the director of a local organization of emergency management or emergency services.

~~((115))~~ (17) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

~~((116))~~ (18) "Political subdivision" means any county, city or town.

~~((117))~~ (19) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public

authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

~~((118))~~ (20) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

~~((119))~~ (21) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

Sec. 3. RCW 38.52.030 and 2015 c 61 s 3 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural, technological, or human caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's

emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive emergency management plan must specify the use of the incident command system for multiagency/multijurisdiction operations. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a statewide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of

political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural, technological, or human caused disaster, as defined by RCW 38.52.010(~~(+5)~~). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency mitigation, preparedness, response, and recovery;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

(11) The director is responsible to the governor to lead the development and management of a program for interagency coordination and prioritization of continuity of operations planning by state agencies. Each state agency is responsible for developing an organizational continuity of operations plan that is updated and exercised annually in compliance with the program for interagency coordination of continuity of operations planning.

(12) Subject to the availability of amounts appropriated for this specific purpose, the director is responsible to the governor to lead the development and management of a program to provide information and education to state and local government officials regarding catastrophic incidents and continuity of government planning to assist with statewide development of continuity of government plans by all levels and branches of state and local government that address how essential government functions and services will continue to be provided following a catastrophic incident.

Sec. 4. RCW 42.14.010 and 2012 c 117 s 106 are each amended to read as follows:

Unless otherwise clearly required by the context, the following definitions apply:

(1) "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following ((an attack)) a catastrophic incident and a ((declaration)) proclamation of existing emergency by the governor or his or her successor.

(2) "Attack" means any acts of ((warfare)) aggression taken ((by an enemy of)) against the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington.

(3) "Catastrophic incident" means any natural or human-caused incident, including terrorism and enemy attack, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population,

infrastructure, environment, economy, public morale, or government functions.

(4) "Emergency or disaster" means an event or set of circumstances which: (a) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or (b) reaches such a dimension or degree of destructiveness as to warrant the governor proclaiming a state of emergency pursuant to RCW 43.06.010.

Sec. 5. RCW 42.14.020 and 1963 c 203 s 3 are each amended to read as follows:

(1) In the event that all successors to the office of governor as provided by Article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following ((an enemy attack)) a catastrophic incident, the powers and duties of the office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor.

Sec. 6. RCW 42.14.030 and 2012 c 117 s 107 are each amended to read as follows:

In the event ((enemy attack)) that a catastrophic incident reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of ((an attack)) a catastrophic incident, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution, or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. In the event of ((an attack)) a catastrophic incident, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the

inception of the ~~((attack))~~ catastrophic incident. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the ~~((attack))~~ catastrophic incident, automatically convene at the place where the governor then has his or her office. Each legislator shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the ~~((attack))~~ catastrophic incident, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

Sec. 7. RCW 42.14.035 and 1969 ex.s. c 106 s 1 are each amended to read as follows:

Whenever, in the judgment of the governor, it becomes impracticable, due to an emergency resulting from ~~((enemy attack or natural disaster))~~ a catastrophic incident, to convene the legislature in the usual seat of government at Olympia, the governor may call the legislature into emergency session in any location within this or an adjoining state. The first order of business of any legislature so convened shall be the establishment of temporary emergency seats of government for the state. After any emergency relocation, the affairs of state government shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency.

Sec. 8. RCW 42.14.040 and 1963 c 203 s 5 are each amended to read as follows:

In the event ~~((enemy attack))~~ that a catastrophic incident reduces the number of county commissioners of any county, then those commissioners available for duty shall have full authority to act in all matters as a board of county commissioners. In the event no county commissioner is available for duty, then those elected county officials, except for the members of the county board of education, as are available for duty shall jointly act as the board of county commissioners and shall possess by majority vote the full authority of the board of county commissioners.

Sec. 9. RCW 42.14.050 and 1981 c 213 s 8 are each amended to read as follows:

In the event that the executive head of any city or town is unavailable by reason of ~~((enemy attack))~~ a catastrophic incident to exercise the powers and

discharge the duties of the office, then those members of the city or town council or commission available for duty shall by majority vote select one of their number to act as the executive head of such city or town. In the event ~~((enemy attack))~~ that a catastrophic incident reduces the number of city or town councilmembers or commission members, then those members available for duty shall have full power to act by majority vote of those present.

Sec. 10. RCW 42.14.075 and 1969 ex.s. c 106 s 2 are each amended to read as follows:

Whenever, due to a ~~((natural disaster, an attack))~~ catastrophic incident, or when such an ~~((attack))~~ event is imminent, it becomes imprudent, inexpedient, or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency.

NEW SECTION. Sec. 11. Sections 4 through 10 of this act take effect if the proposed amendment to Article II, section 42 of the state Constitution providing governmental continuity during emergency periods resulting from a catastrophic incident (Senate Joint Resolution No. 8211) is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, sections 4 through 10 of this act are void in their entirety."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6051

Prime Sponsor, Committee on Law & Justice: Concerning the medicaid fraud control unit. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that medicaid provider fraud and the abuse and neglect of persons in nursing facilities, adult family homes, and long-term care services present a serious risk of harm to the people of the state of Washington in general and to vulnerable adults in particular. The legislature intends with this chapter to enable the medicaid fraud control unit within the office of the attorney general to achieve its limited but vital mission to detect, deter, and prosecute the specialized areas of medicaid fraud, abuse, and neglect in Washington's medicaid system. This jurisdiction will also facilitate the medicaid fraud control unit's capacity to fulfill its investigative and prosecutorial obligations under the federal grant, 42 U.S.C. Sec. 1396b(q), to ensure that the federal grant funding requirements for Washington's medicaid program are met. Failure to meet these federal program integrity standards could jeopardize the federal funding for Washington's medicaid program. Furthermore, the legislature intends by this chapter that the medicaid fraud control unit will fully coordinate its efforts with county and local prosecutors and law enforcement to maximize effectiveness and promote efficiency.

NEW SECTION. Sec. 2. (1) The attorney general shall establish and maintain within his or her office the medicaid fraud control unit.

(2) The attorney general shall employ and train personnel to achieve the purposes of this chapter, including attorneys, investigators, auditors, clerical support personnel, and other personnel as the attorney general determines necessary.

(3) The medicaid fraud control unit has the authority and criminal jurisdiction to investigate and prosecute medicaid provider fraud, abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4) where authority is granted by the federal government, and other federal health care program fraud as set forth in 42 U.S.C. Sec. 1396b(q).

(4) The medicaid fraud control unit shall cooperate with federal and local

investigators and prosecutors in coordinating local, state, and federal investigations and prosecutions involving fraud in the provision or administration of medical assistance, goods or services pursuant to medicaid, medicaid managed care, abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4), or medicare where such authority is obtained from the federal government, and provide those federal officers with any information in its possession regarding such an investigation or prosecution.

(5) The medicaid fraud control unit shall protect the privacy of patients and establish procedures to ensure confidentiality for all records, in accordance with state and federal laws, including but not limited to chapter 70.02 RCW and the federal health insurance portability and accountability act.

(6) The attorney general may appoint medicaid fraud control investigators to detect, investigate, and apprehend when it appears that a violation of criminal law relating to medicaid fraud, medicaid managed care fraud, medicare fraud, or abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4) has been or is about to be committed and specify the extent and limitations of the investigators' duties and authority in carrying out the limited scope and purposes of this chapter.

(7) The department of social and health services or law enforcement agencies that receive mandatory reports under RCW 74.34.035 may share such reports in a timely manner with the medicaid fraud control unit within the office of the attorney general.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 74 RCW."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Klippert; Muri; Orwall and Valdez.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6053

Prime Sponsor, Senator Keiser:
Concerning medicaid fraud false claims

civil penalties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Klippert; Muri; Orwall and Valdez.

Referred to Committee on Rules for second reading.

February 20, 2018

SSB 6055 Prime Sponsor, Committee on Energy, Environment & Technology: Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot (*Rhagoletis pomonella*) established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than two times per calendar year; and

(d) The city or town must publish notice of any burning conducted under this section in the applicable newspaper of record a minimum of one calendar day prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the

legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

(c) Alternatives to outdoor burning, such as composting, chipping, biochar production, and biomass electrical generation; and

(d) A comparison of the costs of such alternatives.

(3) This section expires July 1, 2019."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 6072 Prime Sponsor, Committee on Local Government: Clarifying the authority and procedures for unit priced contracting by public port districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Capital Budget.

February 21, 2018

SB 6088 Prime Sponsor, Senator Takko: Concerning employee recognition awards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Rules for second reading.

February 20, 2018

SB 6115 Prime Sponsor, Senator McCoy: Concerning residential custody services for tribal youth. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin and Reeves.

Referred to Committee on Rules for second reading.

February 20, 2018

ESSB 6127 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Improving the management of the state's halibut fishery. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.430 and 2011 c 339 s 9 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. Except as provided in this section, there is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs eleven dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than seven dollars and fifty cents when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than three dollars when purchased for a temporary combination fishing license authorized under RCW 77.32.470 (3) (a) .

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are neither subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) A catch record card for halibut may not cost more than five dollars when purchased with an annual saltwater or combination fishing license and must be provided at no cost for those who purchase a one-day temporary saltwater fishing license or one-day temporary charter stamp.

(5) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

~~((+5))~~ (6) (a) The funds received from the sale of catch record cards, catch card penalty fees, and the Dungeness crab endorsement must be deposited into the state wildlife account created in RCW 77.12.170.

(i) (A) One dollar of the funds received from the sale of each Dungeness crab endorsement must be used for the removal and disposal of derelict shellfish gear either directly by the department or under contract with a third party. The department is required to maintain a separate accounting of these funds and provide an annual report to the commission and the legislature by January 1st of every year.

(B) The remaining portion of the funds received from the sale of each Dungeness crab endorsement must be used for education, sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries.

(ii) Funds received from the sale of halibut catch record cards must be used for monitoring and management of recreational halibut fisheries, including expanding opportunities for recreational anglers.

(b) Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management."

Correct the title.

Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 21, 2018

ESB 6140 Prime Sponsor, Senator King: Promoting the efficient and effective management of state-managed lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.125.400 and 2005 c 155 s 506 are each amended to read as follows:

(1) ~~((Upon platting and appraisal of first-class tidelands or shorelands as provided in this chapter))~~ Except when the department is re-leasing first-class tidelands or shorelands under subsection (4) of this section, if the department deems it for the best public interest to offer ~~((the))~~ first-class tidelands or shorelands for lease, the department shall notify the owner of record of ~~((uplands))~~ the lands fronting upon the tidelands or shorelands to be offered for lease ~~((if the upland owner is a resident of the state, or the upland owner is a nonresident of the state, shall mail))~~ by mailing to the ~~((upland))~~ land owner's last known post office address, as reflected in the county records, a copy of the notice notifying the owner that the state is offering the tidelands or shorelands for lease, giving a description of those lands ~~((and the department's appraised fair market value of the tidelands or shorelands for lease)),~~ and notifying the owner that the ~~((upland))~~ owner has a preference right to apply to lease the tidelands or shorelands ~~((at the appraised value for the lease for))~~. The owner has a period of sixty days from the date of service of mailing of the notice to exercise the preference by applying to lease the tidelands or shorelands.

(2) If at the expiration of sixty days from the service or mailing of the notice, as provided in subsection (1) of

this section, there being no conflicting applications filed, and the owner of the ~~((uplands))~~ lands fronting upon the tidelands or shorelands offered for lease, has failed to avail themselves of their preference right to apply to lease ~~((or to pay to the department the appraised value for lease of the tidelands or shorelands described in the notice)),~~ the tidelands or shorelands may be offered for lease to any person and may be leased in the manner provided for in the case of lease of state-owned aquatic lands.

(3) If at the expiration of sixty days two or more claimants asserting a preference right to lease have filed applications to lease any tract, conflicting with each other, the conflict between the claimants shall be equitably resolved by the department as the best interests of the state require ~~((in accord with the procedures prescribed by chapter 34.05 RCW))~~. However, any contract purchaser of lands or rights therein, which ~~((upland))~~ land qualifies the owner for a preference right under this section, shall have first priority for the preference right.

(4) At the expiration of any lease of first-class tidelands or shorelands, the lessee or the lessee's successors or assigns has the preference right to re-lease all or part of the area covered by the original lease or any portion of the lease, if the department deems it to be in the best interests of the state to re-lease the area. Such a re-lease must be upon the terms and conditions as may be prescribed by the department. This preference right to re-lease is superior to any preference right given to the land owner fronting the tidelands and shorelands under subsection (1) of this section.

(5) In case the fronting uplands are not improved and occupied for residential purposes and the fronting land owner has not filed an application for the lease of the lands, the department may lease the lands to any person for booming purposes. However, failure to use for booming purposes any lands leased under this section for such purposes for a period of one year shall work a forfeiture of the lease and the land shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the department.

Sec. 2. RCW 79.130.020 and 2005 c 155 s 602 are each amended to read as follows:

(1) The department shall, prior to the issuance of any lease under the provisions of this chapter, fix the annual ~~((rental))~~ rent and prescribe the terms and conditions of the lease. However, in fixing the ~~((rental))~~ rent, the department shall not take into account the value of any improvements placed upon the lands by the lessee.

(2) No lease issued under the provisions of this chapter shall be for a term longer than thirty years ~~((from the date thereof if in front of second-class tidelands or shorelands; or a term longer than ten years if in front of unplatted first class tidelands or shorelands leased under the provisions of RCW 79.125.410, in which case the lease shall be subject to the same terms and conditions as provided for in the lease of the unplatted first class tidelands or shorelands))~~. Failure to use those beds leased under the provisions of this chapter for booming purposes, for a period of two years shall work a forfeiture of the lease and the land shall revert to the state without notice to the lessee upon the entry of a declaration of forfeiture in the records of the department.

Sec. 3. RCW 79.125.030 and 2005 c 155 s 502 are each amended to read as follows:

The department may survey and plat any ~~((second-class))~~ tidelands and shorelands not previously platted.

Sec. 4. RCW 79.11.340 and 2003 c 334 s 399 are each amended to read as follows:

(1) Except as provided in RCW 79.10.030(2), the department shall manage and control all lands acquired by the state by escheat, deed of sale, gift, devise, or under RCW 79.19.010 through 79.19.110, except such lands that are conveyed or devised to the state for a particular purpose.

(2) When the department determines to sell the lands, they ~~((shall initially be))~~ must be either: (a) Offered for sale ~~((either))~~ at public auction ~~((or direct sale to public agencies))~~ as provided in this chapter~~((-~~

~~((3) If the lands are not sold at public auction, the department may,));~~ (b)

offered for direct sale to public agencies as provided in RCW 79.17.200; or (c) with approval of the board, ~~((market the lands))~~ marketed through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value.

~~((4))~~ (3) Necessary marketing costs may be paid from the sale proceeds. For the purpose of this subsection, necessary marketing costs include reasonable costs associated with advertising the property and paying commissions.

~~((4))~~ (4) Proceeds of the sale shall be deposited into the appropriate fund in the state treasury unless the grantor in any deed or the testator in case of a devise specifies that the proceeds of the sale be devoted to a particular purpose.

Sec. 5. RCW 79.17.200 and 1992 c 167 s 2 are each amended to read as follows:

(1) For the purposes of this section, "public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(2) With the approval of the board of natural resources, the department of natural resources may directly transfer or dispose of real property, without public auction, in the following circumstances:

(a) Transfers in lieu of condemnations;

(b) Transfers to public agencies; ~~((and))~~

(c) Transfers to resolve trespass and property ownership disputes; and

(d) Transfers of real property to a lessee that has continuously leased the real property directly from the department of natural resources for purposes of a home site since prior to the effective date of this section. This subsection (2)(d) does not apply to aquatic lands as defined by RCW 79.105.060, or to lessees that do not hold a lease for the real property directly with the department of natural resources.

(3) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

NEW SECTION. **Sec. 6.** A new section is added to chapter 79.10 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must evaluate the department's lands portfolio and revenue streams, management practices, and transaction processes, and develop options and recommendations designed to ensure the state's fiduciary duty is being met and ensure the stability of revenue from state lands and state forestland over time. The department must develop methods or tools to estimate the current asset value of state lands and state forestlands, as defined in RCW 79.02.010. The methods should be designed to be as accurate and resource efficient as possible and be designed to allow repeated estimates over time. The methods must allow for the segregation of different asset classes, and at a minimum allow for the tracking of values over time for the following: Forestland, irrigated agricultural land, nonirrigated agricultural land, commercial real estate land, ecosystem services, and recreation benefits. The department may recommend other asset classes to track in addition to those listed.

(2) The department must use the services of a contractor to perform an independent evaluation of the current asset value of the trust land portfolio and revenue streams in comparison to other lands regulated by the department.

(3) The department must provide a final report to the appropriate committees of the senate and house of representatives by June 30, 2020, that includes the evaluation, analysis, and tools and methods required by this section. The department must provide progress reports by December 1, 2018, and December 1, 2019.

NEW SECTION. **Sec. 7.** (1) Within existing appropriations, the department of natural resources must prepare an evaluation of leases and easements of state-owned aquatic lands for industrial and commercial uses in existence on

January 1, 2018, except leases for purposes of marinas and moorage. The evaluation must include:

(a) A summary of each lease and easement, including lease term, rental rate, and use conditions;

(b) A listing of annual revenues obtained from each lease and easement;

(c) A summary of the methods or formula used to value and establish payment for each type of lease and easement;

(d) A summary description of inspection and monitoring efforts completed over the previous ten years relating to compliance with the terms of the lease or easement as well as compliance with all applicable water quality and other local, state, or federal environmental, public health, and safety standards;

(e) A summary description of the applicable requirements for inspection and monitoring under the terms of the leases and easements as well as other applicable local, state, and federal regulatory requirements;

(f) A summary description of the lease and easement compliance activities performed by the department to ensure the protection of the state's aquatic resources, consistent with RCW 79.105.010, is maintained.

(2) The department of natural resources must submit the evaluation, including any recommendations for legislative or administrative actions, to the appropriate policy and fiscal committees of the senate and house of representatives by December 1, 2018.

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 79.125.020 (First-class tidelands and shorelands to be platted) and 2005 c 155 s 501 & 1982 1st ex.s. c 21 s 87; and

(2) RCW 79.125.410 (First-class unplatted tidelands and shorelands—Lease preference right to upland owners—Lease for booming purposes) and 2005 c 155 s 527 & 1982 1st ex.s. c 21 s 113."

Correct the title.

Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Lytton; Orcutt; Pettigrew; Robinson; Springer and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Fitzgibbon; Schmick and Walsh.

Referred to Committee on Capital Budget.

February 20, 2018

SB 6145 Prime Sponsor, Senator Saldaña:
Addressing civil service qualifications.
Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 20, 2018

SB 6159 Prime Sponsor, Senator Takko:
Concerning the reauthorization of the underground storage tank program.
Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

On page 2, after line 11, insert the following:

"Sec. 3. RCW 70.149.040 and 2017 c 23 s 4 are each amended to read as follows:

The director shall:

(1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, not to exceed fifteen million dollars each calendar year, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to

prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance on the administrative and technical requirements of this chapter and chapter 70.105D RCW to persons who are conducting or otherwise interested in independent remedial actions at facilities where there is a suspected or confirmed release from the following petroleum storage tank systems: A heating oil tank; a decommissioned heating oil tank; an abandoned heating oil tank; or a petroleum storage tank system identified by the department of ecology based on the relative risk posed by the release to human health and the environment, as determined under chapter 70.105D RCW, or other factors identified by the department of ecology.

(a) Such advice or assistance is advisory only, and is not binding on the pollution liability insurance agency or the department of ecology. As part of this advice and assistance, the pollution liability insurance agency may provide written opinions on whether independent remedial actions or proposals for these actions meet the substantive requirements of chapter 70.105D RCW, or whether the pollution liability insurance agency believes further remedial action is necessary at the facility. As part of this advice and assistance, the pollution liability insurance agency may also observe independent remedial actions.

(b) The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account.

(c) The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees;

(13) Establish requirements, including deadlines not to exceed ninety days, for reporting to the pollution liability insurance agency a suspected or confirmed release from a heating oil tank, including a decommissioned or abandoned heating oil tank, that may pose a threat to human health or the environment by the owner or operator of the heating oil tank or the owner of the property where the release occurred;

(14) Within ninety days of receiving information and having a reasonable basis to believe that there may be a release from a heating oil tank, including decommissioned or abandoned heating oil tanks, that may pose a threat to human health or the environment, perform an initial investigation to determine at a minimum whether such a release has occurred and whether further remedial action is necessary under chapter 70.105D RCW. The initial investigation may include, but is not limited to, inspecting, sampling, or testing. The director may retain contractors to perform an initial investigation on the agency's behalf;

(15) For any written opinion issued under subsection (9) of this section requiring an environmental covenant as part of the remedial action, consult with, and seek comment from, a city or county department with land use planning authority for real property subject to the environmental covenant prior to the property owner recording the environmental covenant; and

(16) For any property where an environmental covenant has been established as part of the remedial action approved under subsection (9) of this section, periodically review the environmental covenant for effectiveness. The director shall perform a review at least once every five years after an environmental covenant is recorded."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Appropriations.

February 21, 2018

SB 6207

Prime Sponsor, Senator Palumbo: Clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Rules for second reading.

February 20, 2018

SSB 6221

Prime Sponsor, Committee on Health & Long Term Care: Concerning the Washington achieving a better life experience program account. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant

Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

fees. Reported by Committee on Agriculture & Natural Resources

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

February 20, 2018

ESB 6229 Prime Sponsor, Senator Van De Wege: Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative. Reported by Committee on Labor & Workplace Standards

Referred to Committee on Rules for second reading.

February 20, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

SSB 6283 Prime Sponsor, Committee on Ways & Means: Extending an expiration date that affects state fire service mobilization. Reported by Committee on Public Safety

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Ranking Minority Member and Manweller.

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

Referred to Committee on Appropriations.

February 20, 2018

ESB 6230 Prime Sponsor, Senator Conway: Concerning the collective bargaining rights of the professional personnel of port districts. Reported by Committee on Labor & Workplace Standards

February 21, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

ESSB 6329 Prime Sponsor, Committee on Local Government: Clarifying the authority and procedures for contracting by public port districts. Reported by Committee on Local Government

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Ranking Minority Member and Manweller.

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

Referred to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

February 20, 2018

Referred to Committee on Capital Budget.

SB 6252 Prime Sponsor, Senator King: Extending the validity of temporary elevator licenses. Reported by Committee on Labor & Workplace Standards

February 21, 2018

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

SB 6369 Prime Sponsor, Senator Warnick: Concerning certificates of veterinary inspection for animals brought into the state. Reported by Committee on Agriculture & Natural Resources

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

February 21, 2018

SB 6278 Prime Sponsor, Senator Warnick: Concerning the use of seed certification

Referred to Committee on Rules for second reading.

February 20, 2018

SB 6371 Prime Sponsor, Senator Mullet:
Concerning facilities financing by the
housing finance commission. Reported by
Committee on Community Development,
Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by
Representatives Ryu, Chair; Macri, Vice Chair; Barkis,
Ranking Minority Member; McCabe, Assistant Ranking
Minority Member and Reeves.

MINORITY recommendation: Do not pass. Signed by
Representative Jenkin.

Referred to Committee on Capital Budget.

February 20, 2018

SB 6407 Prime Sponsor, Senator Darneille:
Concerning private case management of
child welfare services. Reported by
Committee on Early Learning & Human
Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting
clause and insert the following:

"**Sec. 1.** RCW 13.34.025 and 2009 c 520
s 20 are each amended to read as follows:

(1) The department and (~~(supervising)~~)
agencies shall develop methods for
coordination of services to parents and
children in child dependency cases. To
the maximum extent possible under current
funding levels, the department and
(~~(supervising)~~) agencies must:

(a) Coordinate and integrate services
to children and families, using service
plans and activities that address the
children's and families' multiple needs,
including ensuring that siblings have
regular visits with each other, as
appropriate. Assessment criteria should
screen for multiple needs;

(b) Develop treatment plans for the
individual needs of the client in a
manner that minimizes the number of
contacts the client is required to make;
and

(c) Access training for department and
(~~(supervising)~~) agency staff to increase
skills across disciplines to assess needs
for mental health, substance abuse,
developmental disabilities, and other
areas.

(2) The department shall coordinate
within the administrations of the
department, and with contracted service
providers (~~((including supervising
agencies))~~), to ensure that parents in
dependency proceedings under this
chapter receive priority access to
remedial services recommended by the
department (~~((or supervising agency))~~) in
its social study or ordered by the court
for the purpose of correcting any
parental deficiencies identified in the
dependency proceeding that are capable of
being corrected in the foreseeable
future. Services may also be provided to
caregivers other than the parents as
identified in RCW 13.34.138.

(a) For purposes of this chapter,
remedial services are those services
defined in the federal adoption and safe
families act as time-limited family
reunification services. Remedial
services include individual, group, and
family counseling; substance abuse
treatment services; mental health
services; assistance to address domestic
violence; services designed to provide
temporary child care and therapeutic
services for families; and
transportation to or from any of the
above services and activities.

(b) The department shall provide funds
for remedial services if the parent is
unable to pay to the extent funding is
appropriated in the operating budget or
otherwise available to the department for
such specific services. As a condition
for receiving funded remedial services,
the court may inquire into the parent's
ability to pay for all or part of such
services or may require that the parent
make appropriate applications for
funding to alternative funding sources
for such services.

(c) If court-ordered remedial services
are unavailable for any reason, including
lack of funding, lack of services, or
language barriers, the department (~~((or
supervising agency))~~) shall promptly
notify the court that the parent is
unable to engage in the treatment due to
the inability to access such services.

(d) This section does not create an
entitlement to services and does not
create judicial authority to order the
provision of services except for the
specific purpose of making reasonable
efforts to remedy parental deficiencies
identified in a dependency proceeding
under this chapter.

Sec. 2. RCW 13.34.030 and 2017 c 276 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate"

appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ((supervising)) agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended

foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~(23) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

~~(24))~~ "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 3. RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

- (a) Has been abandoned;
- (b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;
- (c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or
- (d) Is receiving extended foster care services, as authorized by RCW 74.13.031.
- (7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.
- (8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.
- (9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.
- (10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.
- (11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in

any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ~~((supervising))~~ agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall

identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~(23) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

~~(24))~~ "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the

purposes of participating in the extended foster care program.

Sec. 4. RCW 13.34.065 and 2013 c 162 s 6 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, ~~((in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case-))~~ the department ~~((or supervising agency))~~ shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the

placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department (~~(or supervising agency)~~) the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the ~~((supervising agency's))~~ department's plan or is ordered by the court; and

(iii) Cooperate with the department ((or supervising agency)) in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the ((supervising agency)) department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or ((supervising)) agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the

case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 5. RCW 13.34.067 and 2013 c 173 s 1 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-

finding, the department (~~(or supervising agency)~~) shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department (~~(or supervising agency)~~) and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department (~~(or supervising agency)~~) is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department (~~(or supervising agency)~~), upon the parent's request, shall convene a case conference.

(3) If a case conference is convened pursuant to subsection (1) or (2) of this section and the parent is unable to participate in person due to incarceration, the parent must have the option to participate through the use of a teleconference or videoconference.

Sec. 6. RCW 13.34.094 and 2009 c 520 s 24 are each amended to read as follows:

The department (~~(or supervising agency after the shelter care hearing)~~) shall, within existing resources, provide to parents requesting or participating in a multidisciplinary

team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 7. RCW 13.34.096 and 2016 c 180 s 1 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department of social and health services to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected

placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~supervising~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 8. RCW 13.34.096 and 2017 3rd sp.s. c 6 s 304 are each amended to read as follows:

(1) The department (~~or supervising agency~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~or supervising agency~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's

biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~supervising~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 9. RCW 13.34.125 and 2009 c 520 s 26 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department (~~or supervising agency~~) shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department (~~or supervising agency~~) has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 10. RCW 13.34.130 and 2013 c 254 s 1 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition that maintains the child in his or her home, which shall

provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b) (i) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person, the department, or ~~((a supervising))~~ agency responsible for supervision of the child's placement. If the court orders that the child be placed with a caregiver over the objections of the parent or the department, the court shall articulate, on the record, his or her reasons for ordering the placement. The court may not order an Indian child, as defined in RCW 13.38.040, to be removed from his or her home unless the court finds, by clear and convincing evidence including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(ii) The department ~~((or supervising agency))~~ has the authority to place the child, subject to review and approval by the court (A) with a relative as defined in RCW 74.15.020(2) (a), (B) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department ~~((or supervising agency))~~ to be suitable and competent to provide care for the child, or (C) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW.

(iii) The department may also consider placing the child, subject to review and approval by the court, with a person with whom the child's sibling or half-sibling is residing or a person who has adopted the sibling or half-sibling of the child being placed as long as the person has completed all required criminal history background checks and otherwise appears to the department ~~((or supervising agency))~~ to be competent to provide care for the child.

(2) Absent good cause, the department ~~((or supervising agency))~~ shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260.

(3) The department ~~((or supervising agency))~~ may only place a child with a person not related to the child as defined in RCW 74.15.020(2) (a), including a placement provided for in subsection (1) (b) (iii) of this section, when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, the child shall be placed with a person who is willing, appropriate, and available to care for the child, and who is: (I) Related to the child as defined in RCW 74.15.020(2) (a) with whom the child has a relationship and is comfortable; or (II) a suitable person as described in subsection (1) (b) of this section. The court shall consider the child's existing relationships and attachments when determining placement.

(4) When placing an Indian child in out-of-home care, the department ~~((or supervising agency))~~ shall follow the placement preference characteristics in RCW 13.38.180.

(5) Placement of the child with a relative or other suitable person as described in subsection (1) (b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest

danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(6) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a stepbrother or stepsister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the stepsibling.

(7) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(8) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(9) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the department (~~or supervising agency~~) to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 11. RCW 13.34.132 and 2013 c 302 s 11 are each amended to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the department (~~or the supervising agency~~);

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of trafficking, or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child;

(f) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(g) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(h) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in RCW 13.38.040, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(i) An infant under three years of age has been abandoned;

(j) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

Sec. 12. RCW 13.34.136 and 2015 c 270 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the (~~supervising~~

~~agency~~) department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The (~~agency supervising the dependency~~) department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's (~~or supervising agency's~~) proposed permanency plan must be provided to the department (~~or supervising agency~~), all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department (~~or supervising agency~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps (~~the supervising agency or~~) the department will take to promote existing appropriate sibling relationships and/or facilitate

placement together or contact in accordance with the best interests of each child, and what actions the department (~~(or supervising agency)~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~(or supervising agency's)~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the developmental disabilities administration, the department shall make reasonable efforts to consult with the developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii) (A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The (~~(supervising agency or)~~) department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care

of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department (~~(or supervising agency)~~) should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) (A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be

approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~(or supervising agency)~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The (~~(supervising agency or)~~) department shall provide all reasonable services that are available within the department (~~(or supervising agency)~~), or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department (~~(or supervising agency)~~) shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not

made a good cause exception, the court shall require the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other (~~(supervising)~~) agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other (~~(supervising)~~) agency to agree to any specific provisions in an open adoption agreement and does not create a new

obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 13. RCW 13.34.136 and 2017 3rd sp.s. c 6 s 306 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the (~~supervising agency~~) department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The (~~agency supervising the dependency~~) department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's (~~or supervising agency's~~) proposed permanency plan must be provided to the department (~~or supervising agency~~), all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or

foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department (~~or supervising agency~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps (~~the supervising agency or~~) the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department (~~or supervising agency~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~or supervising agency's~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts

to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii) (A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The ~~((supervising agency or))~~ department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the

consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department (~~or supervising agency~~) should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) (A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~or supervising agency~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The ~~((supervising agency or))~~ department shall provide all reasonable services that are available within the department (~~or supervising agency~~), or within the community, or those services which the department has existing

contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department (~~(or supervising agency)~~) shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW

13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other (~~(supervising)~~) agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other (~~(supervising)~~) agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 14. RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress

of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1) (a) or 13.34.134.

(2) (a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the ~~((supervising agency or))~~ department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department ~~((or supervising agency))~~ must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department ~~((or supervising agency))~~ may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department ~~((or supervising agency))~~ must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department ~~((or supervising agency))~~ of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department ~~((or supervising agency))~~ to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether ~~((the supervising agency or))~~ the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department (~~(or supervising agency)~~);

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3) (a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the (~~supervising agency's~~) department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's (~~(or supervising agency's)~~) case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(3)~~) (6).

Sec. 15. RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are each reenacted and amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department (~~or supervising agency~~) and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department (~~or supervising agency~~) staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement

outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department (~~(or supervising agency)~~) to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

(i) The child is being cared for by a relative;

(ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;

(iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;

(v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or

(vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department (~~(or supervising agency)~~) or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department (~~(or the supervising agency)~~);

(iv) Information provided by individuals or agencies in a reasonable

position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) If the department (~~(or supervising agency)~~) is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the (~~(supervising agency)~~) department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department (~~(or supervising agency)~~) shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal

custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department (~~(or supervising agency)~~) requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the (~~(supervising agency)~~) department of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 16. RCW 13.34.155 and 2009 c 526 s 2 and 2009 c 520 s 31 are each reenacted and amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to

facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency (~~(including the supervising agency)~~), the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department (~~(or supervising agency)~~) shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapters 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapters 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or, parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapters 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying

permanent legal custody of a child shall survive dismissal of the dependency proceeding.

Sec. 17. RCW 13.34.174 and 2009 c 520 s 32 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's (~~or supervising agency's~~) caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program

to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, ~~((the supervising agency,))~~ and the person or person's counsel regarding the person's cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, ~~((the supervising agency if any,))~~ and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 18. RCW 13.34.176 and 2009 c 520 s 33 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's ~~((or supervising agency's))~~ request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 19. RCW 13.34.180 and 2013 c 173 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party(~~7~~

~~including the supervising agency,))~~ to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department (~~or supervising agency~~) made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk

to the department of social and health services or ~~((the supervising agency and))~~ other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: _____ (explain local procedure)_____.

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call _____ (insert agency) _____ for more information about your child. The agency's name and telephone number are _____ (insert name and telephone number)_____."

Sec. 20. RCW 13.34.180 and 2017 3rd sp.s. c 6 s 308 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party ~~((including the supervising agency,))~~ to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that

the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

custody of the department (~~(or a supervising agency)~~) willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department (~~(or supervising agency)~~) shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under chapter 13.36 RCW or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered. The (~~(supervising agency)~~) department shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(~~(-3)~~) (6) and shall report to the court the status and extent of such relationships.

Sec. 22. RCW 13.34.215 and 2011 c 292 s 2 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) (i) The child has not achieved his or her permanency plan; or

(ii) While the child achieved a permanency plan, it has not since been sustained;

(d) Three years have passed since the final order of termination was entered; and

(e) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the

court may hear a petition filed by a child younger than twelve years old.

(2) If the child is eligible to petition the juvenile court under subsection (1) of this section and a parent whose rights have been previously terminated contacts the department (~~(or supervising agency)~~) or the child's guardian ad litem regarding reinstatement, the department (~~(or supervising agency)~~) or the guardian ad litem must notify the eligible child about his or her right to petition for reinstatement of parental rights.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department (~~(or the supervising agency)~~), the child's attorney, and the child. The court shall also order the department (~~(or supervising agency)~~) to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and

has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department (~~(or supervising agency)~~) shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9)(a) If the court conditionally grants the petition under subsection (7) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department (~~(or supervising agency)~~) shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(10) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers,

privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(11) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(12) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(13) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(14) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(15) The state, the department, (~~(the supervising agency)~~) and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, (~~(the supervising agency)~~) or its employees concerning the original termination.

Sec. 23. RCW 13.34.233 and 2009 c 520 s 38 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship

order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department (~~(or supervising agency)~~) was not previously a party to the guardianship proceeding, the department (~~(or supervising agency)~~) shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party, or the department (~~(, or the supervising agency)~~) if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department (~~(or a supervising agency)~~) for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall

hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 24. RCW 13.34.245 and 2009 c 520 s 39 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and

holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department (~~(or supervising agency)~~) which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department (~~(or supervising agency)~~) which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 25. RCW 13.34.320 and 2009 c 520 s 40 are each amended to read as follows:

The department (~~(or supervising agency)~~) shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department (~~(or supervising agency)~~) shall request a hearing and provide

notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department (~~(or supervising agency)~~) does not allow time for the department (~~(or supervising agency)~~) to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department (~~(or supervising agency)~~) shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 26. RCW 13.34.330 and 2009 c 520 s 41 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department (~~(or supervising agency)~~), in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 27. RCW 13.34.340 and 2009 c 520 s 42 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department (~~(or supervising agency)~~) because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department (~~(or supervising agency)~~) has authorized to provide mental health treatment under RCW 13.34.320, the department (~~(or supervising agency)~~) shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's (~~(or supervising agency's)~~) possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department (~~(or supervising agency)~~) in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department (~~(or supervising agency)~~) records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose

the department (~~(or supervising agency)~~) records to another treating physician.

Sec. 28. RCW 13.34.370 and 2009 c 520 s 44 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, (~~(the supervising agency,~~) the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 29. RCW 13.34.380 and 2013 c 254 s 3 are each amended to read as follows:

The department shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; consultation with the assigned law enforcement officer in the event the parent or sibling of the child is identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child; and training for department (~~(and supervising agency)~~) caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 30. RCW 13.34.385 and 2009 c 520 s 46 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department(~~(7)~~) or another public agency(~~(7 or a supervising agency)~~); and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, other public agency, or (~~(supervising)~~) agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is

adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2) (a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.

Sec. 31. RCW 13.34.400 and 2009 c 520 s 48 are each amended to read as follows:

In any proceeding under this chapter, if the department (~~(or supervising agency)~~) submits a report to the court in which the department is recommending a new placement or a change in placement, the department (~~(or supervising agency)~~) shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department (~~(or supervising agency)~~) shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department (~~(or supervising agency)~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or (~~(supervising)~~) agency

relating to visitation with a child, the department (~~(or supervising agency)~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to the psychological status of a person, the department (~~(or supervising agency)~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to injuries to a child, the department (~~(or supervising agency)~~) shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to a home study, licensing action, or background check information, the department (~~(or supervising agency)~~) shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 32. RCW 26.44.020 and 2012 c 259 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected

to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of

another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~(25) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 33. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a

child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the department of children, youth, and families.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~(25) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 34. RCW 74.13.010 and 2009 c 520 s 49 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of child welfare services

provided by both the department and ~~((supervising))~~ agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

Sec. 35. RCW 74.13.020 and 2015 c 240 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

~~(5) ("Committee" means the child welfare transformation design committee.~~

~~(6))~~ "Department" means the department of social and health services.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance based contract, in time periods established in the contract.~~

~~(10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((17))~~ ~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide~~

~~case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.~~

~~(18))~~ (15) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((19))~~ (16) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 36. RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict,

or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) ~~("Committee" means the child welfare transformation design committee.~~

~~(6))~~ "Department" means the department of children, youth, and families.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.~~

~~(10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented

by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Secretary" means the secretary of the department.

~~((17))~~ (15) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.~~

~~(19))~~ (16) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((20))~~ (17) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 37. RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265 s 2 are each reenacted and amended to read as follows:

(1) The department (~~and supervising agencies~~) shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department (~~and supervising agencies~~) shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's (~~and supervising agency's~~) success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious

physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department (~~or supervising agencies~~) shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department (~~or supervising agencies~~) shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department (~~and the supervising agencies~~) shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department (~~and supervising agencies are~~) is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random

selection that does not cause a fiscal impact to the department.

The department (~~(or supervising agencies)~~) shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department (~~(and supervising agencies)~~) shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department (~~(and supervising agency)~~) shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department (~~(and supervising agency)~~) shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee (~~(with sufficient members representing supervising agencies)~~) which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11) (a) The department (~~(and supervising agencies)~~) shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support

benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department (~~(and supervising agencies)~~) shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the (~~supervising agency or~~) department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department (~~(and supervising agencies)~~) shall have authority to provide independent living services to

youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department (~~(and supervising agencies)~~) shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (~~(and supervising agencies are)~~) is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 (~~(and 74.13.320)~~) regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18) (a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2) (b) (ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This subsection does not create an

entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

Sec. 38. RCW 74.13.0311 and 2009 c 520 s 52 are each amended to read as follows:

The department (~~(or supervising agencies)~~) may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department (~~(or supervising agencies)~~) from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 39. RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are each reenacted and amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department (~~(or supervising agency)~~) staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the

criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

Sec. 40. RCW 74.13.042 and 2009 c 520 s 56 are each amended to read as follows:

If the department (~~(or supervising agency)~~) is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department (~~(or supervising agency)~~) may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is

sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department (~~(or supervising agency)~~), without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 41. RCW 74.13.045 and 2009 c 520 s 57 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department (~~(or supervising agency)~~), foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster

parents and department (~~(and supervising agency)~~) caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 42. RCW 74.13.055 and 2009 c 520 s 58 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. (~~(The department shall also work cooperatively with supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.)~~)

Sec. 43. RCW 74.13.065 and 2009 c 520 s 60 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department (~~(or supervising agency)~~). The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 44. RCW 74.13.170 and 2009 c 520 s 70 are each amended to read as follows:

The department may, through performance-based contracts with ~~((supervising))~~ agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 45. RCW 74.13.280 and 2013 c 200 s 28 are each amended to read as follows:

(1) Except as provided in RCW 70.02.220, whenever a child is placed in out-of-home care by the department or ~~((a supervising))~~ with an agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or ~~((supervising))~~ agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall

keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or ~~((supervising agencies))~~ an agency to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 46. RCW 74.13.283 and 2009 c 520 s 73 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department (~~(or supervising agency)~~) to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department (~~(or supervising agency)~~) letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department (~~(or supervising agency)~~) is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person with the department (~~(or supervising agency)~~).

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department (~~(or supervising agency)~~) may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department (~~(or supervising agency)~~) caseworker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department (~~(or supervising agency)~~) shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 47. RCW 74.13.285 and 2009 c 520 s 74 are each amended to read as follows:

(1) Within available resources, the department (~~(or supervising agency)~~) shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department (~~(or supervising agency)~~) shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements shall have first priority in the preparation of passports.

(2) In addition to the requirements of subsection (1) of this section, the department (~~(or supervising agency)~~) shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider (~~(including supervising agencies)~~) for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 48. RCW 74.13.289 and 2013 c 200 s 29 are each amended to read as follows:

(1) Upon any placement, the department (~~(or supervising agency)~~) shall inform

each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department (~~(or supervising agency)~~).

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.02.220.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 49. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department (~~(or supervising agency)~~) and the child has thereafter resided in the home for at least ninety consecutive days, the department (~~(or supervising agency)~~) shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department (~~(or supervising agency)~~) shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 50. RCW 74.13.310 and 2009 c 520 s 78 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department (~~(and supervising agency)~~) shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 51. RCW 74.13.315 and 2009 c 520 s 79 are each amended to read as follows:

The department (~~(or supervising agency)~~) may provide child care for all foster parents who are required to attend department-sponsored (~~(or supervising agency-sponsored)~~) meetings or training sessions. If the department (~~(or supervising agency)~~) does not provide such child care, the department (~~(or supervising agency)~~), where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 52. RCW 74.13.325 and 2009 c 520 s 81 are each amended to read as follows:

Within available resources, the department (~~(and supervising agencies)~~) shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. (~~(The department shall enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities.)~~)

Sec. 53. RCW 74.13.333 and 2013 c 23 s 206 are each amended to read as follows:

(1) A foster parent who believes that a department (~~(or supervising agency)~~) employee has retaliated against the foster parent or in any other manner

discriminated against the foster parent because:

(a) The foster parent made a complaint with the office of the family and children's ombuds, the attorney general, law enforcement agencies, or the department (~~(, or the supervising agency,)~~) provided information, or otherwise cooperated with the investigation of such a complaint;

(b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(d) The foster parent has advocated for services on behalf of the foster child;

(e) The foster parent has sought to adopt a foster child in the foster parent's care; or

(f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombuds.

(2) The ombuds may investigate the allegations of retaliation. The ombuds shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombuds shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombuds in writing, within thirty days of receiving the ombuds's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombuds shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombuds shall identify trends which may indicate a need to improve relations between the department (~~(or supervising agency)~~) and foster parents.

Sec. 54. RCW 74.13.334 and 2013 c 23 s 207 are each amended to read as follows:

The department (~~(and supervising agency)~~) shall develop procedures for responding to recommendations of the office of the family and children's ombuds as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 55. RCW 74.13.500 and 2009 c 520 s 84 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department (~~(or a supervising agency)~~) has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department (~~(or a supervising agency)~~) at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall

specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 56. RCW 74.13.515 and 2009 c 520 s 85 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department (~~(or a supervising agency)~~) at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 57. RCW 74.13.525 and 2009 c 520 s 86 are each amended to read as follows:

The department (~~(or supervising agency)~~), when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 58. RCW 74.13.530 and 2009 c 520 s 87 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department (~~(or a supervising agency)~~) under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 59. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

The administrative regions of the department (~~(and the supervising agencies)~~) shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective

sharing of information consistent with RCW 28A.225.330.

Sec. 60. RCW 74.13.590 and 2009 c 520 s 89 are each amended to read as follows:

The department (~~(and supervising agencies)~~) shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 61. RCW 74.13.600 and 2009 c 520 s 90 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department (~~(and supervising agencies)~~) shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used (~~(by supervising agencies)~~) when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department (~~(or supervising agencies)~~) shall request that the juvenile court require parents to disclose to the (~~(agencies)~~) department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department (~~(and supervising agencies)~~) shall encourage the parents to disclose to the department (~~(and agencies)~~) all contact information for available and appropriate kin within two weeks of the

date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department (~~(or supervising agency)~~) provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 62. RCW 74.13.640 and 2015 c 298 s 1 are each amended to read as follows:

(1) (a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in the care of the department (~~(or a supervising agency)~~) or receiving services described in this chapter or who has been in the care of the department (~~(or a supervising agency)~~) or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombuds to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

(c) The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case, including individuals whose professional expertise is pertinent to the dynamics of the case.

(d) Upon conclusion of a child fatality review required pursuant to this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(e) The department shall develop and implement procedures to carry out the requirements of this section.

(2)(a) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within one year preceding the near fatality, the department shall promptly notify the office of the family and children's ombuds. The department may conduct a review of the near fatality at its discretion or at the request of the office of the family and children's ombuds.

(b) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of

or received services described in this chapter from the department (~~(or a supervising agency)~~) within three months preceding the near fatality, or was the subject of an investigation by the department for possible abuse or neglect, the department shall promptly notify the office of the family and children's ombuds and the department shall conduct a review of the near fatality.

(c) "Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(3) In any review of a child fatality or near fatality in which the child was placed with or received services from (~~a supervising~~) an agency pursuant to a contract with the department, the department and the fatality review team shall have access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the (~~supervising~~) agency.

(4)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding (i) the work of the child fatality or near fatality review team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists

before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

Sec. 63. RCW 74.13.650 and 2009 c 520 s 92 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with ~~((supervising))~~ agencies to provide this program.

Sec. 64. RCW 74.13B.020 and 2013 c 205 s 3 are each amended to read as follows:

(1) ~~((No later than July 1, 2014,))~~ The department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) Recognizing that phased implementation may be necessary, the department shall conduct ~~((a))~~ one or more procurement ~~((process))~~ processes to ~~((enter into performance-based contracts with one or more))~~ expand the geographic coverage of network administrators for family support and related services. ~~((As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being.))~~ A procurement process that encompasses all areas of the state must be concluded as soon as possible, but no later than July 1, 2021. Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(3)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; ~~((and))~~

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract;

(iii) Manage the entire family support and related service array within the geographic boundaries of a given network; and

(iv) Have the authority to redistribute funding within the network based on provider performance and the need to address service gaps.

(b) While the department caseworker retains responsibility for case management, nothing in chapter 205, Laws of 2012 limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

~~(4) ((In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.~~

~~(5))~~ The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

~~((6))~~ (5) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator

must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

~~((7))~~ (6) As part of the procurement process under this section to expand the coverage of network administrators, the department shall issue the request for proposals or request for information no later than ((December 31, 2013, shall begin)) December 30, 2018, to expand the coverage area of the existing network administrator or expand the number of network administrators so that there is network administrator coverage on the west and east sides of the crest of the Cascade mountain range. Expanded implementation of performance-based contracting must begin no later than ((July 1, 2014)) March 30, 2019, ((and)) if a qualified organization responds to the procurement process. The department shall fully implement performance-based contracting no later than July 1, ((2015)) 2021, if a qualified organization responds to the procurement process.

~~((8))~~ (7) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful

engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

~~((9))~~ (8) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

~~((10))~~ (9) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(10) The department shall, consistent with state and federal confidentiality requirements:

(a) Share all relevant data with the network administrators in order for the network administrators to track the performance and effectiveness of the services in the network; and

(b) Make all performance data available to the public.

(11) The department must not require existing network administrators to reapply to provide network administrator services in the coverage area of the existing network administrator on the effective date of this section.

(12) Beginning January 1, 2019, and in compliance with RCW 43.01.036, the department shall annually submit to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature a report detailing the status of the network administrator procurement and implementation process.

(13) In determining the cost estimate for expanded network administrator implementation, the department shall consider the value of the existing data platform for child welfare services.

Sec. 65. RCW 74.15.010 and 2009 c 520 s 12 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public ~~((and supervising))~~ agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 66. RCW 74.15.020 and 2017 c 39 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031

unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors

ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such

agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of

all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(11))~~ "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 67. RCW 74.15.020 and 2017 3rd sp.s. c 6 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite

centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding

Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first

or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an

authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred

thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

~~(11))~~ "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 68. RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1 are each reenacted and amended to read as follows:

Each agency (~~(or supervising agency)~~) shall make application for a license or renewal of license to the department on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee. The license shall be limited to a particular location

which shall be stated on the license. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for thirty days after a move, except that this will apply only if the family remains intact. Licensees must notify their licensor before moving to a new location and may request a continuation of the license at the new location. At the request of the licensee, the department shall, within thirty days following a foster-family home licensee's move to a new location, amend the license to reflect the new location, provided the new location and the licensee meet minimum licensing standards.

NEW SECTION. Sec. 69. The following acts or parts of acts are each repealed:

(1)RCW 74.13.320 (Printing informational materials—Department's duty) and 2009 c 520 s 80 & 1990 c 284 s 15;

(2)RCW 74.13.360 (Performance-based contracts—Child welfare demonstration sites—Department duties—Contracts with tribes) and 2016 c 184 s 1, 2013 c 205 s 4, 2012 c 205 s 8, 2010 c 291 s 4, & 2009 c 520 s 3;

(3)RCW 74.13.362 (Performance-based contracts—Legislative mandate) and 2009 c 520 s 4;

(4)RCW 74.13.364 (Performance-based contracts—State authority—Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s 5;

(5)RCW 74.13.366 (Performance-based contracts—Preference for qualifying private nonprofit entities) and 2010 c 291 s 6 & 2009 c 520 s 6;

(6)RCW 74.13.370 (Performance-based contracts—Washington state institute for public policy report) and 2016 c 184 s 2, 2012 c 205 s 9, & 2009 c 520 s 9;

(7)RCW 74.13.372 (Performance-based contracts—Determination of expansion of delivery of child welfare services by contractors—Governor's duty) and 2016 c 184 s 3, 2012 c 205 s 11, & 2009 c 520 s 10; and

(8)RCW 43.10.280 (Dependency and termination of parental rights—Legal services to supervising agencies under state contract) and 2009 c 520 s 7.

NEW SECTION. Sec. 70. Sections 3, 8, 13, 20, 33, 36, and 66 of this act take effect July 1, 2018.

NEW SECTION. **Sec. 71.** Sections 2, 7, 12, 19, 32, 35, and 65 of this act expire July 1, 2018."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

February 20, 2018

ESSB 6413 Prime Sponsor, Committee on Energy, Environment & Technology: Reducing the use of certain toxic chemicals in firefighting activities. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class B firefighting foam" means foams designed for flammable liquid fires.

(2) "Department" means the department of ecology.

(3) "Firefighting personal protective equipment" means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(4) "Local governments" includes any county, city, town, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or firefighting equipment. For the purposes of this subsection, "importer" means the owner of the product.

(6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS

chemicals" means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

NEW SECTION. **Sec. 2.** (1) Beginning July 1, 2020, a manufacturer of class B firefighting foam may not manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

(2) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation.

(3) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person or an oil refinery operated by the person.

NEW SECTION. **Sec. 3.** (1) Beginning July 1, 2018, a manufacturer or other person that sells firefighting personal protective equipment to any person, local government, or state agency must provide written notice to the purchaser at the time of sale if the firefighting personal protective equipment contains PFAS chemicals. The written notice must include a statement that the firefighting personal protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the equipment.

(2) The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment must retain the notice on file for at least three years from the date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser must furnish the notice, or written copies, and associated sales

documentation to the department within sixty days.

NEW SECTION. **Sec. 4.** (1) A manufacturer of class B firefighting foam restricted under section 2 of this act must notify, in writing, persons that sell the manufacturer's products in this state about the provisions of this chapter no less than one year prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited under section 2 of this act shall recall the product and reimburse the retailer or any other purchaser for the product.

NEW SECTION. **Sec. 5.** (1) The department may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter.

(2) Beginning July 1, 2018, the department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to avoid purchasing or using class B firefighting foams to which PFAS chemicals have been intentionally added. The department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to give priority and preference to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals.

NEW SECTION. **Sec. 6.** A manufacturer of class B firefighting foam in violation of section 2 or 4 of this act or a person in violation of section 3 of this act is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey; Kagi and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

Referred to Committee on Rules for second reading.

February 20, 2018

SSB 6419 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning access to the Washington early childhood education and assistance program. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that research continues to demonstrate the efficacy of the state's early childhood education and assistance program, known as ECEAP. Studies in Washington and from other states show that ECEAP prepares children for kindergarten success and has significant positive impacts on third, fourth, and fifth grade test scores. The legislature also finds that in some areas of the state, expanding ECEAP has proven challenging because there are too few eligible children to form an ECEAP classroom. The result is that children who are income eligible and the furthest from opportunity remain unserved. The legislature finds further that in other ECEAP classrooms, funded seats remain empty because providers do not have sufficient flexibility to serve families in need who are slightly over income but often have similar risk factors. The legislature intends, therefore, to provide more flexibility in determining eligibility for ECEAP in order to maximize the state's investment and assure that program funding is deployed to serve the greatest number of children and families.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall adopt rules that allow the inclusion of children in the early childhood education and assistance program whose family income is above one hundred ten percent of the

federal poverty level if the number of such children equals not more than twenty-five percent of total statewide enrollment.

(2) Children included in the early childhood education and assistance program under this section must be homeless or impacted by specific developmental or environmental risk factors that are linked by research to school performance. "Homeless" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, P.L. 100-77, July 22, 1987, 101 Stat. 482, and runaway and homeless youth act, P.L. 93-415, Title III, September 7, 1974, 88 Stat. 1129.

(3) Children included in the early childhood education and assistance program under this section are not to be considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

NEW SECTION. Sec. 3. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall prioritize children for enrollment in the early childhood education and assistance program who are eligible pursuant to RCW 43.216.505.

(2) As space is available, children may be included in the early childhood education and assistance program pursuant to section 2 of this act. Priority within this group must be given to children who are experiencing homelessness, child welfare system involvement, or a developmental delay or disability that does not meet the eligibility criteria for special education adopted under RCW 28A.155.020.

Sec. 4. RCW 43.216.555 and 2015 3rd sp.s. c 7 s 11 are each amended to read as follows:

(1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in RCW (~~43.215.456~~) 43.216.556. The program must offer a comprehensive program of early childhood education and family support, including parental involvement and health information, screening, and referral services, based on family need.

Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW (~~43.215.400~~) 43.216.500 through (~~43.215.450~~) 43.216.550.

(3) (a) Beginning in the 2015-16 school year, the program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

(b) Following the priority in (a) of this subsection, preference shall be given to programs meeting at least one of the following characteristics:

(i) Programs offering an extended day program for early care and education;

(ii) Programs offering services to children diagnosed with a special need; or

(iii) Programs offering services to children involved in the child welfare system.

(4) The (~~director~~) secretary shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program, consistent with early achievers program standards established in RCW (~~43.215.100~~) 43.216.085:

(a) Minimum program standards;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

(5) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the (~~director~~) secretary under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that

children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

NEW SECTION. Sec. 5. This act takes effect July 1, 2018."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member and Eslick.

Referred to Committee on Rules for second reading.

February 20, 2018

SB 6471 Prime Sponsor, Senator Keiser: Developing model policies to create workplaces that are safe from sexual harassment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 20, 2018

SJR 8211 Prime Sponsor, Senator Takko: Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after page 1, line 2, and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 42 of the Constitution of the state of Washington to read as follows:

Article II, section 42. The legislature, in order to insure

continuity of state and local governmental operations in periods of emergency resulting from (~~enemy attack~~) a catastrophic incident, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: *Provided*, That if, in the judgment of the legislature at the time of (~~disaster~~) the emergency, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by (~~enemy attack~~) a catastrophic incident only, from the following sections of the Constitution:

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: *Provided*, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Offices;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be

published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6018, by Senators Mullet, Carlyle, Palumbo, Frockt, Rolfes, Hunt, Fain, Keiser, Van De Wege, Hasegawa, Nelson, Pedersen and Kuderer

Concerning security freeze fees charged by consumer reporting agencies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Reeves spoke in favor of the passage of the bill.

Representative Vick spoke against the passage of the bill.

MOTION

On motion of Representative Hayes, Representatives DeBolt and Smith were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6018.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6018, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-

Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Jenkin, Klippert, Kristiansen, Manweller, Nealey, Schmick, Shea, Taylor, Vick and Wilcox.

Excused: Representatives DeBolt and Smith.

ENGROSSED SENATE BILL NO. 6018, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Ortiz-Self to preside.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 2271
- SUBSTITUTE SENATE BILL NO. 5522
- SUBSTITUTE SENATE BILL NO. 6011
- SUBSTITUTE SENATE BILL NO. 6051
- SENATE BILL NO. 6053
- SUBSTITUTE SENATE BILL NO. 6055
- SENATE BILL NO. 6073
- SENATE BILL NO. 6088
- SENATE BILL NO. 6115
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6127
- SENATE BILL NO. 6136
- SENATE BILL NO. 6145
- SENATE BILL NO. 6207
- SUBSTITUTE SENATE BILL NO. 6219
- SUBSTITUTE SENATE BILL NO. 6221
- ENGROSSED SENATE BILL NO. 6229
- ENGROSSED SENATE BILL NO. 6230
- SENATE BILL NO. 6252
- SENATE BILL NO. 6278
- SENATE BILL NO. 6369
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6413
- SUBSTITUTE SENATE BILL NO. 6419
- SENATE BILL NO. 6471
- SENATE BILL NO. 6580
- SENATE JOINT RESOLUTION NO. 8211

There being no objection, the House adjourned until 10:00 a.m., February 23, 2018, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL
OF THE
SIXTY-FIFTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2018 Regular Session
Convened January 8, 2018
Adjourned Sine Die March 8, 2018

VOLUME 2



Frank Chopp, Speaker
John Lovick, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Maureen Mueller, Journal Clerk

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SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 23, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Barker and Ryan Heiser. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dan Panter, McKenzie Road Baptist Church, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2998 by Representatives Robinson, Cody, Jinkins, Tharinger and Ormsby

AN ACT Relating to providing a business and occupation tax exemption for accountable communities of health; adding a new section to chapter 82.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2999 by Representatives Tarleton, Hudgins, Morris and Ormsby

AN ACT Relating to security breaches of election systems or election data including by foreign entities; adding a new section to chapter 29A.12 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2018

HB 2299 Prime Sponsor, Representative Ormsby: Making supplemental operating

appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

February 21, 2018

HB 2469 Prime Sponsor, Representative Clibborn: Making supplemental transportation appropriations for the 2017-2019 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez; Van Werven and Young.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Hayes.

February 21, 2018

SB 5020 Prime Sponsor, Senator Hasegawa: Concerning certain state ethnic and cultural diversity commissions. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 14, after "(3)" strike all material through "(5)" on line 18 and insert "~~((Acting in concert with the governor,))~~ Advise the legislature on issues of concern to the African-American community.

(4)"

Renumber the remaining subsection consecutively and correct any internal reference accordingly.

On page 2, line 29, after "**Sec. 3.**" insert "The following acts or parts of acts are each repealed:

(1)**RCW 43.131.341** (Washington state commission on Hispanic affairs—Termination) and 1993 c 261 s 5 & 1987 c 249 s 8; and

(2)"

On page 2, line 31, after "9" strike "are each repealed"

Correct the title.

Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 5084 Prime Sponsor, Committee on Health Care: Providing women with timely information regarding their breast health. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) All health care facilities shall include in the summary of the mammography report, required by federal law to be provided to a patient, information that identifies the patient's individual breast density classification based on the breast imaging reporting and data system established by the American College of Radiology. If a physician at, employed by, or under contract with, the health care facility determines that a patient has heterogeneously or extremely

dense breasts, the summary of the mammography report must include the following notice:

"Your mammogram indicates that you may have dense breast tissue. Roughly half of all women have dense breast tissue which is normal. Dense breast tissue may make it more difficult to evaluate your mammogram. We are sharing this information with you and your health care provider to help raise your awareness of breast density. We encourage you to talk with your health care provider about this and other breast cancer risk factors. Together, you can decide which screening options are right for you."

(2) Patients who receive diagnostic or screening mammograms may be directed to informative material about breast density. This informative material may include the American College of Radiology's most current brochure on the subject of breast density.

(3) This section does not create a duty of care for any health care facility or any health care providers or other legal obligation beyond the duty to provide notice as set forth in this section.

(4) This section does not require a notice that is inconsistent with the provisions of the federal mammography quality standards act (42 U.S.C. Sec. 263b) or any regulations adopted under that act.

(5) For the purposes of this section:

(a) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where mammography examinations are performed.

(b) "Physician" means a person licensed to practice medicine under chapter 18.57 or 18.71 RCW.

(6) This section expires January 1, 2025.

NEW SECTION. Sec. 2. Section 1 of this act takes effect January 1, 2019."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 5108 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Prohibiting political action committees from receiving a majority of their funds from one or a combination of political committees. (REVISED FOR ENGROSSED: Concerning disclosure of contributions from political committees to other political committees.) Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Irwin and Johnson.

Referred to Committee on Rules for second reading.

February 21, 2018

2ESSB 5180 Prime Sponsor, Committee on Health Care: Establishing the legislative advisory committee on aging. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) (a) The joint legislative executive committee on aging and disability is reestablished with members as provided in this subsection.

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives;

(iii) A member from the office of the governor, appointed by the governor;

(iv) The secretary of the department of social and health services, or his or her designee;

(v) The director of the health care authority, or his or her designee;

(vi) The insurance commissioner, or his or her designee, who shall serve as an ex officio member;

(vii) A member from the office of the state long-term care ombuds;

(viii) A member from disability rights Washington; and

(ix) Other agency directors or designees, as necessary.

(b) The committee shall choose its cochairs from among its legislative membership.

(2) The committee shall make recommendations and identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by identifying:

(a) Strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(b) Strategies and policy options to create financing mechanisms for long-term services and supports that allow individuals and families to meet their needs for service;

(c) Policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(d) Ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(e) Ways to meet the needs of the aging demographic impacted by reduced federal support;

(f) Ways to protect the rights of vulnerable adults through assisted decision making and guardianship and other relevant vulnerable adult protections;

(g) Options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(h) Other policy options and recommendations to help communities adapt to the aging demographic in

planning for housing, land use, and transportation.

(3) Staff support for the committee must be provided by the senate committee services, office of program research, the office of financial management, and the department of social and health services.

(4) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the committee must be paid jointly by the senate, house of representatives, and the office of financial management. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) By December 1, 2020, the committee shall submit a report to the governor and each chamber of the legislature with any policy or fiscal recommendations that have resulted from its deliberations.

(7) This section expires July 1, 2021.

NEW SECTION. Sec. 2. This act takes effect July 1, 2019."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 20, 2018

SSB 5596 Prime Sponsor, Committee on Human Services & Corrections: Phasing out use of the valid court order exception to place youth in detention for noncriminal behavior. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is a goal of our state to divert juveniles who have committed status offenses, behaviors that are prohibited under law only because of an individual's status as a minor, away from the juvenile justice system because a stay in detention is a predictive factor for future criminal justice system involvement. The legislature finds that Washington has been using the valid court order exception of the juvenile justice and delinquency prevention act, a loophole in federal law allowing judges to detain status offenders for disobeying court orders, more than any other state in the country. The legislature finds that use of the valid court order exception to detain youth for acts like truancy, breaking curfew, or running away from home is counterproductive and may worsen outcomes for at-risk youth. The legislature further finds that these youth should not be confined with or treated with the same interventions as criminal offenders. The legislature finds that community-based interventions are more effective at addressing underlying causes of status offenses than detention. Finally, the legislature finds that community-based interventions can reduce court caseloads and lower system costs.

NEW SECTION. Sec. 2. A new section is added to chapter 7.21 RCW to read as follows:

(1) It is the policy of the state of Washington to entirely phase out the use of juvenile detention as a remedy for contempt of a valid court order by July 1, 2021. After this date, no youth may be committed to juvenile detention as a contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, nor may a warrant be issued under these chapters for failure to appear at a court hearing that requires commitment of a youth to juvenile detention.

(2) Until July 1, 2021, any youth committed to juvenile detention as a sanction for contempt under chapter 13.32A, 13.34, or 28A.225 RCW, or for failure to appear at a court hearing

under these chapters, must be detained in such a manner so that no direct communication or physical contact may be made between the youth and any youth who is detained to juvenile detention pursuant to a violation of criminal law.

Sec. 3. RCW 7.21.030 and 2001 c 260 s 6 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) In cases under chapters 13.32A(~~(7)~~) and 13.34(~~(7) and 28A.225~~) RCW, commitment to juvenile detention for a period of time not to exceed seven days. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the

contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 4. RCW 7.21.030 and 2001 c 260 s 6 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

~~((e) In cases under chapters 13.32A, 13.34, and 28A.225 RCW, commitment to juvenile detention for a period of time not to exceed seven days. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.))~~

(3) The court may, in addition to the remedial sanctions set forth in

subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 5. RCW 13.32A.250 and 2000 c 162 s 14 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2) ~~((e))~~, subject to the limitations of subsection (3) of this section.

(3) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seven days, or both for contempt of court under this section. A child may not be placed in confinement as a remedial sanction under this section.

(4) ~~((A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.~~

~~(5))~~ A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

~~((6) Whenever the court finds probable cause to believe, based upon~~

~~consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.)~~

Sec. 6. RCW 13.34.165 and 2000 c 122 s 21 are each amended to read as follows:

~~((1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)(e).~~

~~(2) The maximum term of confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.~~

~~(3) A child held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.~~

~~(4))~~ A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

~~((5) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court may issue an order directing law enforcement to pick up and take the child to detention. The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.)~~

Sec. 7. RCW 28A.225.090 and 2017 c 291 s 5 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment,

at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2)((+a)) If the child fails to comply with the court order, the court may impose:

((+i)) (a) Community restitution;

((+ii)) (b) Nonresidential programs with intensive wraparound services;

((+iii)) (c) A requirement that the child meet with a mentor for a specified number of times; or

((+iv)) (d) Other services and interventions that the court deems appropriate.

~~((b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.))~~

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW

28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may ~~((order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may))~~ impose alternatives to detention ~~((such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW))~~ consistent with best practice models for reengagement with school.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 8. RCW 43.185C.260 and 2017 c 277 s 4 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement ~~((+ or~~

~~((d) If a law enforcement agency has been notified by the juvenile court that~~

~~the court finds probable cause exists to believe that the child has violated a court placement order issued under this chapter or chapter 13.34 RCW or that the court has issued an order for law enforcement pick up of the child under this chapter or chapter 13.34 RCW)).~~

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of social and health services with a copy of the officer's report if the youth is in the care of or receiving services from the department of social and health services children's administration.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of social and health services.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) No child may be placed in a secure facility except as provided in this chapter.

NEW SECTION. **Sec. 9.** (1) The department of children, youth, and families shall conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(2) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(3) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

(4) The department and the office shall jointly submit recommendations required by this section to the governor and the appropriate legislative committees no later than December 15, 2018.

NEW SECTION. **Sec. 10.** The following acts or parts of acts are each repealed:

(1)RCW 43.185C.270 (Youth services—Officer taking child into custody—Placing in detention—Detention review

hearing—Hearing on contempt) and 2015 c 69 s 15; and

(2)1998 c 296 s 35 (uncodified).

NEW SECTION. **Sec. 11.** (1) Sections 3 and 7 of this act take effect July 1, 2019.

(2) Sections 4, 5, 8, and 10 of this act take effect July 1, 2021."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Frame; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Griffey; Klippert and Muri.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 5990 Prime Sponsor, Committee on Health & Long Term Care: Enacting the uniform emergency volunteer health practitioners act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 5991 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the democracy is strengthened by casting light on spending

in elections act of 2018 or the Washington state DISCLOSE act of 2018.

NEW SECTION. Sec. 2. The legislature finds that the public has the right to know who is contributing to election campaigns in Washington state and that campaign finance disclosure deters corruption, increases public confidence in Washington state elections, and strengthens representative democracy.

The legislature finds that campaign finance disclosure is overwhelmingly supported by the citizens of Washington state as evidenced by the two initiatives that largely established Washington's current campaign finance system. Both passed with over seventy-two percent of the popular vote, as well as winning margins in every county in the state.

The legislature finds that nonprofit organizations are increasingly engaging in campaign activities in Washington state and across the country, including taking a more active role in contributing to candidate and ballot proposition campaigns. In some cases, these activities are occurring without adequate public disclosure due to loopholes in campaign finance regulations.

The legislature finds that many nonprofit organizations wish to use the provisions of current law to anonymously contribute to campaign activity, frustrating the purposes of public disclosure laws.

Therefore, the legislature intends to increase transparency and accountability, deter corruption, and strengthen confidence in the election process by closing campaign finance disclosure loopholes and requiring the disclosure of contributions and expenditures by nonprofit organizations that participate significantly in Washington state elections.

Sec. 3. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or

facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(8) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(9) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(10) "Commission" means the agency established under RCW 42.17A.100.

(11) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(12) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(13) (a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert

with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the

individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (13)(b)(ix) is not considered an agent of

the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(14) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(18) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(19)(a) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(20) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

(21) "Final report" means the report described as a final report in RCW 42.17A.235(~~(+2)~~) (8).

(22) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

(23) "Gift" has the definition in RCW 42.52.010.

(24) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's

spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(25) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in section 5 of this act, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

(26) "Incumbent" means a person who is in present possession of an elected office.

~~((26))~~ (27) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or

other expenditures of the same person in support of or opposition to that candidate, has a value of eight hundred dollars or more. A series of expenditures, each of which is under eight hundred dollars, constitutes one independent expenditure if their cumulative value is eight hundred dollars or more.

~~((27))~~ (28) (a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((28))~~ (29) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (30) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((31))~~ (32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (34) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (35) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (36) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (37) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of

appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((37))~~ (38) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (39) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (40) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (41) "Public record" has the definition in RCW 42.56.010.

~~((41))~~ (42) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (43) (a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (44) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (45) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (46) "State official" means a person who holds a state office.

~~((46))~~ (47) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

~~((47))~~ (48) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

NEW SECTION. Sec. 4. A new section is added to chapter 42.17A RCW to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making contributions or expenditures aggregating at least twenty-five thousand dollars in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection in the last three

weeks before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

Sec. 5. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day the treasurer is designated, each candidate or political committee must file with the commission a report of all contributions received and expenditures made prior to that date, if any. In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(6), as well as the source of

the ten largest cumulative payments of ten thousand dollars or greater it received in the current calendar year from a single person, including any persons tied as the tenth largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee or incidental committee required to file a statement of organization under this chapter shall file with the commission a report containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held;

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section;

(i) For a political committee only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars; or

(ii) For an incidental committee, only if the committee has:

(A) Received a payment that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(B) Made any election campaign expenditure reportable under RCW 42.17A.240(6) since its last report, and the total election campaign expenditures made since the last report exceed two hundred dollars.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4)(a) The treasurer (~~(or)~~) for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo

identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (4) of this section, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports.

(9) The commission must adopt rules for the dissolution of incidental committees.

Sec. 6. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following except that the commission may suspend or modify reporting requirements for contributions received by an incidental committee in cases of manifestly unreasonable hardship under RCW 42.17A.120:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions

during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; ~~((and))~~

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

(f) For purposes of this subsection, commentary or analysis on a ballot measure by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot measure; and

(g) The money value of contributions of postage (~~shall be~~) is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot measure by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot measure;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 7. RCW 42.17A.420 and 2010 c 204 s 604 are each amended to read as follows:

(1) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17A.240 in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee. This subsection does not apply to payments received by an incidental committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

NEW SECTION. **Sec. 8.** The public disclosure commission shall implement the provisions of this act within existing funds.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 10.** This act takes effect January 1, 2019."

Correct the title.

Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member and Johnson.

MINORITY recommendation: Without recommendation. Signed by Representative Irwin.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 5998 Prime Sponsor, Committee on Health & Long Term Care: Concerning health care provider and health care facility whistleblower protections. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.70.075 and 2006 c 8 s 109 are each amended to read as follows:

(1) (a) The identity of a whistleblower ((~~who~~)) must remain confidential if that whistleblower:

(i) Complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility((~~as defined in RCW 43.72.010, or who~~));

(ii) Initiates in good faith any investigation or administrative proceeding about a complaint of improper quality of care made to the department under this section; or

(iii) Submits a notification or report of an adverse event or an incident, in good faith, to the department of health under RCW 70.56.020 or to the independent entity under RCW 70.56.040((~~shall remain confidential~~)).

(b) The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints and notifications or reports of adverse events or incidents filed under this section. The identity of the whistleblower shall remain confidential

unless the department determines that the complaint ~~((~~is~~))~~, initiation, notification, or report ((~~of the adverse event or incident~~)) was not made in good faith.

(c) An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(d) A whistleblower who is not an employee and who as a result of being a whistleblower has been subjected to reprisal or retaliatory action may initiate a civil action in a court of competent jurisdiction to either enjoin further violations, recover actual damages sustained by the whistleblower, or both, and recover the cost of the suit including reasonable attorneys' fees. The court shall award reasonable attorneys' fees in favor of the respondent if the civil action was initiated by a whistleblower who is not an employee and the court finds that the respondent has not engaged in the alleged reprisal or retaliatory action and that the complaint was frivolous, unreasonable, or groundless.

(2) ~~((~~a~~))~~ A civil action under this section may not be brought more than two years after the date when the retaliation occurred.

(3) In this section:

(a) "Health care facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, ambulatory surgical facilities licensed under chapter 70.230 RCW, substance use disorder treatment facilities licensed under chapter 71.24 RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(b) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, ~~((70.96A))~~ 71.24, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

~~((b))~~ (c) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; ~~((and))~~ a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower; and the revocation, suspension, or reduction of medical staff membership or privileges without following a medical staff sanction process that is consistent with section 2 of this act.

~~((c))~~ (d) "Whistleblower" means a consumer, employee, or health care professional including a health care provider as defined in RCW 7.70.020(1) or member of a medical staff at a health care facility, who in good faith reports alleged quality of care concerns to the department of health or initiates, participates, or cooperates in any investigation or administrative proceeding under this section.

~~((3))~~ (4) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

~~((4))~~ (5) The department shall adopt rules to implement procedures for filing,

investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 7.71 RCW to read as follows:

(1) A medical staff privilege sanction process that results in a revocation, suspension, or reduction of medical staff privileges or membership at a health care facility must meet the requirements of RCW 70.41.200(1)(b).

(2) A professional peer review action taken by a health care facility that imposes a revocation, suspension, or reduction of medical staff privileges or membership must meet the requirements of and is subject to 42 U.S.C. Sec. 11112.

(3) In this section, "health care facility" has the same meaning as in RCW 43.70.075."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6024 Prime Sponsor, Senator Mullet: Addressing the disposition of certain fees collected by the department of financial institutions for the securities division. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Barkis; Bergquist; Blake; Santos and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Assistant Ranking Minority Member; Jenkin and McCabe.

Referred to Committee on Appropriations.

February 21, 2018

SB 6030 Prime Sponsor, Senator Cleveland: Simplifying the process for donating low-value surplus property owned by a city-

owned utility. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended to read as follows:

Whenever a city shall determine, by resolution of its legislative authority, that any lands, property, or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service and, in the case of personal property or equipment, has an estimated value of greater than fifty thousand dollars, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed. Such resolution shall state the fair market value or the rent or consideration to be paid and such other terms and conditions for such disposition as the legislative authority deems to be in the best public interest.

The provisions of RCW 35.94.020 and 35.94.030 shall not apply to dispositions authorized by this section. The provisions of this section and RCW 35.94.020 and 35.94.030 shall not apply to the disposition of any personal property or equipment originally acquired for public utility purposes that is surplus to the city's needs and is not required for providing continued public utility service and has an estimated value of fifty thousand dollars or less."

Correct the title.

Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6058

Prime Sponsor, Senator Hunt: Modifying write-in voting provisions. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass as amended.

On page 5, at the beginning of line 35, strike all material through "~~These~~)" on line 37 and insert "A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

(~~These~~)"

Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representative Kraft, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 6109

Prime Sponsor, Committee on Ways & Means: Concerning the International Wildland Urban Interface Code. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Ranking Minority Member.

Referred to Committee on Appropriations.

February 21, 2018

SB 6113

Prime Sponsor, Senator Bailey: Concerning priority processing for adult family home license applications. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt;

Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6125 Prime Sponsor, Senator Honeyford: Extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 6137 Prime Sponsor, Committee on Labor & Commerce: Clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6152 Prime Sponsor, Committee on Local Government: Concerning the authority of counties to vacate a county road that abuts on a body of water if the county road is hazardous or creates a significant risk to public safety. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6163 Prime Sponsor, Senator Becker: Extending the duration of the collaborative for the advancement of telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2016 c 68 s 2 (uncodified) is amended to read as follows:

(1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, ~~((and))~~ December 1, 2018, and December 1, 2021. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

(5) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, (~~2019~~) 2021."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6182 Prime Sponsor, Senator Takko: Addressing noncollection of taxes by county treasurers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6190 Prime Sponsor, Senator Hunt: Allowing the use of a signature stamp for voting purposes. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Kraft, Assistant Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson and Pellicciotti.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6205 Prime Sponsor, Senator Cleveland: Requiring property sold in tax lien foreclosure proceedings to be sold as is. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

Referred to Committee on Rules for second reading.

February 20, 2018

ESB 6213 Prime Sponsor, Senator Ranker: Addressing the presumption of occupational disease for purposes of workers' compensation by adding medical conditions to the presumption and extending the presumption to certain publicly employed firefighters and investigators and law enforcement. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Ranking Minority Member and Manweller.

Referred to Committee on Appropriations.

February 20, 2018

SSB 6214 Prime Sponsor, Committee on Labor & Commerce: Allowing industrial insurance coverage for posttraumatic stress disorders affecting law enforcement officers and firefighters. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representative Manweller.

Referred to Committee on Appropriations.

February 21, 2018

SB 6311 Prime Sponsor, Senator Mullet: Concerning lost or destroyed state warrants, bonds, and other instruments. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

February 20, 2018

SSB 6318 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick and Walsh.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6319 Prime Sponsor, Senator Honeyford: Implementing the federal produce safety rule. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6368 Prime Sponsor, Senator Warnick: Updating laws concerning agricultural fairs, youth shows, and exhibitions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6399 Prime Sponsor, Committee on Health & Long Term Care: Concerning telemedicine payment parity. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6462 Prime Sponsor, Senator Angel: Concerning the seller's real estate disclosure regarding oil tank insurance. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Barkis; Bergquist; Blake; Jenkin; McCabe; Santos and Stanford.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6473 Prime Sponsor, Committee on Financial Institutions & Insurance: Preventing fires in rental dwelling units. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that over the last ten years, Washington has seen an increasing shift from homeowners to renters in major metropolitan areas and smaller cities and towns. Many of these rentals are in low density, single-family homes, or low density multifamily buildings. As more renters enter the market, rental costs have increased by over thirty percent, forcing people to look for more affordable places to live. With new rental units coming on the market in former single-family homes, many do not meet current fire safety standards. In Washington, four out of five fire deaths occur in residential dwelling units. Smoke alarms have become such a common

feature in homes that it is easy to take them for granted, but properly installed and maintained smoke alarms save lives. Despite requirements for landlords to equip rental dwelling units with smoke detection devices, and tenants to maintain smoke detectors in accordance with manufacturer's recommendations, tragedies still occur.

Therefore, the legislature directs the Washington director of fire protection to investigate ways to prevent fire deaths in rental dwellings, educate landlords and tenants regarding their responsibilities, evaluate insurance certification requirements or changes to the building code, and other possible programs or funding that would improve installation and maintenance of smoke detectors in rental apartments and single-family homes.

The director of fire protection must form a task force of stakeholders including but not limited to landlords of residential units, tenants, local governments, firefighters, representatives from home builders and construction trades, the insurance industry, and a nonprofit that provides free smoke detectors and installation. The task force shall choose its chair from among its membership. The director of fire protection must convene the initial meeting of the task force. The task force must allow for public comments. The task force shall update the appropriate committees of the legislature by December 1, 2018. The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2019."

Correct the title.

Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6475 Prime Sponsor, Committee on Transportation: Prohibiting the imposition of regional transit authority property taxes on less than a whole parcel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member;

Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2299 and HOUSE BILL NO. 2469 which were placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5553, by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Fain, Froct, Takko, Hobbs, Zeiger, Kuderer and Darnelle)

Preventing suicide by permitting the voluntary waiver of firearm rights.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 44, February 20, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orwall, Graves, Fitzgibbon and Kraft spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representative Smith was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5553, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5553, as amended by the House, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins,

Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Vick, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dent, Dye, Holy, Jenkin, Kraft, Kretz, Kristiansen, Maycumber, McCaslin, Orcutt, Pike, Rodne, Schmick, Shea, Taylor, Van Werven, Volz and Young.

Excused: Representative Smith.

SUBSTITUTE SENATE BILL NO. 5553, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5559.

Representative Rodne, 5 District

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

February 23, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6617,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

FIRST READING

There being no objection, ENGROSSED SENATE BILL NO. 6617 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6617, by Senators Nelson and Schoesler

Concerning records disclosure obligations of the legislative branch.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pollet and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6617.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6617, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Nealey, Orcutt, Ormsby, Ortiz-Self, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Ryu, Santos, Schmick, Sells, Senn, Shea, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier, Fey, Graves, Harmsworth, Kilduff, Kraft, Muri, Orwall, Pellicciotti, Reeves, Sawyer, Stambaugh, Walsh and Young.

Excused: Representative Smith.

ENGROSSED SENATE BILL NO. 6617, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 6617.

Representative Lovick, 44 District

There being no objection, ENGROSSED SENATE BILL NO. 6617 was immediately transmitted to the Senate.

ENGROSSED SENATE BILL NO. 5992, by Senators Van De Wege, Zeiger, Dhingra, Fain, Pedersen, Liias, Nelson, Billig, Darneille, Palumbo, Carlyle, Frockt, Rolfes, Keiser, Hunt, Wellman, Chase, Ranker, Saldaña, Kuderer and Mullet

Concerning trigger modification devices. (REVISED FOR ENGROSSED: Concerning bump-fire stocks.)

The bill was read the second time.

With the consent of the House, amendment (1183) was withdrawn.

Representative Rodne moved the adoption of amendment (1154):

On page 8, line 14, after "(4)" insert "The provisions of subsection (1) of this section governing bump-fire stocks do not apply to the ownership, possession or control, or transport of a bump-fire stock by a person with a disability who has a demonstrated physical need for a bump-fire stock, due to the person's disability, in order to effectively operate a firearm.

(5) "

On page 8, at the beginning of line 18, strike "(5)" and insert "~~((5))~~ (6)"

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1154) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1154) was not adopted.

Representative Rodne moved the adoption of amendment (1155):

On page 8, line 14, after "(4)" insert "The provisions of subsection (1) of this section governing bump-fire stocks do not apply to the ownership, possession or control, or transport of a

bump-fire stock by a veteran, as defined in RCW 41.04.007, who is disabled, regardless of whether the disability is service connected, and who has a demonstrated physical need for a bump-fire stock, due to the person's disability, in order to effectively operate a firearm.

(5) "

On page 8, at the beginning of line 18, strike "(5)" and insert "~~((5))~~ (6)"

Representatives Rodne and Shea spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1155) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1155) was not adopted.

Representative Shea moved the adoption of amendment (1186):

On page 8, line 14, after "(4)" insert "The provisions of subsection (1) of this section governing bump-fire stocks do not apply to the ownership, possession or control, or transport of a bump-fire stock by a law enforcement officer.

(5) "

On page 8, at the beginning of line 18, strike "(5)" and insert "~~((5))~~ (6)"

Representative Shea spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1186) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1186) was not adopted.

Representative Shea moved the adoption of amendment (1187):

On page 8, line 14, after "(4)" insert "The provisions of subsection (1) of this section governing bump-fire stocks do not apply to the ownership, possession or control, or transport of a bump-fire stock by an active duty member of the armed forces of the United States, a member of the national guard or the reserves of the armed forces of the United States, or a veteran as defined in RCW 41.04.007.

(5) "

On page 8, at the beginning of line 18, strike "(5)" and insert "~~((5))~~ (6)"

Representatives Shea, Rodne, Klippert and Shea (again) spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1187) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1187) was not adopted.

Representative Shea moved the adoption of amendment (1189):

On page 8, line 14, after "(4)" insert "The provisions of subsection (1) of this section governing bump-fire stocks do not apply to the ownership, possession or control, or transport of a bump-fire stock by a veteran, as defined in RCW 41.04.007, who is disabled, regardless of whether the disability is service connected.

(5) "

On page 8, at the beginning of line 18, strike "(5)" and insert "~~((5))~~ (6)"

Representative Shea spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1189) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1189) was not adopted.

Representative Graves moved the adoption of amendment (1073):

On page 31, after line 14, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall establish and administer a bump-fire stock buy-back program to allow a person in possession of a bump-fire stock to relinquish the device to the Washington state patrol or a participating local law enforcement agency in exchange for a monetary payment established under this section. The Washington state patrol shall adopt rules to implement the bump-fire stock buy-back program according to the following standards:

(a) The buy-back program must be implemented between July 1, 2018, and June 30, 2019, at locations in regions throughout the state.

(b) The buy-back program must allow an individual to relinquish a bump-fire stock to the Washington state patrol or a local law enforcement agency participating in the program in exchange for a monetary payment of one hundred fifty dollars. The Washington state patrol shall coordinate with local law enforcement agencies in implementing the program.

(c) The Washington state patrol shall establish the method for providing the monetary payment and reimbursing a participating law enforcement agency for payments made to individuals under the buy-back program.

(d) The buy-back program is subject to the availability of funds appropriated for this specific purpose. This section does not create a right or entitlement in a person to receive a monetary payment under the buy-back program.

(e) The Washington state patrol and participating law enforcement agencies shall establish guidelines for the destruction or other disposition of bump-fire stocks relinquished under this section.

(2) This section expires January 1, 2020."

Renumber the remaining sections consecutively and correct the title.

Representatives Graves and Jinkins spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1073) and the amendment was adopted by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Chapman.

Excused: Representative Smith.

Amendment (1073) was adopted.

Representative Klippert moved the adoption of amendment (1077):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that:

(1) The Second Amendment to the United States Constitution guarantees that "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed"; and

(2) Article I, section 24 of the state Constitution guarantees that "The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired" The constitutionally protected fundamental right to bear arms is an individual right guaranteed to all law-abiding citizens.

The legislature also finds that federal and state law acknowledges additional protections for individuals with disabilities. The legislature finds that the Washington law against discrimination seeks to protect individuals with physical disabilities from discrimination in the exercise of their civil rights.

The legislature finds that bump-fire stocks and trigger modification devices were originally intended and designed to assist individuals with physical disabilities to utilize firearms in conjunction with their fundamental constitutionally protected rights. Therefore, it is the intent of the legislature to protect the ownership, transport, and certain transfers of bump-fire stock devices that assist individuals with physical disabilities to exercise their right to keep and bear arms.

Sec. 2. RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

~~((4))~~ (5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

~~((5))~~ (6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

~~((6))~~ (7) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

~~((7))~~ (8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

~~((8))~~ (9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

~~((9))~~ (10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

~~((10))~~ (11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

~~((11))~~ (12) "Gun" has the same meaning as firearm.

~~((12))~~ (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((13))~~ (14) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

~~((14))~~ (15) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

~~((15))~~ (16) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

~~((16))~~ (17) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

~~((17))~~ (18) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

~~((18))~~ (19) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((19))~~ (20) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((20))~~ (21) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

~~((21))~~ (22) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((22))~~ (23) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((23))~~ (24) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

- (a) Any crime of violence;
- (b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;
- (c) Child molestation in the second degree;
- (d) Incest when committed against a child under age fourteen;
- (e) Indecent liberties;
- (f) Leading organized crime;
- (g) Promoting prostitution in the first degree;
- (h) Rape in the third degree;
- (i) Drive-by shooting;
- (j) Sexual exploitation;
- (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
- (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
- (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((24))~~ (25) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((25))~~ (26) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((26))~~ (27) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((27))~~ (28) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((28))~~ (29) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

Sec. 3. RCW 9.41.190 and 2016 c 214 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle;

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession

or under control, any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or

(c) Assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2)(a) Except as provided in (b) of this subsection, it is unlawful for any person to manufacture, buy, sell, loan, transfer, or furnish to another person, a bump-fire stock.

(b) It is not unlawful for a person to own, possess, transport, or repair a bump-fire stock, or to temporarily transfer a bump-fire stock to another person if the temporary transfer:

(i) Is between spouses or domestic partners;

(ii) Occurs at an established shooting range authorized by the governing body of the jurisdiction in which such range is located and the bump-fire stock is kept at all times at the shooting range;

(iii) Occurs at a lawful organized competition involving the use of firearms and the transferee's possession of the bump-fire stock is exclusively at the organized competition; or

(iv) Occurs while engaged in lawful hunting.

(3) It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

~~((3))~~ (4) Subsections (1) and (2) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed

under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

~~((4))~~ (5) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

~~((5))~~ (6) Any person violating this section is guilty of a class C felony.

Sec. 4. RCW 9.41.225 and 1989 c 231 s 3 are each amended to read as follows:

(1) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a machine gun or to menace or threaten with a machine gun, another person.

(2) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a firearm containing a bump-fire stock or to menace or threaten another person with a firearm containing a bump-fire stock.

(3) A violation of this section shall be punished as a class A felony under chapter 9A.20 RCW.

Sec. 5. RCW 9.94A.475 and 2012 c 183 s 2 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.825;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both;

(5) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun or bump-fire stock in a felony; or

(6) The felony crime of driving a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.502, and felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504.

Sec. 6. RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an

imitation device 1
(RCW 70.74.272(1)(a))

Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (RCW 9A.40.100(3))

XI

Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

X

Child Molestation 1 (RCW 9A.44.083)

Criminal Mistreatment 1 (RCW 9A.42.020)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

IX	<p>Abandonment of Dependent Person 1 (RCW 9A.42.060)</p> <p>Assault of a Child 2 (RCW 9A.36.130)</p> <p>Explosive devices prohibited (RCW 70.74.180)</p> <p>Hit and Run-Death (RCW 46.52.020(4) (a))</p> <p>Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)</p> <p>Inciting Criminal Profiteering (RCW 9A.82.060(1) (b))</p> <p>Malicious placement of an explosive 2 (RCW 70.74.270(2))</p> <p>Robbery 1 (RCW 9A.56.200)</p> <p>Sexual Exploitation (RCW 9.68A.040)</p>	<p>death) (RCW 46.37.660(1) (b))</p> <p>Burglary 1 (RCW 9A.52.020)</p> <p>Child Molestation 2 (RCW 9A.44.086)</p> <p>Civil Disorder Training (RCW 9A.48.120)</p> <p>Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))</p> <p>Drive-by Shooting (RCW 9A.36.045)</p> <p>Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)</p> <p>Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))</p> <p>Introducing Contraband 1 (RCW 9A.76.140)</p>
VIII	<p>Arson 1 (RCW 9A.48.020)</p> <p>Commercial Sexual Abuse of a Minor (RCW 9.68A.100)</p> <p>Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)</p> <p>Manslaughter 2 (RCW 9A.32.070)</p> <p>Promoting Prostitution 1 (RCW 9A.88.070)</p> <p>Theft of Ammonia (RCW 69.55.010)</p>	<p>Malicious placement of an explosive 3 (RCW 70.74.270(3))</p> <p>Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1) (b))</p> <p>Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)</p>
VII	<p>Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2) (b))</p> <p>Air bag replacement requirements (causing bodily injury or</p>	<p>((Sale [off])) <u>Sell</u>, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2) (b))</p>

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW
9A.72.020)

Persistent prison
misbehavior (RCW
9.94.070)

Possession of a
Stolen Firearm (RCW
9A.56.310)

Rape 3 (RCW
9A.44.060)

Rendering Criminal
Assistance 1 (RCW
9A.76.070)

((~~Sale of~~)) Sell,
install, or reinstall
counterfeit,
nonfunctional,
damaged, or
previously deployed
airbag (RCW
46.37.650(2)(c))

Sending, Bringing
into State Depictions
of Minor Engaged in
Sexually Explicit
Conduct 2 (RCW
9.68A.060(2))

Sexual Misconduct
with a Minor 1 (RCW
9A.44.093)

Sexually Violating
Human Remains (RCW
9A.44.105)

Stalking (RCW
9A.46.110)

Taking Motor
Vehicle Without
Permission 1 (RCW
9A.56.070)

IV

Arson 2 (RCW
9A.48.030)

Assault 2 (RCW
9A.36.021)

Assault 3 (of a
Peace Officer with a
Projectile Stun Gun)
(RCW 9A.36.031(1)(h))

Assault 4 (third
domestic violence
offense) (RCW
9A.36.041(3))

Assault by
Watercraft (RCW
79A.60.060)

Bribing a
Witness/Bribe
Received by Witness
(RCW 9A.72.090,
9A.72.100)

Cheating 1 (RCW
9.46.1961)

Commercial Bribery
(RCW 9A.68.060)

Counterfeiting
(RCW 9.16.035(4))

Driving While Under
the Influence (RCW
46.61.502(6))

Endangerment with a
Controlled Substance
(RCW 9A.42.100)

Escape 1 (RCW
9A.76.110)

Hit and Run-Injury
(RCW 46.52.020(4)(b))

Hit and Run with
Vessel-Injury
Accident (RCW
79A.60.200(3))

Identity Theft 1
(RCW 9.35.020(2))

Indecent Exposure
to Person Under Age
Fourteen (subsequent
sex offense) (RCW
9A.88.010)

Influencing
Outcome of Sporting
Event (RCW 9A.82.070)

Malicious
Harassment (RCW
9A.36.080)

Physical Control of
a Vehicle While Under
the Influence (RCW
46.61.504(6))

Possession of
Depictions of a Minor
Engaged in Sexually
Explicit Conduct 2
(RCW 9.68A.070(2))

Residential
Burglary (RCW
9A.52.025)

Robbery 2 (RCW
9A.56.210)

Theft of Livestock
1 (RCW 9A.56.080)

Threats to Bomb
(RCW 9.61.160)

Trafficking in
Stolen Property 1 (RCW
9A.82.050)

Unlawful factoring
of a credit card or
payment card
transaction (RCW
9A.56.290 (4) (b))

Unlawful
transaction of health
coverage as a health
care service
contractor (RCW
48.44.016 (3))

Unlawful
transaction of health
coverage as a health
maintenance
organization (RCW
48.46.033 (3))

Unlawful
transaction of
insurance business
(RCW 48.15.023 (3))

Unlicensed
practice as an
insurance
professional (RCW
48.17.063 (2))

Use of Proceeds of
Criminal Profiteering
(RCW 9A.82.080 (1) and
(2))

Vehicle Prowling 2
(third or subsequent
offense) (RCW
9A.52.100 (3))

Vehicular Assault,
by being under the
influence of
intoxicating liquor
or any drug, or by the
operation or driving
of a vehicle in a
reckless manner (RCW
46.61.522)

Viewing of
Depictions of a Minor
Engaged in Sexually
Explicit Conduct 1
(RCW 9.68A.075 (1))

III

Willful Failure to
Return from Furlough
(RCW 72.66.060)

Animal Cruelty 1
(Sexual Conduct or
Contact) (RCW
16.52.205 (3))

Assault 3 (Except
Assault 3 of a Peace
Officer With a
Projectile Stun Gun)
(RCW 9A.36.031 except
subsection (1) (h))

Assault of a Child
3 (RCW 9A.36.140)

Bail Jumping with
class B or C Felony
(RCW 9A.76.170 (3) (c))

Burglary 2 (RCW
9A.52.030)

Communication with
a Minor for Immoral
Purposes (RCW
9.68A.090)

Criminal Gang
Intimidation (RCW
9A.46.120)

Custodial Assault
(RCW 9A.36.100)

Cyberstalking
(subsequent
conviction or threat
of death) (RCW
9.61.260 (3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW
9A.56.130)

Harassment (RCW
9A.46.020)

Intimidating a
Public Servant (RCW
9A.76.180)

Introducing
Contraband 2 (RCW
9A.76.150)

Malicious Injury to
Railroad Property
(RCW 81.60.070)

Manufacture, Sale,
Purchase, or Transfer
of a Bump-fire Stock
(RCW 9.41.190 (2))

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Food

Fish or Shellfish 1 (RCW 69.04.938(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II

Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.90.040)

Counterfeiting (RCW 9.16.035(3))

Electronic Data Service Interference (RCW 9A.90.060)

Electronic Data Tampering 1 (RCW 9A.90.080)

Electronic Data Theft (RCW 9A.90.100)

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.40.040)

9A.44.130 prior to
June 10, 2010, and RCW
9A.44.132)

Health Care False
Claims (RCW
48.80.030)

Identity Theft 2
(RCW 9.35.020(3))

Improperly
Obtaining Financial
Information (RCW
9.35.010)

Malicious Mischief
1 (RCW 9A.48.070)

Organized Retail
Theft 2 (RCW
9A.56.350(3))

Possession of
Stolen Property 1 (RCW
9A.56.150)

Possession of a
Stolen Vehicle (RCW
9A.56.068)

Retail Theft with
Special Circumstances
2 (RCW 9A.56.360(3))

Scrap Processing,
Recycling, or
Supplying Without a
License (second or
subsequent offense)
(RCW 19.290.100)

Theft 1 (RCW
9A.56.030)

Theft of a Motor
Vehicle (RCW
9A.56.065)

Theft of Rental,
Leased, Lease-
purchased, or Loaned
Property (valued at
five thousand dollars
or more) (RCW
9A.56.096(5)(a))

Theft with the
Intent to Resell 2
(RCW 9A.56.340(3))

Trafficking in
Insurance Claims (RCW
48.30A.015)

Unlawful factoring
of a credit card or
payment card

transaction (RCW
9A.56.290(4)(a))

Unlawful
Participation of Non-
Indians in Indian
Fishery (RCW
77.15.570(2))

Unlawful Practice
of Law (RCW 2.48.180)

Unlawful Purchase
or Use of a License
(RCW 77.15.650(3)(b))

Unlawful
Trafficking in Fish,
Shellfish, or
Wildlife 2 (RCW
77.15.260(3)(a))

Unlicensed
Practice of a
Profession or
Business (RCW
18.130.190(7))

Voyeurism 1 (RCW
9A.44.115)

I

Attempting to Elude
a Pursuing Police
Vehicle (RCW
46.61.024)

False Verification
for Welfare (RCW
74.08.055)

Forgery (RCW
9A.60.020)

Fraudulent
Creation or
Revocation of a Mental
Health Advance
Directive (RCW
9A.60.060)

Malicious Mischief
2 (RCW 9A.48.080)

Mineral Trespass
(RCW 78.44.330)

Possession of
Stolen Property 2 (RCW
9A.56.160)

Reckless Burning 1
(RCW 9A.48.040)

Spotlighting Big
Game 1 (RCW
77.15.450(3)(b))

Suspension of
Department Privileges

1 (RCW
 77.15.670(3)(b))
 Taking Motor
 Vehicle Without
 Permission 2 (RCW
 9A.56.075)
 Theft 2 (RCW
 9A.56.040)
 Theft from a
 Vulnerable Adult 2
 (RCW 9A.56.400(2))
 Theft of Rental,
 Leased, Lease-
 purchased, or Loaned
 Property (valued at
 seven hundred fifty
 dollars or more but
 less than five
 thousand dollars)
 (RCW 9A.56.096(5)(b))
 Transaction of
 insurance business
 beyond the scope of
 licensure (RCW
 48.17.063)
 Unlawful Fish and
 Shellfish Catch
 Accounting (RCW
 77.15.630(3)(b))
 Unlawful Issuance
 of Checks or Drafts
 (RCW 9A.56.060)
 Unlawful
 Possession of
 Fictitious
 Identification (RCW
 9A.56.320)
 Unlawful
 Possession of
 Instruments of
 Financial Fraud (RCW
 9A.56.320)
 Unlawful
 Possession of Payment
 Instruments (RCW
 9A.56.320)
 Unlawful
 Possession of a
 Personal
 Identification Device
 (RCW 9A.56.320)
 Unlawful
 Production of Payment
 Instruments (RCW
 9A.56.320)

Unlawful
 Releasing, Planting,
 Possessing, or
 Placing Deleterious
 Exotic Wildlife (RCW
 77.15.250(2)(b))
 Unlawful
 Trafficking in Food
 Stamps (RCW 9.91.142)
 Unlawful Use of
 Food Stamps (RCW
 9.91.144)
 Unlawful Use of Net
 to Take Fish 1 (RCW
 77.15.580(3)(b))
 Unlawful Use of
 Prohibited Aquatic
 Animal Species (RCW
 77.15.253(3))
 Vehicle Prowl 1
 (RCW 9A.52.095)
 Violating
 Commercial Fishing
 Area or Time 1 (RCW
 77.15.550(3)(b))

Sec. 7. RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which

underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun~~((τ))~~; possessing a stolen firearm~~((τ))~~; drive-by shooting~~((τ))~~; theft of a firearm~~((τ))~~; unlawful possession of a firearm in the first and second degree~~((τ))~~; manufacture, sale, purchase, or transfer of a bump-fire stock; and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten

years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun((τ)); possessing a stolen firearm((τ)); drive-by shooting((τ)); theft of a firearm((τ)); unlawful possession of a firearm in the first and second degree((τ)); manufacture, sale, purchase, or transfer of a bump-fire stock; and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2)(a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2)(c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an

extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10) (a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing

provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 8. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a) ~~((iii))~~ (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) (a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine

gun((τ)); possession of a stolen firearm((τ)); drive-by shooting((τ)); theft of a firearm((τ)); unlawful possession of a firearm in the first and second degree((τ)); manufacture, sale, purchase, or transfer of a bump-fire stock; or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(5) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

NEW SECTION. Sec. 9. This act takes effect July 1, 2018."

Correct the title.

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1077) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne,

Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1077) was not adopted.

Representative Van Werven moved the adoption of the striking amendment (1153):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Washington association of sheriffs and police chiefs shall conduct a review of the use of bump-fire stocks in criminal offenses in the state of Washington. The review must include information on the number and types of crimes in which a firearm with a bump-fire stock was used in the commission of or in furtherance of a criminal offense. The Washington association of sheriffs and police chiefs shall conduct this review within existing resources and report its findings to the Legislature by December 1, 2018."

Correct the title.

Representative Van Werven spoke in favor of the adoption of the striking amendment.

Representative Jinkins spoke against the adoption of the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (1153) and the striking amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri,

McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

The striking amendment (1153) was not adopted.

Representative Young moved the adoption of striking amendment (1184):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.010 and 2017 c 264 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(3) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(4) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree,

manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

~~((4))~~ (5) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

~~((5))~~ (6) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

~~((6))~~ (7) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

~~((7))~~ (8) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

~~((8))~~ (9) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent

procedure based on a finding of innocence.

~~((9))~~ (10) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

~~((10))~~ (11) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

~~((11))~~ (12) "Gun" has the same meaning as firearm.

~~((12))~~ (13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((13))~~ (14) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

~~((14))~~ (15) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

~~((15))~~ (16) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

~~((16))~~ (17) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

~~((17))~~ (18) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

~~((18))~~ (19) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((19))~~ (20) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((20))~~ (21) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

~~((21))~~ (22) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((22))~~ (23) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((23))~~ (24) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((24))~~ (25) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((25))~~ (26) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

~~((26))~~ (27) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((27))~~ (28) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((28))~~ (29) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

Sec. 2. RCW 9.41.225 and 1989 c 231 s 3 are each amended to read as follows:

(1) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a machine gun or to menace or threaten with a machine gun, another person.

(2) It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9.41.190, to discharge a firearm containing a bump-fire stock or to menace or threaten another person with a firearm containing a bump-fire stock.

(3) A violation of this section shall be punished as a class A felony under chapter 9A.20 RCW.

Sec. 3. RCW 9.94A.475 and 2012 c 183 s 2 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.825;

(4) Any felony with any deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both;

(5) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun or bump-fire stock in a felony; or

(6) The felony crime of driving a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.502, and felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504.

Sec. 4. RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)

	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicle Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicle Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run-Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- ((~~Sale~~ [off])) Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- VI Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

((~~Sale~~—[off])) Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)	card transaction (RCW 9A.56.290(4)(b))
Commercial Bribery (RCW 9A.68.060)	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Counterfeiting (RCW 9.16.035(4))	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Driving While Under the Influence (RCW 46.61.502(6))	Unlawful transaction of insurance business (RCW 48.15.023(3))
Endangerment with a Controlled Substance (RCW 9A.42.100)	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
Escape 1 (RCW 9A.76.110)	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080(1) and (2))
Hit and Run-Injury (RCW 46.52.020(4)(b))	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
Hit and Run with Vessel-Injury Accident (RCW 79A.60.200(3))	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Identity Theft 1 (RCW 9.35.020(2))	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)	Willful Failure to Return from Furlough (RCW 72.66.060)
Influencing Outcome of Sporting Event (RCW 9A.82.070)	III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
Malicious Harassment (RCW 9A.36.080)	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))	Assault of a Child 3 (RCW 9A.36.140)
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Residential Burglary (RCW 9A.52.025)	Burglary 2 (RCW 9A.52.030)
Robbery 2 (RCW 9A.56.210)	
Theft of Livestock 1 (RCW 9A.56.080)	
Threats to Bomb (RCW 9.61.160)	
Trafficking in Stolen Property 1 (RCW 9A.82.050)	
Unlawful factoring of a credit card or payment	

Communication with a
Minor for Immoral Purposes
(RCW 9.68A.090)

Criminal Gang
Intimidation (RCW
9A.46.120)

Custodial Assault (RCW
9A.36.100)

Cyberstalking
(subsequent conviction or
threat of death) (RCW
9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW
9A.56.130)

Harassment (RCW
9A.46.020)

Intimidating a Public
Servant (RCW 9A.76.180)

Introducing Contraband
2 (RCW 9A.76.150)

Malicious Injury to
Railroad Property (RCW
81.60.070)

Mortgage Fraud (RCW
19.144.080)

Negligently Causing
Substantial Bodily Harm By
Use of a Signal Preemption
Device (RCW 46.37.674)

Organized Retail Theft 1
(RCW 9A.56.350(2))

Perjury 2 (RCW
9A.72.030)

Possession of
Incendiary Device (RCW
9.40.120)

Possession of Machine
Gun or Short-Barreled
Shotgun or Rifle (RCW
9.41.190)

Promoting Prostitution
2 (RCW 9A.88.080)

Retail Theft with
Special Circumstances 1
(RCW 9A.56.360(2))

Securities Act
violation (RCW 21.20.400)

Tampering with a Witness
(RCW 9A.72.120)

Telephone Harassment
(subsequent conviction or
threat of death) (RCW
9.61.230(2))

Theft of Livestock 2
(RCW 9A.56.083)

Theft with the Intent to
Resell 1 (RCW
9A.56.340(2))

Trafficking in Stolen
Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big
Game 1 (RCW
77.15.410(3)(b))

Unlawful Imprisonment
(RCW 9A.40.040)

Unlawful Misbranding of
Food Fish or Shellfish 1
(RCW 69.04.938(3))

Unlawful possession of
firearm in the second
degree (RCW 9.41.040(2))

Unlawful Taking of
Endangered Fish or
Wildlife 1 (RCW
77.15.120(3)(b))

Unlawful Trafficking in
Fish, Shellfish, or
Wildlife 1 (RCW
77.15.260(3)(b))

Unlawful Use of a
Nondesignated Vessel (RCW
77.15.530(4))

Vehicular Assault, by
the operation or driving
of a vehicle with
disregard for the safety
of others (RCW 46.61.522)

Willful Failure to
Return from Work Release
(RCW 72.65.070)

II Commercial Fishing
Without a License 1 (RCW
77.15.500(3)(b))

Computer Trespass 1 (RCW
9A.90.040)

Counterfeiting (RCW
9.16.035(3))

Electronic Data Service
Interference (RCW
9A.90.060)

Electronic Data
Tampering 1 (RCW
9A.90.080)

Electronic Data Theft
(RCW 9A.90.100)

Engaging in Fish Dealing
Activity Unlicensed 1 (RCW
77.15.620(3))

Escape from Community
Custody (RCW 72.09.310)

Failure to Register as a
Sex Offender (second or
subsequent offense) (RCW
9A.44.130 prior to June
10, 2010, and RCW
9A.44.132)

Health Care False Claims
(RCW 48.80.030)

Identity Theft 2 (RCW
9.35.020(3))

Improperly Obtaining
Financial Information (RCW
9.35.010)

Malicious Mischief 1
(RCW 9A.48.070)

Organized Retail Theft 2
(RCW 9A.56.350(3))

Possession of Stolen
Property 1 (RCW 9A.56.150)

Possession of a Stolen
Vehicle (RCW 9A.56.068)

Retail Theft with
Special Circumstances 2
(RCW 9A.56.360(3))

Scrap Processing,
Recycling, or Supplying
Without a License (second
or subsequent offense)
(RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle
(RCW 9A.56.065)

Theft of Rental, Leased,
Lease-purchased, or Loaned
Property (valued at five
thousand dollars or more)
(RCW 9A.56.096(5)(a))

Theft with the Intent to
Resell 2 (RCW
9A.56.340(3))

Trafficking in
Insurance Claims (RCW
48.30A.015)

Unlawful factoring of a
credit card or payment
card transaction (RCW
9A.56.290(4)(a))

Unlawful Participation
of Non-Indians in Indian
Fishery (RCW 77.15.570(2))

Unlawful Practice of Law
(RCW 2.48.180)

Unlawful Purchase or Use
of a License (RCW
77.15.650(3)(b))

Unlawful Trafficking in
Fish, Shellfish, or
Wildlife 2 (RCW
77.15.260(3)(a))

Unlicensed Practice of a
Profession or Business
(RCW 18.130.190(7))

Voyeurism 1 (RCW
9A.44.115)

I Attempting to Elude a
Pursuing Police Vehicle
(RCW 46.61.024)

False Verification for
Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or
Revocation of a Mental
Health Advance Directive
(RCW 9A.60.060)

Malicious Mischief 2
(RCW 9A.48.080)

Mineral Trespass (RCW
78.44.330)

Possession of Stolen
Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW
9A.48.040)

Spotlighting Big Game 1
(RCW 77.15.450(3)(b))

Suspension of
Department Privileges 1
(RCW 77.15.670(3)(b))

Taking Motor Vehicle
Without Permission 2 (RCW
9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5) (b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3) (b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2) (b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3) (b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3) (b))

Sec. 5. RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony

or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being

sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or

not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail

shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony

or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 6. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a) (~~(iii)~~) (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement

that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: For a class A felony, six months; for a class B felony, four months; and for a class C felony, two months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(5) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement

imposed in the same disposition for other offenses.

NEW SECTION. Sec. 7. This act takes effect July 1, 2019."

Correct the title.

Representatives Young and Klippert spoke in favor of the adoption of the striking amendment.

Representative Jenkins spoke against the adoption of the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1184) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

The striking amendment (1184) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins, Peterson, Senn and Ortiz-Self spoke in favor of the passage of the bill.

Representatives Rodne, Shea, Klippert, Pike, Dent, Hargrove and Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5992, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5992, as amended by the House,

and the bill passed the House by the following vote:Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harmsworth, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Smith.

ENGROSSED SENATE BILL NO. 5992, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative McBride to preside.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

February 23, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 6617,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bill:

ENGROSSED SENATE BILL NO. 6617

The Speaker called upon Representative Lovick to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2299, by Representative Ormsby

Making supplemental operating appropriations. Revised for 1st Substitute: Making 2018 supplemental operating appropriations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2299 was substituted for House Bill No. 2299 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2299 was read the second time.

With the consent of the House, amendments (1080), (1076), (1129), (1135), (1140), (1130), (1115), (1111), (1082), (1083) and (1081) were withdrawn.

Representative Ormsby moved the adoption of the striking amendment (1094):

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund-State Appropriation (FY 2018)	(\$37,642,000)
	\$35,492,000
General Fund-State Appropriation (FY 2019)	(\$39,205,000)
	\$37,096,000
((Motor Vehicle Account State Appropriation	\$2,011,000))
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	\$4,280,000
TOTAL APPROPRIATION.....	\$78,858,000
	\$76,868,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the tax structure reform work group. The speaker shall designate one member from each of the

major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

(2) The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund-State Appropriation (FY 2018)	(\$26,369,000)
	\$24,908,000
General Fund-State Appropriation (FY 2019)	(\$29,451,000)
	\$27,998,000
((Motor Vehicle Account State Appropriation.....	\$1,903,000))
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation</u>	\$2,941,000
TOTAL APPROPRIATION	\$57,723,000
	\$55,847,000

The appropriations in this section are subject to the following conditions and limitations: The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to

develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund–State Appropriation (FY 2018)	(\$135,000)
	<u>\$208,000</u>
General Fund–State Appropriation (FY 2019)	(\$29,000)
	<u>\$341,000</u>
Performance Audits of Government–State Appropriation.....	(\$8,619,000)
	<u>\$8,119,000</u>
TOTAL APPROPRIATION.....	\$8,783,000
	<u>\$8,668,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2017-2019 work plan as necessary to efficiently manage workload.
- (2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.
- (3) \$308,000 of the performance audits of government account–state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

~~((5))~~ (4) \$100,000 of the performance audits of government account–state appropriation is provided solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth

homelessness performance based contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

~~((6))~~ (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

~~((7))~~ (6)(a) \$250,000 of the performance audit of government–state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

- (i) The costs and benefits associated with prevocational training programs;
- (ii) The process of requesting and authorizing prevocational services;
- (iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;
- (iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;
- (v) The costs and benefits associated with community access services; and
- (vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$9,000 of the general fund–state appropriation for fiscal year 2018 and \$7,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for implementation of

Substitute House Bill No. 1154 (fishing and seafood processing). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(8) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2269 (adaptive automotive equipment tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2448 (developmental disability housing/tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(10) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2550 (disabled veteran assistance/tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(11) \$22,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$2,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of House Bill No. 2928 (cooperative finance organizations B&O). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(13) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of House Bill No. 2947 (rural manufacturers B&O tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(14) \$220,000 of the general fund-state appropriation for fiscal year 2019

is provided solely for implementation of Engrossed Third Substitute House Bill No. 1144 (greenhouse gas emissions). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) (a) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the joint legislative audit and review committee to identify the following:

(i) The currently operating guardianship monitoring practices in each county of the state; and

(ii) The currently operating lay guardian training practices in each county of the state.

(b) The results of the review in (a) of this subsection must be provided to the advisory group and the joint legislative executive committee on aging and disability, as described in section 206(29) of this act, with sufficient time for the advisory group to present to the joint legislative executive committee on aging and disability by December 1, 2018.

(16) \$13,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2396 (child care access). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 104. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund-State Appropriation (FY 2018).....	(\$10,730,000)
	\$10,317,000
General Fund-State Appropriation (FY 2019).....	(\$10,254,000)
	\$10,724,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation</u>	\$825,000
TOTAL APPROPRIATION.....	\$20,984,000
	\$21,866,000

Sec. 105. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund–State Appropriation (FY 2018) (~~(\$302,000)~~)
\$288,000

General Fund–State Appropriation (FY 2019) (~~(\$308,000)~~)
\$294,000

State Health Care Authority
 Administrative Account–State

Appropriation..... \$406,000

Department of Retirement Systems
 Expense

Account–State Appropriation \$5,110,000

Pension Funding Stabilization Account–State

Appropriation..... \$28,000

TOTAL APPROPRIATION..... \$6,126,000

Sec. 106. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund–State Appropriation (FY 2018) (~~(\$4,936,000)~~)
\$4,650,000

General Fund–State Appropriation (FY 2019) (~~(\$5,455,000)~~)
\$5,171,000

Pension Funding Stabilization Account–State

Appropriation..... \$568,000

TOTAL APPROPRIATION..... \$10,391,000

\$10,389,000

Sec. 107. 2017 3rd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund–State Appropriation (FY 2018) (~~(\$4,043,000)~~)
\$3,823,000

General Fund–State Appropriation (FY 2019)..... (~~(\$4,485,000)~~)
\$4,267,000

Pension Funding Stabilization Account–State

Appropriation..... \$438,000

TOTAL APPROPRIATION..... \$8,528,000

Sec. 108. 2017 3rd sp.s. c 1 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund–State Appropriation (FY 2018) (~~(\$8,046,000)~~)
\$7,711,000

General Fund–State Appropriation (FY 2019) (~~(\$8,368,000)~~)
\$8,028,000

Pension Funding Stabilization Account–State

Appropriation..... \$671,000

TOTAL APPROPRIATION..... \$16,414,000

\$16,410,000

Sec. 109. 2017 3rd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund–State Appropriation (FY 2018) (~~(\$1,685,000)~~)
\$1,621,000

General Fund–State Appropriation (FY 2019) (~~(\$1,714,000)~~)
\$1,649,000

Pension Funding Stabilization Account–State

Appropriation..... \$128,000

TOTAL APPROPRIATION..... \$3,399,000

\$3,398,000

Sec. 110. 2017 3rd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund–State Appropriation (FY 2018) (~~(\$1,340,000)~~)

\$1,246,000

General Fund–State Appropriation (FY 2019) (~~(\$1,236,000)~~)

\$1,200,000

Pension Funding Stabilization Account–State

Appropriation..... \$130,000

TOTAL APPROPRIATION..... \$2,576,000

Sec. 111. 2017 3rd sp.s. c 1 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund–State Appropriation (FY 2018) (~~(\$18,077,000)~~)

\$17,341,000

General Fund–State Appropriation (FY 2019) (~~(\$18,860,000)~~)

\$18,109,000

Pension Funding Stabilization Account–State

Appropriation..... \$1,477,000

TOTAL APPROPRIATION..... \$36,937,000

\$36,927,000

Sec. 112. 2017 3rd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund–State Appropriation (FY 2018) (~~(\$56,910,000)~~)

\$55,101,000

General Fund–State Appropriation (FY 2019) (~~(\$58,751,000)~~)

\$62,381,000

General Fund–Federal Appropriation \$2,175,000

General Fund–Private/Local Appropriation \$677,000

Judicial Information Systems Account–State

Appropriation..... (~~(\$58,486,000)~~)

\$61,141,000

Judicial Stabilization Trust Account–State

Appropriation..... (~~(\$6,691,000)~~)

\$4,851,000

Pension Funding Stabilization Account–State

Appropriation..... \$4,580,000

TOTAL APPROPRIATION..... \$183,690,000

\$190,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund–state appropriation for fiscal year 2018 and \$1,399,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3) (a) \$7,313,000 of the general fund–state appropriation for fiscal year 2018 and \$7,313,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2017–2019 fiscal biennium, each county shall

report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$12,000,000 of the judicial information systems account—state appropriation is provided solely for the continued implementation of the superior courts case management system. Of the amount appropriated, \$8,300,000 is provided solely for expenditures in fiscal year 2018. The remaining appropriation of \$3,700,000 is provided solely for expenditures in fiscal year 2019 and shall lapse and remain unexpended if the superior court case management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) (~~(\$4,339,000)~~) \$4,216,000 of the judicial information systems account—state appropriation is provided solely for the information network hub project.

(6) (a) (~~(\$10,000,000)~~) \$2,500,000 of the general fund—state appropriation for fiscal year 2019 and \$8,077,000 of the judicial information systems account—state appropriation (~~(is)~~) are provided solely for other judicial branch information technology projects, including:

(i) The superior court case management system;

(ii) The appellate court case management system;

(iii) The courts of limited jurisdiction case management system;

(~~(iii)~~) (iv) Equipment replacement; and

(~~(iv)~~) (v) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) (~~(\$406,000)~~) \$811,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$405,000)~~) \$811,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the statewide fiscal impact on Thurston county courts. The administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$58,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$570,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 1186 (court interpreter services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$602,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1783 (legal financial obligations).

If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 113. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund-State Appropriation (FY 2018) (~~(\$41,558,000)~~)
\$42,129,000

General Fund-State Appropriation (FY 2019) (~~(\$42,539,000)~~)
\$43,494,000

Judicial Stabilization Trust Account-State
Appropriation..... (~~(\$3,710,000)~~)
\$3,709,000

Pension Funding Stabilization Account-State
Appropriation..... \$278,000
TOTAL APPROPRIATION..... ~~\$87,807,000~~
\$89,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund-state appropriation for fiscal year 2018 and \$1,101,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund-state appropriation for fiscal year 2018 and \$900,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(4) \$2,384,000 of the general fund-state appropriation for fiscal year 2018 and \$3,364,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund-state appropriation for fiscal year 2018 and \$490,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund-state appropriation for fiscal year 2018 and \$432,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

Sec. 114. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund-State Appropriation (FY 2018) (~~(\$14,855,000)~~)
\$14,833,000

General Fund-State Appropriation (FY 2019) (~~(\$16,490,000)~~)
\$17,523,000

Judicial Stabilization Trust Account-State
Appropriation \$1,463,000

Pension Funding Stabilization Account-State
Appropriation \$44,000
TOTAL APPROPRIATION ~~\$32,808,000~~
\$33,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund-state appropriation for fiscal year 2018 and an amount not to exceed \$40,000 of the general fund-state appropriation for fiscal year 2019 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$1,075,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,600,000)~~) \$3,275,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office to partially implement the civil legal aid reinvestment plan.

(3) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of civil legal aid to automate, deploy, and host a plain language family law form document assembly system.

(4)(a) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a statewide kinship care legal assistance support and training coordinator. The coordinator may be hosted at the office of civil legal aid or through a contract with an appropriate nonprofit legal aid provider.

(b) The office of civil legal aid must create a kinship care legal assistance advisory committee to define the scope of activities to be carried out by the coordinator, including, but not limited to, developing training and technical support and assisting volunteer attorneys and attorneys providing below-market rate legal services to kinship care providers.

Sec. 115. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund-State Appropriation (FY 2018) (~~(\$6,406,000)~~)
\$6,216,000

General Fund-State Appropriation (FY 2019) (~~(\$5,833,000)~~)
\$7,042,000

Pension Funding Stabilization Account-State

Appropriation\$676,000

Economic Development Strategic Reserve Account-State

Appropriation\$4,000,000

TOTAL APPROPRIATION\$12,239,000

\$17,934,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund-state appropriation for fiscal year 2018 and \$703,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(3) \$1,216,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$5,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided to the office of the governor to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy internship program.

Sec. 116. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

\$13,554,000

General Fund-State Appropriation (FY 2018) (~~(\$833,000)~~)
\$807,000

General Fund-State Appropriation (FY 2019) (~~(\$859,000)~~)
\$831,000

General Fund-Private/Local Appropriation \$90,000

Pension Funding Stabilization Account-State
Appropriation..... \$54,000

TOTAL APPROPRIATION..... \$1,782,000

Sec. 117. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund-State Appropriation (FY 2018) (~~(\$2,826,000)~~)
\$2,696,000

General Fund-State Appropriation (FY 2019) (~~(\$2,872,000)~~)
\$3,970,000

Pension Funding Stabilization Account-State
Appropriation..... \$260,000

TOTAL APPROPRIATION..... ~~(\$5,698,000)~~
\$6,926,000

The appropriations in this section are subject to the following conditions and limitations: \$37,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for modernizing and migrating the public disclosure commission's business applications from an agency-based data center to the state data center or a cloud environment.

Sec. 118. 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund-State Appropriation (FY 2018) (~~(\$15,131,000)~~)
\$15,691,000

General Fund-State Appropriation (FY 2019) (~~(\$13,465,000)~~)

General Fund-Federal Appropriation.....\$7,801,000

Public Records Efficiency, Preservation, and Access

Account-State Appropriation..... (~~(\$9,223,000)~~)
\$9,218,000

Charitable Organization Education Account-State
 Appropriation.....\$673,000

Local Government Archives Account-State
 Appropriation..... (~~(\$10,946,000)~~)

\$10,943,000

Election Account-Federal Appropriation.....\$4,387,000

Washington State Heritage Center Account-State

Appropriation..... (~~(\$10,383,000)~~)
\$10,625,000

Pension Funding Stabilization Account-State
Appropriation.....\$959,000

TOTAL APPROPRIATION.....~~(\$72,009,000)~~
\$73,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) (a) \$2,932,000 of the general fund-state appropriation for fiscal year 2018 and \$3,011,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount

provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$15,000 of the general fund-state appropriation for fiscal year 2018, \$15,000 of the general fund-state appropriation for fiscal year 2019, \$4,000 of the public records efficiency, preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely for the implementation of

chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$102,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a study to determine any benefits, the full cost to the state, and any potential impact on voter turnout for reimbursing all counties for the cost of return postage on mail and absentee ballots for all elections.

Sec. 119. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund-State Appropriation (FY 2018).....(~~\$289,000~~)
\$274,000

General Fund-State Appropriation (FY 2019).....(~~\$276,000~~)
\$263,000

Pension Funding Stabilization Account-State

Appropriation.....\$28,000

TOTAL APPROPRIATION.....\$565,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of

the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 120. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund-State Appropriation (FY 2018)	(\$253,000)
	<u>\$243,000</u>
General Fund-State Appropriation (FY 2019)	(\$263,000)
	<u>\$253,000</u>
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	<u>\$26,000</u>
TOTAL APPROPRIATION.....	\$516,000
	<u>\$522,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000 of the general fund-state appropriation for fiscal year 2019 are provided to the commission on Asian Pacific American affairs to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy, a ten-week summer internship program administered by the office of the governor. Funding is provided for, but not limited to, living expenses and travel costs.

Sec. 121. 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account-State	
Appropriation.....	(\$18,918,000)
	<u>\$19,376,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the state treasurer's service account-state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned

depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

(3) \$303,000 of the state treasurer's service account-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 122. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund-State Appropriation (FY 2018)	\$28,000
General Fund-State Appropriation (FY 2019)	\$32,000
State Auditing Services Revolving Account-State	
Appropriation.....	(\$10,219,000)
	\$10,216,000
Performance Audit of Government Account-State	
Appropriation.....	(\$3,019,000)
	\$3,719,000
TOTAL APPROPRIATION.....	\$13,298,000
	\$13,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$774,000 of the performance audit of government account-state appropriation is provided solely for the state auditor's office to conduct a performance audit of the department of health focused on the fee setting for each health profession licensed by the department. The performance audit must include, but is not limited to:

(a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;

(b) A review of the costs of running each health profession program or board;

(c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and

(d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$1,585,000 of the performance audit of government account-state appropriation is provided solely for staff and related costs to verify the

accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$667,000 of the performance audits of government account-state appropriation (~~for fiscal year 2018~~) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by (~~June 30~~) December 31, 2018. The audit must include (~~eight~~) ten schools currently in (~~their first year of~~) operation and, subject to the availability of data, must (~~address the following questions~~) include, but is not limited to evaluating, the following operational and academic outcomes:

(a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;

(b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the performance audit of government account-state appropriation is provided solely for the

state auditor's office to conduct ten additional program or agency audits.

Sec. 123. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund-State Appropriation (FY 2018) (~~(\$204,000)~~)
\$213,000

General Fund-State Appropriation (FY 2019) (~~(\$205,000)~~)
\$218,000

Pension Funding Stabilization Account-State

Appropriation..... \$30,000

TOTAL APPROPRIATION..... \$409,000

\$461,000

Sec. 124. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund-State Appropriation (FY 2018) (~~(\$8,641,000)~~)
\$7,837,000

General Fund-State Appropriation (FY 2019) (~~(\$8,951,000)~~)
\$8,234,000

General Fund-Federal Appropriation (~~(\$6,969,000)~~)
\$8,945,000

New Motor Vehicle Arbitration Account-State

Appropriation..... \$1,145,000

Legal Services Revolving Account-State

Appropriation..... (~~(\$245,290,000)~~)
\$250,553,000

Tobacco Prevention and Control Account-State

Appropriation..... \$273,000

Medicaid Fraud Penalty Account-State
Appropriation \$3,526,000

Public Service Revolving Account-State

Appropriation (~~(\$2,373,000)~~)
\$2,724,000

Child Rescue Fund-State
Appropriation..... (~~(\$550,000)~~)
\$500,000

Local Government Archives Account-State
Appropriation..... \$660,000

Pension Funding Stabilization Account-State

Appropriation \$1,606,000

TOTAL APPROPRIATION \$278,378,000

\$286,003,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not

be printed on paper or distributed physically.

(4) \$353,000 of the general fund-state appropriation for fiscal year 2018 and \$353,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund-state appropriation for fiscal year 2018 and \$91,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund-state appropriation for fiscal year 2018 and \$259,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account-state appropriation and \$660,000 of the local government archives account-state appropriation are provided solely for implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$119,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091).

(15) \$78,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1298 (job applicants/arrests). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$350,000 of the public service revolving account-state appropriation is provided solely for additional expert witness assistance for the public counsel unit.

(17) \$72,000 of the legal services revolving account-state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds, creating). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 125. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund-State Appropriation (FY 2018).....	(\$1,606,000)
	\$1,562,000
General Fund-State Appropriation (FY 2019).....	(\$1,576,000)
	\$1,706,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	\$169,000
TOTAL APPROPRIATION.....	\$3,182,000
	\$3,437,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for

charter schools authorized by chapter 28A.710 RCW.

(2) \$79,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$20,000 of the general fund-state appropriation for fiscal year 2018 and \$73,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the council to assist with the review of the sentencing reform act being conducted by the sentencing guidelines commission.

Sec. 126. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund-State Appropriation (FY 2018) (~~(\$64,989,000)~~)
\$65,978,000

General Fund-State Appropriation (FY 2019) (~~(\$65,634,000)~~)
\$75,191,000

General Fund-Federal Appropriation (~~(\$295,855,000)~~)
\$295,861,000

General Fund-Private/Local Appropriation (~~(\$8,623,000)~~)
\$9,026,000

Public Works Assistance Account-State Appropriation..... \$8,092,000

Drinking Water Assistance Administrative Account-State Appropriation.. \$508,000

Lead Paint Account-State Appropriation (~~(\$238,000)~~)
\$464,000

Building Code Council Account-State Appropriation \$15,000

Home Security Fund Account-State Appropriation (~~(\$48,400,000)~~)
\$48,401,000

Affordable Housing for All Account-State

Appropriation.....\$13,867,000
 Financial Fraud and Identity Theft Crimes

Investigation and Prosecution Account-State
 Appropriation.....\$1,974,000

Low-Income Weatherization and Structural

Rehabilitation Assistance Account-State
 Appropriation.....\$1,398,000

Community and Economic Development Fee Account-State
 Appropriation.....\$4,630,000

Washington Housing Trust Account-State

Appropriation.....(~~(\$12,617,000)~~)
\$12,619,000

Prostitution Prevention and Intervention Account-State
 State Appropriation.....\$26,000

Public Facility Construction Loan Revolving Account-State
 Appropriation.....(~~(\$842,000)~~)

\$843,000

Drinking Water Assistance Account-State
 Appropriation.....\$46,000

Liquor Revolving Account-State
 Appropriation.....(~~(\$5,613,000)~~)
\$5,763,000

Energy Freedom Account-State
 Appropriation.....\$6,000

Liquor Excise Tax Account-State
 Appropriation.....\$665,000

Economic Development Strategic Reserve Account-State
 Appropriation.....(~~(\$5,611,000)~~)
\$2,651,000

Financial Services Regulation Account-State
 Appropriation.....\$468,000

Pension Funding Stabilization Account-State
Appropriation.....\$1,618,000

TOTAL APPROPRIATION..... \$540,117,000
\$550,110,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) (~~(\$500,000)~~) \$750,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$500,000)~~) \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) (~~(\$5,602,000 of the economic development strategic reserve account state appropriation is)~~) \$1,480,000 of the general fund-state appropriation for fiscal year 2018, \$1,480,000 of the general fund-state appropriation for fiscal year 2019, and \$2,642,000 of the economic development strategic reserve

account-state appropriation are provided solely for associate development organizations. During the 2017-2019 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,607,000 of the liquor revolving account-state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) (a) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$500,000 of the general fund-state appropriation for fiscal year 2019, \$24,734,000 of the home security fund-state appropriation, and \$8,860,000 of the affordable housing for all account-state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$700,000)~~) \$1,436,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department

through nongeneral fund sources, or any partnering governments or organizations. Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(10) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(11) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(12) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of

individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account-state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(17) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(18) \$94,000 of the general fund-state appropriation for fiscal year 2018 and \$253,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund-state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund-state appropriation for fiscal year 2018 and \$643,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund-state appropriation for fiscal year 2018 and \$39,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$1,000,000 of the home security fund-state appropriation, \$2,000,000 of the Washington housing trust account-state appropriation, and \$1,000,000 of the affordable housing for all account-state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(24) (a) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$500,000 of the general fund-state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund-state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(ii) Support the development of an integrated services model, increase performance outcomes, and ensure providers have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age through increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and

financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(25) \$140,000 of the general fund-state appropriation for fiscal year 2018 and \$140,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aide in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26) (a) \$1,000,000 of the home security fund-state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund-state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund-state appropriation for fiscal year 2018 and \$1,980,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and

care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(28) \$557,000 of the general fund-state appropriation for fiscal year 2018 and \$557,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund-state appropriation for fiscal year 2018

and \$167,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(33) (a) \$83,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$83,000)~~) \$133,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by September 1, 2019, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is

not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(35) \$102,000 of the general fund-state appropriation for fiscal year 2018 and \$75,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund-state appropriation for fiscal year 2018 and \$12,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account-state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40) (a) \$250,000 of the public works assistance account-state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with

relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding.

The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their

outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund–state appropriation for fiscal year 2018 and \$40,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18 experiencing homelessness.

(42) \$200,000 of the general fund–state appropriation for fiscal year 2018 and \$200,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund–state appropriation for fiscal year 2018 and \$600,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund–state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund–state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund–state appropriation for fiscal year 2018 and \$80,000 of the general fund–state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47) \$75,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention

pilot program. The pilot program shall be modeled after the Denver gang reduction initiative program, with the goal of creating a sustainable organized response to gang activity utilizing evidence-based principles.

(48) \$387,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for the department to create the governor's rural broadband office. The purpose of the governor's rural broadband office is to provide grants to local governments and federally recognized tribes to build and deploy infrastructure to provide high-speed, open-access broadband service to rural unserved and underserved communities to improve economic development, public safety, and access to education.

(a) The office must, at a minimum:

(i) Identify unserved and underserved areas in rural parts of the state on an annual basis;

(ii) Conduct planning to prioritize and sequence the delivery of quality high-speed broadband to rural parts of the state;

(iii) Review existing federal communications commission data, unfunded community economic revitalization board proposals, denied United States department of agriculture grants for projects in Washington state, and proposals from previous state broadband efforts; and

(iv) Develop a list of projects for grant support that expand quality high-speed rural broadband access no later than six months after the effective date of this section.

(b) The department of commerce must work with the utilities and transportation commission, consolidated technology services, the office of privacy and data protection, the governor's office for regulatory innovation and assistance, and all other Washington executive and small cabinet agencies with pertinent regulatory jurisdiction in the implementation and operation of the governor's rural broadband office.

(49) (a) \$500,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for a contract to study and report on independent contractor employment in Washington state. The contractor report shall be

provided to the department by November 1, 2018. The report must include information on the needs of workers earning income as independent contractors including sources of income, the amount of their income derived from independent work, and a discussion of the benefits provided to such workers.

(b) The department must convene an advisory committee to provide assistance with the development of the study. The advisory committee must comprise:

(i) Individuals from the public and private sector with expertise in labor laws;

(ii) Representatives of labor unions;

(iii) Representatives from nonprofit organizations promoting economic security and educational opportunity; and

(iv) Individuals from business and industry.

(50) \$240,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2367 (child care collaboration task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$174,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$114,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$31,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) (a) \$400,000 of the general fund-state appropriation for fiscal year 2019 and \$400,000 of the general fund-local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts

of the SeaTac international airport. The general fund-state funding provided in this subsection serves as a state match and may not be spent unless \$400,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by December 1, 2019.

(55) \$1,276,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 16, Laws of 2017, 3rd sp.s. (E2SSB 5254).

(56) (a) \$150,000 of the liquor revolving account-state appropriation is provided solely for the department of commerce to conduct a study that analyzes counties' revenue capacity in relation to their constitutional and statutory obligations. At a minimum, the study must include:

(i) A comparison of county expenditures for services provided as agents of the state compared to the state and local revenue capacity for state services;

(ii) An analysis of where funding gaps are most pronounced, such as by issue area and specific areas of the state;

(iii) How the situation has changed over the last thirty years; and

(iv) Baseline data and a methodology that can be replicated in future studies and analysis.

(b) An interim report focusing on the results of (a) (i) of this section must be presented to the governor and appropriate committees of the legislature by or before December 31, 2018. The final report must be presented to the governor and appropriate committees of the legislature by or before June 30, 2019.

(57) (a) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of commerce to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(i) The department of corrections to support offender betterment projects; and

(ii) The department of social and health services to provide access and visitation services.

(b) The grant recipient must provide data on program outcomes to the Washington statewide reentry council. This data must be included in the Washington statewide reentry council's report of activities and recommendations to the governor and appropriate committees of the legislature as required by RCW 43.380.050.

(58) \$45,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to a nonprofit organization that addresses the causes and barriers of poverty and homelessness with comprehensive and holistic services. The funding must be used to support food bank services and a summer meals program that serves at least ten different sites in the South King county region for children and families.

(59) \$1,500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit organization to provide Washington state residents with legal representation related to family and community safety.

(60) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a small business innovation exchange project to increase economic development opportunities for

women, minority, and veteran owned small businesses in the south King county region.

(61) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the city of Federal Way for an emergency shelter to serve homeless families with children.

(62) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for capacity-building grants through the united Indians of all tribes foundation to promote and improve educational, cultural, and social services for Native American communities in Washington state.

(63) \$66,000 of the general fund-state appropriation for fiscal year 2018 and \$147,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2914 (postconsumer materials). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(64) \$41,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2101 (sexual assault nurse examiners). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(65) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to a museum to assist with armistice day activities in schools and other community settings to celebrate the 100th anniversary of World War I and armistice day. Funding must be used for a World War I America museum exhibit, new curriculum, teacher training, student and classroom visits, and visits from veterans and active duty military.

(66) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit economic development association with members that include cities, ports, and at least twenty associate development organizations to study strategies and best practices for economic development and job creation in rural and underserved communities. The study must include strategies used successfully both in Washington and in other states, including examples of how rural and underserved

communities have recruited technology employers and increased technology jobs in their communities.

Sec. 127. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund-State Appropriation (FY 2018) (~~(\$850,000)~~)
\$799,000

General Fund-State Appropriation (FY 2019) (~~(\$905,000)~~)
\$854,000

Lottery Administrative Account-State Appropriation \$50,000

Pension Funding Stabilization Account-State
Appropriation..... \$102,000
 TOTAL APPROPRIATION..... \$1,805,000

Sec. 128. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund-State Appropriation (FY 2018) (~~(\$11,711,000)~~)
\$12,572,000

General Fund-State Appropriation (FY 2019) (~~(\$11,956,000)~~)
\$12,476,000

General Fund-Federal Appropriation \$39,716,000

General Fund-Private/Local Appropriation (~~(\$501,000)~~)
\$843,000

Economic Development Strategic Reserve Account-State
 Appropriation..... \$314,000

Recreation Access Pass Account-State
Appropriation \$75,000

Personnel Service Fund-State Appropriation (~~(\$8,882,000)~~)
\$8,888,000

Higher Education Personnel Services Account-State

Appropriation.....\$1,497,000
 Performance Audits of Government Account-State
 Appropriation.....\$621,000
 Statewide Information Technology System Development
 Revolving Account-State Appropriation..... (~~(\$6,503,000)~~)
\$10,022,000
 OFM Central Services-State Appropriation..... (~~(\$19,237,000)~~)
\$19,308,000
Pension Funding Stabilization Account-State
Appropriation.....\$2,448,000
 TOTAL APPROPRIATION.....\$100,938,000
\$108,780,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund-federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2) (a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

(b) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(3) \$149,000 of the general fund-state appropriation for fiscal year 2018 and \$144,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund-state appropriation for fiscal year 2018 and \$75,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection of pricing data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$131,000 of the general fund-state appropriation for fiscal year 2019, and \$139,000 of the personnel service account-state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section 222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) (~~(\$4,503,000)~~) \$8,022,000 of the statewide information technology system development revolving account-state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund-federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund-state appropriation for fiscal year 2018 and \$140,000 of the general fund-federal appropriation are provided solely for the authority to incorporate long-term

inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including

average length of service and workforce turnover.

(12) \$75,000 of the recreation access pass account-state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D. Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

(a) Identify the types of recreational access pass products, exemption and discount types, and levels;

(b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;

(c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;

(d) Identify fiscal impacts of changing the state access pass to each of the options identified including any combination state and federal recreational access pass options; and

(e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) \$76,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1851 (government contracting). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$291,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted

by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$52,000 of the general fund-state appropriation for fiscal year 2018 and \$412,000 of the general fund-state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

(16) \$2,000,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds only after approval by the director of the office of financial management.

(17) (a) \$179,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the sentencing guidelines commission to conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(i) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(ii) Ensure Washington's sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(iii) Ensure Washington's sentencing laws and practices promote public safety by holding offenders accountable for their actions while also facilitating their successful reintegration into the community;

(iv) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(v) Eliminate inconsistencies, which may have developed through various amendatory changes.

(b) In conducting the review under (a) of this subsection, the sentencing guidelines commission shall:

(i) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including, but not limited to: Reviewing and simplifying RCW 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing

grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(ii) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(iii) Review fines, fees, and other legal financial obligations associated with criminal convictions, including, but not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(v) Review available alternatives to full confinement, including, but not limited to: Work crew under RCW 9.94A.725 and home detention and electronic home monitoring under RCW 9.94A.734 through 9.94A.736.

(c) The sentencing guidelines commission shall report its findings and recommendations based on the review under (a) of this subsection to the governor and appropriate committees of the legislature by May 1, 2019.

(18) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided to the education research and data center within the office of

financial management for the sole purpose of providing an annual report on postsecondary enrollment and completion of Washington students with demographic information included on race, ethnicity, gender, students with disabilities, English language proficiency, income level, region, and types of credentials, including but not limited to in- and out-of-state public and private traditional two- and four-year degree granting institutions, private vocational schools, state apprenticeship programs, and professional licenses. The appropriation must also be used to respond to data requests from researchers outside of state agencies and to develop a plan for improving data governance for more accurate and timely responses.

Sec. 129. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account-State

Appropriation..... (~~(\$38,898,000)~~)
\$41,135,000

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the administrative hearings revolving account-state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a review of the agency's fee structure, billing methodology, and assumptions about employee productivity which impact the fee structure and billing methodology.

Sec. 130. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account-State
 Appropriation..... (~~(\$28,028,000)~~)
\$28,050,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming

system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

NEW SECTION. Sec. 131. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE GAMBLING COMMISSION**

Gambling Revolving Account-State.....\$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the gambling revolving account-state appropriation is provided solely for the gambling commission to contract for a study on problem gambling to determine the scope of pathological or problem gambling in the state. The gambling commission shall submit results of the study to the legislature by December 31, 2018. The study shall include, but not be limited to identifying:

- (1) The prevalence of gambling-related problems among the adult and juvenile populations in Washington State;
- (2) Which populations are most impacted by problem gambling;
- (3) Services offered for individuals with gambling-related problems;
- (4) Funding available for problem gambling programs and services; and
- (5) Any deficit related to in-state problem gambling funding, services, or programs based on the calculated need determined in the study.

Sec. 132. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund-State Appropriation (FY 2018).....(~~(\$258,000)~~)
\$255,000

General Fund-State Appropriation (FY 2019).....(~~(\$268,000)~~)

\$255,000

Pension Funding Stabilization Account—
State

Appropriation..... \$26,000

TOTAL APPROPRIATION..... ~~\$526,000~~

\$536,000

Sec. 133. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018) (~~\$269,000~~)

\$269,000

General Fund—State Appropriation (FY 2019) (~~\$254,000~~)

\$242,000

Pension Funding Stabilization Account—
State

Appropriation..... \$26,000

TOTAL APPROPRIATION..... ~~\$522,000~~

\$537,000

Sec. 134. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—State Appropriation (~~\$56,498,000~~)

\$57,921,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$124,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 2786 (LEOFF/DOC, DSHS firefighters). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(2) \$107,000 of the department of retirement systems expense account—state appropriation is provided solely to implement House Bill No. 1560 (retirement

system defaults). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(3) \$255,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 1558 (PSERS/offender nursing care). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

Sec. 135. 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2018) (~~\$140,954,000~~)

\$129,868,000

General Fund—State Appropriation (FY 2019) (~~\$138,496,000~~)

\$130,864,000

Timber Tax Distribution Account—State Appropriation (~~\$6,772,000~~)

\$6,773,000

Waste Reduction/Recycling/Litter Control—State Appropriation \$157,000

State Toxics Control Account—State Appropriation \$112,000

Business License Account—State Appropriation (~~\$28,211,000~~)

\$22,907,000

Performance Audits of Government Account—State Appropriation \$4,640,000

Pension Funding Stabilization Account—
State Appropriation \$13,488,000

Financial Services Regulation Account—State Appropriations \$5,000,000

TOTAL APPROPRIATION ~~\$324,342,000~~

\$313,809,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,628,000 of the general fund-state appropriation for fiscal year 2018, \$5,628,000 of the general fund-state appropriation for fiscal year 2019, and \$11,257,000 of the business license account-state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((3))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund-state appropriation for fiscal year 2018 and \$6,304,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(4) \$228,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$1,250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2967 (capital gains tax/property tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$1,745,000 of the general fund-state appropriation for fiscal year 2018 and \$2,019,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for the implementation of chapter 209, Laws of 2017 (EHB 2005).

(7) \$72,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 136. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund-State Appropriation (FY 2018).....	(\$1,409,000)	\$1,387,000
General Fund-State Appropriation (FY 2019).....	(\$1,438,000)	\$1,625,000
<u>Pension Funding Stabilization Account-State</u>		
Appropriation.....	\$162,000	
TOTAL APPROPRIATION.....	\$2,847,000	\$3,174,000

The appropriations in this subsection are subject to the following conditions and limitations: \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board of tax appeals to contract for or temporarily hire a tax referee to help resolve filed appeals.

Sec. 137. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund-Federal Appropriation.....	\$4,615,000
Insurance Commissioners Regulatory Account-State	
Appropriation.....	(\$59,548,000)
	\$60,524,000
TOTAL APPROPRIATION.....	\$64,163,000
	\$65,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

Sec. 138. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account-State
Appropriation..... (~~(\$48,916,000)~~)
\$48,908,000

Sec. 139. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund-State Appropriation
(FY 2018)..... (~~(\$10,400,000)~~)
\$10,382,000

Dedicated Marijuana Fund-State Appropriation
(FY 2019)..... (~~(\$9,596,000)~~)
\$10,620,000

Liquor Revolving Account-State Appropriation (~~(\$69,578,000)~~)
\$69,420,000

General Fund-Federal Appropriation \$2,912,000

General Fund-State Appropriation (FY 2018) (~~(\$372,000)~~)
\$334,000

General Fund-State Appropriation (FY 2019) (~~(\$393,000)~~)
\$353,000

General Fund-Private/Local Appropriation \$50,000

Pension Funding Stabilization Account-State

Appropriation.....\$78,000
TOTAL APPROPRIATION.....~~(\$93,301,000)~~
\$94,149,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,000 of the liquor revolving account-state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 (~~(of this act)~~), chapter 1, Laws of 2017 3rd sp. sess.

(4) \$93,000 of the general fund-state appropriation for fiscal year 2018 and \$70,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement and enforce vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as required by state liquor and cannabis board rule.

(6) Within the amounts appropriated within this section, the board shall, in consultation with the department of revenue, study the benefits and costs of restructuring the distillery licensing and fee structure as proposed in House Bill No. 2609 (distilled spirits production), including benefits resulting from the increased use of Washington-grown materials in spirits production in the state. As part of the study, the board shall convene meetings in at least three locations in the state at which stakeholders and the public have an opportunity to provide input on the proposal. The board shall submit a report to the appropriate committees of the legislature by December 1, 2018, reporting the study's findings and, if the board deems appropriate, any recommendations.

Sec. 140. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General	Fund-Private/Local	
Appropriation	\$16,464,000	
Public Service Revolving Account-State		
Appropriation.....	((40,248,000))	
	\$40,240,000	
Pipeline Safety	Account-State	
Appropriation	((3,412,000))	
	\$3,411,000	
Pipeline Safety	Account-Federal	
Appropriation	\$3,072,000	
TOTAL APPROPRIATION.....	\$63,196,000	
	\$63,187,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in

other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account-state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) Up to \$800,000 of the public service revolving account-state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

Sec. 141. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General	Fund-State	Appropriation (FY 2018)	((7,676,000))	
			\$7,015,000	
General	Fund-State	Appropriation (FY 2019)	((7,910,000))	
			\$8,828,000	
General	Fund-Federal	Appropriation.....	((118,521,000))	
			\$117,248,000	
Enhanced	911	Account-State	Appropriation.....	((51,857,000))
			\$53,470,000	
Disaster	Response	Account-State	Appropriation.....	((29,433,000))
			\$42,249,000	
Disaster	Response	Account-Federal	Appropriation.....	((81,560,000))
			\$118,587,000	
Military Department	Rent and Lease	Account-State	Appropriation	\$615,000
Worker and Community	Right-to-Know	Account-State		

	<u>\$1,960,000</u>
General Fund-State Appropriation (FY 2019)	((\$2,251,000))
	<u>\$2,137,000</u>
Higher Education Personnel Services Account-State	
Appropriation.....	\$1,327,000
Personnel Service Account-State Appropriation	\$4,032,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$228,000</u>
TOTAL APPROPRIATION.....	\$9,686,000
	<u>\$9,684,000</u>

Sec. 143. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account-State	
Appropriation.....	((\$2,907,000))
	<u>\$3,244,000</u>

Sec. 144. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund-State Appropriation (FY 2018)	((\$4,368,000))
	<u>\$4,364,000</u>
General Fund-State Appropriation (FY 2019)	((\$4,405,000))
	<u>\$4,381,000</u>
General Fund-Private/Local Appropriation	\$102,000
Building Code Council Account-State Appropriation	((\$1,056,000))
	<u>\$1,481,000</u>
TOTAL APPROPRIATION.....	\$9,931,000
	<u>\$10,328,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$4,031,000)~~) \$3,994,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$4,082,000)~~) \$3,974,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its

master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$349,000 of the general fund-state appropriation is provided solely for the state building code council.

Sec. 145. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund-State Appropriation (FY 2018).....	(\$1,607,000)
	<u>\$1,570,000</u>
General Fund-State Appropriation (FY 2019).....	(\$1,633,000)
	<u>\$1,643,000</u>
General Fund-Federal Appropriation.....	\$2,228,000
General Fund-Private/Local Appropriation.....	\$264,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation</u>	<u>\$136,000</u>
TOTAL APPROPRIATION.....	\$5,732,000
	<u>\$5,841,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund-state appropriation for fiscal year 2018 and \$103,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of archaeology and historic preservation to collaborate with the department of commerce to facilitate a capital needs assessment study of public libraries in distressed counties as defined by RCW 43.168.020(3). The study must assess library facility backlogs and the local funding capacity for both nonhistoric libraries and libraries on local, state, or national historic registries.

Sec. 146. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund-State Appropriation (FY 2018).....	\$187,000
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General Fund—State Appropriation (FY 2019)	\$188,000
Consolidated Technology Services Revolving	
Account—State	Appropriation
	((\$19,136,000))
	<u>\$18,578,000</u>
TOTAL APPROPRIATION.....	<u>\$19,511,000</u>
	<u>\$18,953,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,263,000 of the consolidated technology services revolving account—state appropriation is for the office of the chief information officer.

(2) ((~~\$9,443,000~~)) \$10,668,000 of the consolidated technology services revolving account—state appropriation is for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) In conjunction with the office of the chief information officer's

prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(6) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(7) \$500,000 of the consolidated technology services revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

~~((9))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

PART II

HUMAN SERVICES

Sec. 201. 2017 3rd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require

expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management,

and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6) (a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be

used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9) (a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, unless prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2018 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) through (d) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2018 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, foster care, adoption support, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose.

(c) Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(d) Within the developmental disabilities program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(e) The department may not transfer appropriations, and the director of the office of financial management may not

approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	(\$348,992,000)
	<u>\$346,043,000</u>
General Fund—Federal Appropriation	(\$265,365,000)
	<u>\$279,194,000</u>
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation.....	\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation.....</u>	<u>\$9,132,000</u>
TOTAL APPROPRIATION.....	\$616,836,000
	<u>\$636,848,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to

biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9) (a) \$539,000 of the general fund–state appropriation for fiscal year 2018, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund–federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund–state appropriation for fiscal year 2018 and \$26,000 of the general fund–federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund–state appropriation for fiscal year 2018 and \$11,000 of the general fund–federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017–2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31,

2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund–state appropriation for fiscal year 2018 and \$65,000 of the general fund–federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund–state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund–state appropriation for fiscal year 2018 and \$56,000 of the general fund–federal appropriation are provided solely for the children's administration to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund–state appropriation for fiscal year 2018 and \$19,000 of the general fund–federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund–state appropriation for fiscal year 2018 and \$160,000 of the general fund–federal appropriation are provided solely for a

six percent base rate increase for child care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund-state appropriation for fiscal year 2018 and \$78,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000 of the general fund-federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund-state appropriation for fiscal year 2018 and \$573,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund-state appropriation for fiscal year 2018 and \$174,000 of the general fund-federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund-State Appropriation (FY 2018) (~~(\$95,885,000)~~)
\$91,281,000

General Fund-State Appropriation (FY 2019) (~~(\$97,123,000)~~)
\$94,061,000

General	Fund-Federal
Appropriation.....	\$3,464,000
General	Fund-Private/Local
Appropriation.....	\$1,985,000
Washington Auto Theft Prevention Authority Account-	
State Appropriation.....	\$196,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$8,721,000</u>
TOTAL APPROPRIATION.....	\$198,653,000
	<u>\$199,708,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund-state appropriation for fiscal year 2018 and \$331,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund-state appropriation for fiscal year 2018 and \$2,841,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund-state appropriation for fiscal year 2018 and \$1,537,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4) (a) \$6,198,000 of the general fund-state appropriation for fiscal year 2018 and \$6,198,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The juvenile rehabilitation administration shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-

half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 - 17. The administration must report to the legislature by December 1, (~~2018~~) 2019, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, (~~2017~~) 2018, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide

service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund-state appropriation for fiscal year 2018 and \$98,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4) (d) of this section to contract with research entities to: (a) Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund-state appropriation for fiscal year 2018 and \$557,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund-state appropriation for fiscal year 2018 and \$283,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant program

focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the superintendent of public instruction, the office of financial management-education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$71,000 of the general fund-state appropriation for fiscal year 2018 and \$212,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for housing services to clients releasing from incarceration into the community.

(12) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2907 (juvenile rehabilitation confinement). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General Fund-State Appropriation (FY 2018) (~~(\$391,457,000)~~)
\$381,760,000

~~((General Fund-State Appropriation (FY 2019) \$409,108,000))~~

General Fund-Federal Appropriation (~~(\$1,021,705,000)~~)
\$481,439,000

General Fund-Private/Local Appropriation (~~(\$17,864,000)~~)
\$8,932,000

Dedicated Marijuana Account-State Appropriation (FY 2018)..... \$3,684,000

~~((Dedicated Marijuana Account-State Appropriation (FY 2019)..... \$3,684,000))~~

Pension Funding Stabilization Account-State Appropriation..... \$39,000

TOTAL APPROPRIATION.... ~~\$1,847,502,000~~
\$875,854,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully

integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund-state appropriation for fiscal year 2018 (~~((\$6,590,000 of the general fund-state appropriation for fiscal year 2019,))~~ and (~~(\$7,620,000)~~) \$3,810,000 of the general fund-federal appropriation are provided solely for the department and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under ~~((g))~~ (f) of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund-state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund-state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) (~~(\$3,520,000)~~) \$1,760,000 of the general fund-federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

~~(e) ((\$6,858,000 of the general fund-state appropriation for fiscal year 2019 and \$4,023,000 of the general fund-federal appropriation are provided solely for new crisis triage or stabilization centers. The department must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(f) \$15,862,000))~~ \$11,405,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and

work to further expand the waiver to other populations in fiscal year 2020. The department must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((g))~~ (f) \$81,930,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$81,930,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((h))~~ (g) The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((i))~~ (h) \$1,125,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,125,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((j))~~ (i) \$1,204,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((k))~~ (j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (g) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((l))~~ (k) \$2,291,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department must collect information from the behavioral health organizations

on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((m))~~ (l) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((n))~~ (m) The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((o))~~ (n) \$2,309,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$3,079,000 of the general fund-state appropriation for fiscal year 2019))~~ and ~~((and \$5,061,000))~~ \$2,169,000 of the general fund-federal appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem

reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((t))~~ (o) \$100,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ~~((ensuring))~~, ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((q))~~ (p) \$1,466,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$7,103,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~((, \$9,715,000))~~ \$1,663,000 of the general fund-federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental

diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((r))~~ ~~\$1,133,000 of the general fund-state appropriation for fiscal year 2019 and \$1,297,000 of the general fund-federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.~~

~~((s))~~ (q) \$4,983,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$6,744,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~((, \$25,365,000))~~ \$10,849,000 of the general fund-federal appropriation are provided solely for the department to increase medicaid capitation payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((t))~~ (r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health

organizations at western state hospital by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under ~~((q))~~ (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((r))~~ (s) \$11,405,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$11,405,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~(((\$17,680,000))~~ \$8,840,000 of the general fund-federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental

diseases. If the department is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

~~((t))~~ (t) \$200,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,296,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((u))~~ (u) \$212,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$213,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((v))~~ (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and

reductions in improper billing activity when implementing provider credentialing systems.

(w) No more than \$6,464,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018)	(\$286,936,000)
	\$330,214,000
General Fund-State Appropriation (FY 2019)	(\$277,823,000)
	\$271,907,000
General Fund-Federal Appropriation	(\$148,093,000)
	\$181,895,000
General Fund-Private/Local Appropriation	(\$52,630,000)
	\$61,282,000
<u>Pension Funding Stabilization Account-State Appropriation.....</u>	<u>\$34,746,000</u>
TOTAL APPROPRIATION.....	\$765,482,000
	\$880,044,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund-state appropriation for fiscal year 2018 and \$310,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund-state appropriation for fiscal year 2018 and \$45,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$44,000 of the general fund-state appropriation for fiscal year 2018 and \$19,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, (~~2017~~) 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding

for base police services and a community policing program.

(e) (~~(\$25,053,000)~~) \$20,883,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$25,847,000)~~) \$33,558,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) (~~(\$3,261,000)~~) \$3,928,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,261,000)~~) \$4,249,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency evaluation services.

(g) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$20,234,000)~~) \$32,424,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal

funding. The department shall specifically account for all spending related to the agreement and reconcile it back to the original funding plan, adjusted to reflect changes in amounts provided for fiscal year 2019. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund-state appropriation for fiscal year 2018 and \$2,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) \$34,584,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for increased staffing and other costs at the state hospitals that are required to maintain federal certification and compliance with federal agreements. Throughout the biennium, the department must track state hospital staffing expenditures, including the use of overtime and contracted locums, to allotments and submit monthly reports to the office of financial management. The office of financial management must review these reports and make a determination as to whether the overspending in these areas is required to maintain federal certification and compliance with federal agreements. The office of

financial management must notify the department each month whether and to what level the overspending on staffing is approved and may be maintained and whether and to what level the department must reduce such expenditures. By December 2, 2018, the office of financial management must provide a report to the appropriate committees of the legislature on spending beyond appropriations for staffing at the state hospitals and identify the level of overspending that has been approved and any direction provided by the office of financial management to reduce overspending on staffing that was not required to maintain federal certification and compliance with federal agreements.

(l) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health organizations and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health organizations and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2018.

(m) \$140,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department and the University of Washington to begin implementation the first phase of a collaborative plan for a high-quality

forensic teaching service. Indirect charges for amounts contracted to the University of Washington must not exceed ten percent. The department and the University of Washington must research and pursue behavioral health workforce education grants from federal or private foundations that could be used in support of this project. By November 1, 2018, the department, in collaboration with the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature with a progress update, readiness to proceed to the second phase of the project, a detailed cost analysis of the second phase, and identification of any federal or private grants identified and the status of those applications.

(n) \$11,200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to develop and implement an acuity based staffing tool at western state hospital and eastern state hospital. The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to develop, in collaboration with the office of financial management's labor relations office and state labor unions, an overall state hospital staffing plan which looks at all positions and functions of the facilities and is informed by a review of the Oregon state hospital staffing model. \$300,000 of the amounts in this subsection are provided solely for and must be used for staff costs required to establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The remainder of the funds must be used for direct care staffing needed in order to implement the acuity based staffing tool. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By September 1, 2018, the department must submit a report to the office of financial management and the

appropriate committees of the legislature that includes the following: (a) Progress in implementing the acuity based staffing tool; (b) a comparison of average daily staffing expenditures to budgeted staffing levels and the recommended state hospital staffing plan by function; and (c) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to inform and prioritize future budget requests for staffing at the state hospitals. Beginning on January 1, 2019, the department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature which includes monitoring of monthly spending and staffing levels compared to allotments and to the recommended state hospital staffing model.

(o) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. By December 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal

justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health organizations.

(ii) The model for civil and forensic state hospital bed need must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. The department must submit a report to the office of financial management and the appropriate committees of the legislature by October 1, 2018, with a description of the model and the estimated civil and forensic state hospital bed need through the end of fiscal year 2021. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(3) SPECIAL PROJECTS

General Fund-State Appropriation (FY 2018).....	(\$514,000)	\$486,000
(General Fund State Appropriation (FY 2019).....	\$508,000)	
General Fund-Federal Appropriation.....	(\$25,852,000)	\$3,148,000
<u>Pension Funding Stabilization Account-State</u>		
Appropriation.....	\$28,000	
TOTAL APPROPRIATION.....	\$26,874,000	\$3,662,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((a))~~ \$446,000 of the general fund-state appropriation for fiscal year 2018 ~~(, \$446,000 of the general fund-state appropriation for fiscal year~~

2019-) and ((~~\$178,000~~)) \$89,000 of the general fund-federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((b) No more than \$19,557,000 of the general fund federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.))~~

(4) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2018)	((\$10,175,000))
	<u>\$9,265,000</u>
General Fund-State Appropriation (FY 2019)	((\$9,543,000))
	<u>\$2,979,000</u>

General	Fund-Federal
Appropriation.....	((\$12,046,000))
	<u>\$8,310,000</u>
General	Fund-Private/Local
Appropriation.....	((\$502,000))
	<u>\$251,000</u>
<u>Pension Funding Stabilization Account- State</u>	
Appropriation	<u>\$526,000</u>
TOTAL APPROPRIATION	<u>\$32,266,000</u>
	<u>\$21,331,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department must complete an update of the state quality strategy required under federal managed care regulations and submit to the center for medicaid and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicaid and medicare services; (ii) identification of all performance measures that are currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization 2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund-state appropriation for fiscal year 2018 and \$41,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year ~~((~~2018~~))~~ 2018 ~~((and 2019))~~ to support the costs of the regulatory program. The

department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

Sec. 205. 2017 3rd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2018) (~~(\$612,748,000)~~)

\$601,597,000

General Fund—State Appropriation (FY 2019) (~~(\$662,252,000)~~)

\$664,035,000

General Fund—Federal Appropriation (~~(\$1,301,629,000)~~)

\$1,302,433,000

General Fund—Private/Local Appropriation (~~(\$534,000)~~)

\$2,407,000

Pension Funding Stabilization Account—State

Appropriation..... \$6,872,000

TOTAL APPROPRIATION.... ~~\$2,577,163,000~~

\$2,577,344,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and (~~(\$106)~~) \$116 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund—state appropriation for fiscal year 2018, \$18,249,000 of the general fund—state appropriation for fiscal year 2019, and \$27,336,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund—state appropriation for fiscal year 2018, \$2,183,000 of the general fund—state appropriation for fiscal year 2019, and \$3,714,000 of the general fund—federal appropriation are provided solely for the

homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund-state appropriation for fiscal year 2018, \$650,000 of the general fund-state appropriation for fiscal year 2019, and \$800,000 of the general fund-federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund-state appropriation for fiscal year 2018 and \$900,000 of the general fund-state

appropriation for fiscal year 2019 are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$100,000 of the general fund-state appropriation for fiscal year 2018, \$95,000 of the general fund-state appropriation for fiscal year 2019, and \$195,000 of the general fund-federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund-state appropriation for fiscal year 2018, \$2,055,000 of the general fund-state appropriation for fiscal year 2019, and \$3,218,000 of the general fund-federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health

stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund-state appropriation for fiscal year 2018, \$1,963,000 of the general fund-state appropriation for fiscal year 2019, and \$2,701,000 of the general fund-federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017-2019 fiscal biennium and will receive employment services under this expansion.

(l) \$14,127,000 of the general fund-state appropriation for fiscal year 2018, \$25,428,000 of the general fund-state appropriation for fiscal year 2019, and \$39,554,000 of the general fund-federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (l)(1) include funding to increase the benchmark rate by the following amounts:

(i) \$1.25 per hour effective July 1, 2017, and;

(ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund-state appropriation for fiscal year 2018, \$11,000 of the general fund-state appropriation for fiscal year 2019, and \$13,000 of the general fund-federal appropriation are provided solely to

implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund–state appropriation for fiscal year 2018, \$3,493,000 of the general fund–state appropriation for fiscal year 2019, and \$4,267,000 of the general fund–federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund–state appropriation for fiscal year 2018, \$3,424,000 of the general fund–state appropriation for fiscal year 2019, and \$4,126,000 of the general fund–federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund–state appropriation for fiscal year 2018, \$69,000 of the general fund–state appropriation for fiscal year 2019, and \$141,000 of the general fund–federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund–state appropriation for fiscal year 2018, \$51,000 of the general fund–state appropriation for fiscal year 2019, and \$102,000 of the general fund–federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund–state appropriation for fiscal year 2018, \$445,000 of the general fund–state appropriation for fiscal year 2019, and \$1,069,000 of the general fund–federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund–state appropriation for fiscal year 2018 and \$269,000 of the general fund–federal

appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund–state appropriation for fiscal year 2018, \$2,878,000 of the general fund–state appropriation for fiscal year 2019, and \$6,388,000 of the general fund–federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) The department must define a plan and funding estimate necessary to implement an electronic visit verification system for service providers that contract with the department and that are subject to the requirements of the federal twenty-first century cures act. Implementation of the electronic visit verification system is expected to be fully compliant with the federal twenty-first century cures act no later than July 1, 2019.

(i) Any funding necessary to support the electronic visit verification system must be requested in a decision package that is submitted to the office of financial management no later than the 2019-2021 fiscal biennial budget cycle.

(ii) The plan and funding estimate must address in-home care workers employed by home care agencies that contract with the department, and any other service providers that contract with the department and that are determined by the federal centers for medicare and medicaid services to be subject to the electronic visit verification system requirement.

(iii) In defining a plan for the electronic visit verification system, the department must explore options to maximize cost-efficiency. Options may include but are not limited to:

(A) A shared system with other states; and,

(B) Development of a shared system with the consumer-directed employer that will implement an electronic visit

verification system for individual providers of home care services.

(u) The developmental disabilities administration shall work with stakeholders to design and implement a proposed specialty contract for adult family homes that exclusively serve individuals who have a primary need of care related to a developmental or intellectual disability. The specialty contract must be designed as a statement of work with specific provisions related to the assessment, environment, regulations, provision of care, and training requirements. The specialty contract must be designed to support an intentional environment to improve resident quality of life, increase resident length of stay, clarify regulations, streamline training requirements, reduce the need for institutional settings, and attract more adult family providers to develop such highly needed resources. The specialty contract must be completed by July 1, 2018, for consideration and potential implementation in the 2019-2021 collective bargaining agreement and biennial budget.

(v) \$623,000 of the general fund-state appropriation for fiscal year 2019 and \$623,000 of the general fund-federal appropriation are provided solely to hold community residential service provider rates harmless for instruction and support services and administration, to the extent possible within amounts appropriated in this subsection, if the tiered rate methodology is implemented effective January 1, 2019.

(w) \$1,873,000 of the general fund-private/local appropriation and \$1,874,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(x) \$564,000 of the general fund-state appropriation for fiscal year 2019 and \$564,000 of the general fund-federal appropriation are provided solely for the department to use the King county classification for the purpose of determining the benchmark rate, which is

the rate at which direct care staff hours are paid specific to a county classification, in Snohomish county for community residential service businesses as defined in RCW 74.39A.009(5).

(y) \$21,000 of the general fund-state appropriation for fiscal year 2019 and \$26,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(z) \$34,000 of the general fund-state appropriation for fiscal year 2018, \$293,000 of the general fund-state appropriation for fiscal year 2019, and \$480,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2963 or Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(aa) The department of social and health services developmental disabilities administration shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(68) of this act.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018)	(\$104,159,000)
	\$99,642,000
General Fund-State Appropriation (FY 2019)	(\$106,818,000)
	\$106,874,000
General Fund-Federal Appropriation	(\$195,757,000)
	\$203,719,000
General Fund-Private/Local Appropriation	(\$25,041,000)
	\$27,041,000
Pension Funding Stabilization Account-State Appropriation	\$12,441,000
TOTAL APPROPRIATION	\$431,775,000

\$449,717,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund-state appropriation for fiscal year 2018 and \$495,000 of the general fund-state appropriation for fiscal year 2019 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$2,978,000 of the general fund-state appropriation for fiscal year 2018, \$2,978,000 of the general fund-state appropriation for fiscal year 2019, and \$5,956,000 of the general fund-federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund-state appropriation for fiscal year 2018, \$5,000 of the general fund-state appropriation for fiscal year 2019, and \$5,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) \$229,000 of the general fund-state appropriation for fiscal year 2019 and \$229,000 of the general fund-federal appropriation are provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the residential habilitation centers. The department is to develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well

as related performance and outcomes. The department is to report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(g) \$2,308,000 of the general fund-state appropriation for fiscal year 2018, \$6,169,000 of the general fund-state appropriation for fiscal year 2019, and \$8,477,000 of the general fund-federal appropriation are provided solely for additional staffing resources to provide direct care to clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services, and to gather information for the 2019 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, conversion of cottages from certification as an intermediate care facility to certification and licensure as a skilled nursing facility, developing a state operated nursing facility for eligible clients, and placement of additional clients from the residential habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.

The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed

by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employee international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services; and

(I) One member from the aging and long term support administration within the department of social and health services.

(ii) Before November 1, 2018, the department of social and health services must submit a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information: All information provided for subsections A through D below must be provided so as to clearly identify data that represents the intermediate care facility versus the skilled nursing facility components of the residential habilitation centers.

(A) The current number of clients living in the residential habilitation centers from the most recent month of available data. The information must be provided by month for each cottage on each campus, and must distinguish between long-term and short-term admissions.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year

2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) The following information pertinent to the goal of transitioning from the use of intermediate care facilities on residential habilitation center campuses to skilled nursing facilities, when appropriate to individual client needs and preferences, no later than January 1, 2021:

(I) An analysis of existing facilities that might serve as skilled nursing facilities, including options on residential habilitation center campuses and options off campus that might be purchased, rented, or leased by the state. The report must display location, closure date if applicable, and total bed capacity for each facility.

(II) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility level of care as determined by assessments conducted by the department.

(III) The number of clients living in intermediate care facility cottages at the residential habilitation centers whom, directly or through their legal guardian, express interest in or willingness to live in a skilled nursing facility in interviews and assessments conducted by the department.

(IV) A description of the process and a feasibility analysis for the transition of a cottage or multiple cottages at a residential habilitation center from certification as an intermediate care

facility to certification and licensure as a skilled nursing facility no later than January 1, 2021. This section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(V) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021.

(H) Options for the alternate use of buildings, vacant or occupied, at Fircrest, Rainier, Yakima valley, or Lakeland village. The suggestions must include but are not limited to expanding capacity for nursing care, dental care, and other specialty services for individuals with developmental or intellectual disabilities.

(I) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services.

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus by the department of social and health services. This option must include but is not limited to the most recent appraisal of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

(III) A combination of the options outlined within (I) and (II) of this subsection (g) (ii) (I) .

(J) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(K) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(L) Options for transferring individuals who have been residing long term at the state psychiatric hospitals into an alternative location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(M) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(N) \$23,000 of the general fund-state appropriation for fiscal year 2019 and \$23,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2018)	(\$2,469,000)	
		\$2,351,000
General Fund-State Appropriation (FY 2019)	(\$2,531,000)	
		\$2,417,000
General Fund-Federal Appropriation	(\$2,946,000)	
		\$2,986,000

Pension Funding Stabilization Account—
State

\$5,320,001,000

Appropriation.....\$270,000
TOTAL APPROPRIATION.....~~\$7,946,000~~
\$8,024,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018) (~~\$64,000~~)
\$55,000

General Fund—State Appropriation (FY 2019) (~~\$64,000~~)
\$62,000

General Fund—Federal Appropriation \$1,092,000

Pension Funding Stabilization Account—
State

Appropriation.....\$11,000
TOTAL APPROPRIATION.....\$1,220,000

Sec. 206. 2017 3rd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2018) (~~\$1,099,017,000~~)
\$1,077,282,000

General Fund—State Appropriation (FY 2019) (~~\$1,196,263,000~~)
\$1,208,737,000

General Fund—Federal Appropriation (~~\$2,839,653,000~~)
\$2,845,278,000

General Fund—Private/Local Appropriation (~~\$33,572,000~~)
\$37,639,000

Traumatic Brain Injury Account—State Appropriation \$4,540,000

Skilled Nursing Facility Safety Net Trust Account—

State Appropriation.....\$133,360,000

Pension Funding Stabilization Account—
State

Appropriation.....\$13,165,000
TOTAL APPROPRIATION....~~\$5,306,405,000~~

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed (~~\$201.39~~) \$200.47 for fiscal year 2018 and shall not exceed (~~\$209.35~~) \$216.64 for fiscal year 2019.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and (~~\$106~~) \$116 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive

community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund-state appropriation for fiscal year 2018 and \$1,857,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund-state appropriation for fiscal year 2018, \$37,239,000 of the general fund-state appropriation for fiscal year 2019, and \$55,716,000 of the general fund-federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund-state appropriation for fiscal year 2018, \$13,413,000 of the general fund-state appropriation for fiscal year 2019, and \$22,812,000 of the general fund-federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund-state appropriation for fiscal year 2018 and \$5,094,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances,

such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$234,000)~~) \$479,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund-state appropriation for fiscal year 2018, \$127,000 of the general fund-state appropriation for fiscal year 2019, and \$169,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(13) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled members of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(e) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for

contracted assisted living, adult residential care, and enhanced adult residential care. The department must submit a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and

considered as an option for the capital component. The recognition of food for medicaid residents must also be included in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund-state appropriation for fiscal year 2018, \$10,199,000 of the general fund-state appropriation for fiscal year 2019, and \$18,346,000 of the general fund-federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund-state appropriation for fiscal year 2018, \$5,741,000 of the general fund-state appropriation for fiscal year 2019, and \$9,775,000 of the general fund-federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund-state appropriation for fiscal year 2018, \$4,458,000 of the general fund-state appropriation for fiscal year 2019, and \$8,571,000 of the general fund-federal appropriation are provided solely to increase vendor rates for nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal

biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund-state appropriation for fiscal year 2018, \$8,527,000 of the general fund-state appropriation for fiscal year 2019, and \$12,277,000 of the general fund-federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) During fiscal year 2018, in a presentation to the select committee on

quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund-state appropriation for fiscal year 2018, \$315,000 of the general fund-state appropriation for fiscal year 2019, and \$630,000 of the general fund-federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund-state appropriation for fiscal year 2018, \$135,000 of the general fund-state appropriation for fiscal year 2019, and \$270,000 of the general fund-federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients

ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund-state appropriation for fiscal year 2018, \$5,143,000 of the general fund-state appropriation for fiscal year 2019, and \$10,154,000 of the general fund-federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund-state appropriation for fiscal year 2018, \$92,000 of the general fund-state appropriation for fiscal year 2019, and \$2,479,000 of the general fund-federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund-state appropriation for fiscal year 2018, \$229,000 of the general fund-state appropriation for fiscal year 2019, and \$458,000 of the general fund-federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund-state appropriation for fiscal year 2018 and \$313,000 of the general fund-federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25) (a) No more than \$41,388,000 of the general fund-federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund-state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on

financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund-state appropriation for fiscal year 2018, \$421,000 of the general fund-state appropriation for fiscal year 2019, and \$1,012,000 of the general fund-federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund-state appropriation for fiscal year 2018, \$13,111,000 of the general fund-state appropriation for fiscal year 2019, and \$29,104,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent

upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) The department must define a plan and funding estimate necessary to implement an electronic visit verification system for service providers that contract with the department and that are subject to the requirements of the federal twenty-first century cures act. Implementation of the electronic visit verification system is expected to be fully compliant with the federal twenty-first century cures act no later than July 1, 2019.

(a) Any funding necessary to support the electronic visit verification system must be requested in a decision package that is submitted to the office of financial management no later than the 2019-2021 fiscal biennial budget cycle.

(b) The plan and funding estimate must address in-home care workers employed by home care agencies that contract with the department, and any other service providers that contract with the department and that are determined by the federal centers for medicare and medicaid services to be subject to the electronic visit verification system requirement.

(c) In defining a plan for the electronic visit verification system, the department must explore options to maximize cost-efficiency. Options may include but are not limited to:

(i) A shared system with other states, and;

(ii) Development of a shared system with the consumer-directed employer that will implement an electronic visit verification system for individual providers of home care services.

(29)(a) \$20,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department of social and health services aging and long-term support administration to convene an advisory group to accomplish the following:

(i) To develop a model program to monitor guardians appointed pursuant to Title 11 RCW and to develop recommendations for best practices. The model guardianship monitoring program

must provide for oversight of both lay and professional guardians. The advisory group must receive the results of the joint legislative audit and review committee review of currently operating monitoring practices in each county of the state, as required in section 103(15) of this act, which will also be provided to the joint legislative executive committee on aging and disability described in section 206(13) of this act; and

(ii) To develop a model in-person training program for use by lay guardians across the state as a supplement to current online training. The advisory group must receive the results of the joint legislative audit and review committee review of currently operating monitoring practices in each county of the state, as required in section 103(15) of this act, which will also be provided to the joint legislative executive committee on aging and disability.

(b) The advisory group shall be appointed by the secretary of the department of social and health services, in consultation with stakeholders, and consist of:

(i) Individuals with disabilities, family members of individuals with disabilities, and disability advocates, with relevant experience or expertise;

(ii) Seniors, family members of seniors, and senior advocates, with relevant experience or expertise;

(iii) Representatives of the courts and the elder bar with relevant knowledge or authority;

(iv) Professional guardians;

(v) At least one individual with expertise in language access;

(vi) Providers of health care or health care professionals; and

(vii) At least one representative of organized labor with experience in guardianship.

(c) The cochairs of the joint legislative executive committee on aging and disability shall appoint two legislators to serve on the advisory group, one from the democratic caucus and one from the republican caucus.

(d) Staff support to the committee shall be provided by the department of social and health services aging and long-term support administration.

(e) The advisory group shall prepare a report of its findings and recommendations and present its report to the joint legislative executive committee on aging and disability by December 1, 2018.

(30) \$92,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a single nonprofit organization that holds an in-home care agency license and operates homeless shelters for a pilot project to test the outcomes of providing personal care services to aged and/or functionally disabled individuals in homeless shelters. The pilot shall examine whether personal care services are effective in creating and maintaining connections between homeless individuals and supportive services such as health care, mental health, and substance abuse services. The department shall submit an interim report by January 15, 2019, and a final report by August 14, 2019, to the governor and appropriate legislative committees.

(31) \$40,000 of the general fund-state appropriation for fiscal year 2019 and \$40,000 of the general fund-federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(32) \$3,686,000 of the general fund-private/local appropriation and \$2,548,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(33) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 and \$1,200,000 of the general fund-federal appropriation are provided solely to maintain client access to medicaid contracted assisted living, enhanced adult residential care, and adult residential care services under chapter 74.39A RCW. Licensed assisted

living facilities that contract with the department to serve medicaid clients under these specified contract types must have an average medicaid occupancy of at least sixty percent, determined using the medicaid days from the immediately preceeding calendar year during the months of July 1st through December 31st to qualify for additional funding under this subsection.

(34) \$615,000 of the general fund-state appropriation for fiscal year 2019 and \$698,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(35) \$19,000 of the general fund-state appropriation for fiscal year 2018, \$35,000 of the general fund-state appropriation for fiscal year 2019, and \$54,000 of the general fund-federal appropriation are provided solely to implement Engrossed House Bill No. 2750 (assisted living facility quality). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(36) \$166,000 of the general fund-state appropriation for fiscal year 2018, \$800,000 of the general fund-state appropriation for fiscal year 2019, and \$1,510,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2963 or Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(37) \$100,000 of the general fund-state appropriation for fiscal year 2019 and \$100,000 of the general fund-federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract for an updated actuarial model of the 2016 independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The follow-up study must model alternative variations of the previously studied public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance

benefit, including but not limited to alternative minimum hours worked per year for vesting.

(b) The feasibility study and actuarial analysis must include input from the joint legislative executive committee on aging and disability and other interested stakeholders, and must include an analysis of each variation based on:

(i) The expected costs and benefits for participants;

(ii) The total anticipated number of participants;

(iii) The projected savings to the state medicaid program, if any; and

(iv) Legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department by September 1, 2018. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the appropriate committees of the legislature by October 1, 2018.

(38) \$50,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract with the area agencies on aging to convene a work group to include long-term care industry members, family members who provide long-term services and supports, and other groups with interest in long-term services and supports to develop a proposal on how family members could be included as providers of long-term services and supports under the previously studied public long-term care benefit. The work group shall review options and propose:

(a) Minimum qualifications that would allow a family caregiver to serve as a long-term services and supports provider, which may:

(i) Be distinct from the qualifications on the effective date of this act for individual providers;

(ii) Require training based primarily on the individual needs and preferences of the beneficiary;

(iii) Take into account the existing relationship between the family caregiver and the beneficiary, the duration of the caregiving experience, and the type of care being provided.

(b) Administrative program options for providing compensation, benefits, and protections for family caregivers, considering cost-effectiveness and administrative simplification. The program options shall consider how to preserve the quality of the long-term care workforce and must include worker protections and benefits.

(c) The work group shall develop recommendations and provide the recommendations to the joint legislative and executive committee on aging and disability by November 15, 2018.

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund-State Appropriation (FY 2018)	(\$396,063,000)	\$364,376,000
General Fund-State Appropriation (FY 2019)	(\$415,638,000)	\$378,511,000
General Fund-Federal Appropriation	(\$1,421,095,000)	\$1,445,306,000
General Fund-Private/Local Appropriation		\$5,144,000
Administrative Contingency Account-State Appropriation		\$5,400,000
Pension Funding Stabilization Account-State Appropriation		\$29,264,000
TOTAL APPROPRIATION	\$2,243,340,000	\$2,228,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) (~~(\$155,022,000)~~) \$127,164,000 of the general fund-state appropriation for fiscal year 2018, (~~(\$160,136,000)~~) \$128,881,000 of the general fund-state appropriation for fiscal year 2019, \$836,761,000 of the general fund-federal appropriation, (~~and~~) \$5,400,000 of the administrative contingency account-state appropriation, and \$8,155,000 of the pension funding stabilization account-state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$261,925,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection (1)(b), \$10,565,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to

increase the grant standard by eight percent.

(c) (~~(\$168,005,000)~~) \$160,490,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

(~~(i)~~) \$1,700,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(~~(ii)~~ Prior to renewal of intergovernmental TANF agreements with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per-client costs in the tribal TANF program have increased since the initial agreement, the department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.)

(d) (i) (~~(\$501,608,000)~~) \$478,555,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed

33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

(I) Participation in work or other approved activities;

(II) Household composition; and

(III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection, \$8,547,000 of the general fund-state appropriation for fiscal year 2018 and \$10,438,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(v) Of the amounts provided in this subsection (1)(d), \$779,000 of the general fund-state appropriation for fiscal year 2018 and \$722,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for homeless families.

(e) \$34,248,000 of the general fund-federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) ((~~\$170,442,000~~) \$171,143,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The

department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy

families contingency funds in each fiscal year as assumed in the budget outlook.

(j) The department must submit a report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature that estimates the caseload and fiscal impact of returning to pre-2011 temporary assistance for needy families policies. At a minimum, the report must include an analysis of the caseload and fiscal impact of:

(i) Removing the sixty-month lifetime limit;

(ii) Lessening sanction policies; and

(iii) No longer requiring the WorkFirst orientation.

(2) \$1,657,000 of the general fund-state appropriation for fiscal year 2018 and \$1,657,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On ~~((December))~~ January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of

the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) ~~((433,000))~~ \$856,000 of the general fund-state appropriation for fiscal year 2018, ~~((451,000))~~ \$2,494,000 of the general fund-state appropriation for fiscal year 2019, and ~~((6,451,000))~~ \$17,203,000 of the general fund-federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund-state appropriation for fiscal year 2018, \$8,000 of the general fund-state appropriation for fiscal year 2019, and \$36,000 of the general fund-federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(11) ~~((127,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse-))~~ \$438,000 of the general fund-state appropriation for fiscal year 2019

is provided solely for the implementation of Engrossed Substitute House Bill No. 1831 (public assistance/resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$43,000 of the general fund-state appropriation for fiscal year 2018 and \$16,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$58,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$119,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund-State Appropriation (FY 2018).....	((78,842,000))
	\$96,763,000
((General Fund-State Appropriation (FY 2019).....	\$71,308,000))
General Fund-Federal Appropriation.....	((575,249,000))
	\$301,240,000
General Fund-Private/Local Appropriation.....	((20,211,000))
	\$10,101,000
Criminal Justice Treatment Account-State Appropriation	((12,978,000))
	\$6,488,000

Problem Gambling Account-State Appropriation	(\$1,453,000)	<u>\$725,000</u>
Dedicated Marijuana Account-State Appropriation		
(FY 2018).....	\$24,802,000	
((Dedicated Marijuana Account State Appropriation		
(FY 2019).....	\$24,802,000)	
<u>Pension Funding Stabilization Account-State Appropriation.....</u>		<u>\$264,000</u>
TOTAL APPROPRIATION.....	\$809,645,000	<u>\$440,383,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,278,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$3,278,000 of the dedicated marijuana account-state appropriation for fiscal year 2019~~) are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$1,130,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) \$282,000 of the dedicated marijuana account-state appropriation for fiscal year ~~((2017 and \$282,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are))~~ 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than

through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

~~((4) \$3,500,000)~~ \$1,750,000 of the general fund-federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$200,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$200,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$396,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$396,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for a grant to the office of superintendent of public instruction to provide life skills

training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$386,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(, \$2,684,000 of the dedicated marijuana account state appropriation for fiscal year 2019,))~~ and (~~(\$1,900,000)~~) \$950,000 of the general fund-federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(11) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$2,434,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely for expenditure into the home visiting services account.

(13) \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$2,500,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health

organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) (~~(\$1,125,000)~~) \$563,000 of the general fund-federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) \$891,000 of the general fund-state appropriation for fiscal year 2018 (~~(, \$2,580,000 of the general fund state appropriation for fiscal year 2019,))~~ and (~~(\$2,755,000)~~) \$435,000 of the general fund-federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The department must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(17) (~~(\$1,000,000)~~) \$500,000 of the criminal justice treatment account-state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to individuals supervised by the department of corrections in the community. In reviewing, the department shall compile

data specific to BHOs and in the aggregate for access to services, timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) \$100,000 of the general fund-state appropriation for fiscal year 2018 (~~and \$100,000 of the general fund-state appropriation for fiscal year 2019 are~~) is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal (~~years~~) year 2018 (~~and 2019~~) as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact

on providers. This report must be submitted by December 1, 2017.

(22) \$31,995,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-VOCATIONAL REHABILITATION PROGRAM

General Fund-State Appropriation (FY 2018).....(~~\$14,899,000~~)
\$13,890,000

(c) The average annual participation rate in the program;

\$82,017,000

(d) Participation rates by geographic distribution; and

General Fund-State Appropriation (FY 2019).....(~~\$43,380,000~~)

\$42,354,000

(e) The annual federal funding of the program in Washington.

General Fund-Federal Appropriation.....(~~\$57,578,000~~)

\$57,287,000

(3) \$1,216,000 of the general fund-state appropriation for fiscal year 2019 and \$515,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

TOTAL APPROPRIATION.....\$182,277,000

\$181,658,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund-state appropriation for fiscal year 2018 and \$11,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund-state appropriation for fiscal year 2018, \$12,000 of the general fund-state appropriation for fiscal year 2019, and \$24,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(4) \$81,000 of the general fund-state appropriation for fiscal year 2018, \$86,000 of the general fund-state appropriation for fiscal year 2019, and \$167,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(5) \$2,031,000 of the general fund-state appropriation for fiscal year 2019 and \$816,000 of the general fund-federal appropriation for fiscal year 2019 are provided solely for a time, leave, and attendance scheduling system and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess. The department shall examine business practices and coordinate with the department of enterprise services and the department of transportation regarding the scheduling system.

Sec. 213. 2017 3rd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-PAYMENTS TO OTHER AGENCIES PROGRAM

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the

General Fund-State Appropriation (FY 2018)(~~\$81,319,000~~)

health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund-state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and

after any allotment modifications and transfers.

(1) MEDICAL ASSISTANCE

General Fund-State Appropriation (FY 2018) ((\$2,065,747,000))

\$2,024,873,000

General Fund-State Appropriation (FY 2019)..... ((\$2,114,943,000))

\$2,083,021,000

General Fund-Federal Appropriation..... ((\$11,503,815,000))

\$11,823,270,000

General Fund-Private/Local Appropriation..... ((\$232,300,000))

\$204,427,000

Emergency Medical Services and Trauma Care Systems

Trust Account-State Appropriation..... \$15,086,000

Hospital Safety Net Assessment Account-State

Appropriation ((\$725,012,000))

\$693,099,000

Medicaid Fraud Penalty Account-State Appropriation..... \$28,163,000

Medical Aid Account-State Appropriation..... \$528,000

Dedicated Marijuana Account-State Appropriation

(FY 2018) ((\$16,205,000))

\$17,616,000

Dedicated Marijuana Account-State Appropriation

(FY 2019) ((\$17,039,000))

\$18,396,000

~~((State Health Care Authority Administrative Account-~~

~~State Appropriation \$7,000))~~

Pension Funding Stabilization Account-State

Appropriation \$4,538,000

TOTAL APPROPRIATION ... \$16,718,845,000

\$16,913,017,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$256,645,000 of the general fund-state appropriation for fiscal year 2018 and \$264,704,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority to implement a single, standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of

drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) (~~(\$118,813,000)~~) \$113,356,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$120,265,000)~~) \$140,578,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for (~~(holding)~~) managed care capitation (~~(rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019)~~) payments.

(c) \$122,244,000 of the general fund-state appropriation for fiscal year 2018 and \$116,038,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child

dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi) a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a different delivery model. The authority is authorized to seek any necessary state plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates.

(d) (~~(\$1,540,849,000 of the general fund state appropriation for fiscal year 2018 and \$1,585,513,000 of the general fund state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid program. However,~~) By October 30, 2018, the

authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(e) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(f) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in ~~((e) and (f))~~ (g) and (h) of this subsection until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (i) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (ii) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (iii) ensure patients and health care providers have significant input into the implementation of the

demonstration waiver, in order to ensure improved patient health outcomes; and (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

~~((e))~~ (g) No more than ~~((479,600,000))~~ \$486,683,000 of the general fund-federal appropriation and no more than ~~((154,289,000))~~ \$129,103,000 of the general fund-local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including

sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care providers and medical malpractice insurance carriers.

~~((f))~~ (h) No more than ~~((42,584,000))~~ \$38,425,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((g))~~ (i) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((h))~~ (j) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((i))~~ (k) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((j))~~ (l) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((k))~~ (m) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((l))~~ (n) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((m))~~ (o) \$4,261,000 of the general fund-state appropriation for fiscal year 2018, \$4,261,000 of the general fund-state appropriation for fiscal year 2019, and \$8,522,000 of the general fund-federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((n))~~ (p) Within the amounts appropriated in this section, the health

care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((o))~~ (g) \$6,000,000 of the general fund-federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((p))~~ (r) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2017, and by November 1, 2018, that evaluate whether savings continue to exceed costs for this

program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2017-2019 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated

during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$10,575,000)~~) \$359,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$13,185,000)~~) \$361,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

(~~(s)~~) (s) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(~~(t)~~) (t) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(~~(u)~~) (u) The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization

practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((t))~~ (v) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((u))~~ (w) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((v))~~ (x) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((w))~~ (y) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((x))~~ (z) \$90,000 of the general fund-state appropriation for fiscal year 2018, \$90,000 of the general fund-state appropriation for fiscal year 2019, and \$180,000 of the general fund-federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((y))~~ (aa) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((z))~~ (bb) Within the amounts appropriated in this section, the authority shall reimburse for primary

care services provided by naturopathic physicians.

~~((aa))~~ (cc) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((bb))~~ (dd) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((cc))~~ (ee) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund-state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((dd))~~ (ff) \$127,000 of the general fund-state appropriation for fiscal year 2018 and \$1,144,000 of the general fund-federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((cc))~~ (gg) \$175,000 of the general fund-state appropriation for fiscal year 2018 and \$825,000 of the general fund-federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((ff))~~ ~~\$2,200,000~~ (hh) \$1,483,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$2,701,000))~~, \$1,594,000 of the general fund-state appropriation for fiscal year 2019, and \$1,509,000 of the general fund-federal appropriation are provided ~~((solely))~~ for a rate increase effective July 1, 2018 and performance payments to reward successful beneficiary engagement in the health homes program for ~~((dual eligible))~~ fee-for-service enrollees and these are the maximum amounts in each

fiscal year the authority may expend for this purpose.

~~((gg))~~ (ii) \$450,000 of the general fund—state appropriation for fiscal year 2018, \$450,000 of the general fund—state appropriation for fiscal year 2019, and \$1,058,000 of the general fund—federal appropriation are provided solely for the authority to hire ten nurse case managers to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

~~((hh))~~ (jj) Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

~~((ii))~~ (kk) The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

~~((jj))~~ (ll) Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization

and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kk))~~ (mm) Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((ll))~~ (nn) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((mm))~~ (oo) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((nn))~~ (pp) \$500,000 of the general fund—state appropriation for fiscal year 2019 and \$500,000 of the general fund—federal appropriation are provided solely for the authority to implement the oral health connections pilot project in ~~((Yakima, Adams))~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((oo))~~ (qq) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve medically intensive children's program clients who reside in a group home setting.

~~((pp))~~ (rr) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job

requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((qq))~~ (ss) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a pilot program for treatment of inmates at the Snohomish county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((rr))~~ (tt) \$6,487,000 of the general fund—state appropriation for fiscal year 2018 and \$1,340,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15

days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((sss))~~ (uu) The authority shall evaluate adding a tele-pyschiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((ttt))~~ (vv) \$33,000 of the general fund-state appropriation for fiscal year 2018, ~~(((\$7,000 of the state health care authority administrative account state appropriation,))~~ and \$42,000 of the general fund-federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((uuu))~~ (ww) \$304,000 of the general fund-state appropriation for fiscal year 2018, \$304,000 of the general fund-state appropriation for fiscal year 2019, and \$608,000 of the general fund-federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((vvv))~~ (xx) \$165,000 of the general fund-state appropriation for fiscal year 2018, \$329,000 of the general fund-state appropriation for fiscal year 2019, and \$604,000 of the general fund-federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((www))~~ (yy) \$1,813,000 of the general fund-state appropriation for fiscal year 2018, \$3,764,000 of the general fund-state appropriation for fiscal year 2019, and \$12,930,000 of the general fund-federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((~~xxx~~-\$347,000))~~ (zz) \$69,000 of the general fund-state appropriation for fiscal year 2018, ~~(((\$839,000))~~ \$1,118,000 of the general fund-state appropriation for fiscal year 2019, and \$943,000 of the general fund-federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((~~yyy~~))~~ (aaa) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((~~zzz~~))~~ (bbb) \$69,000 of the general fund-state appropriation for fiscal year 2018, \$560,000 of the general fund-state appropriation for fiscal year 2019, and \$308,000 of the general fund-federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

(ccc) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism alliance and advocacy

(WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them in navigating the health care system. The authority, in collaboration with the department and the WAAA, shall submit a report to the governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by the WAAA. The reports shall also include what health care services the WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral and whether alternate coverage was obtained.

(ddd) The authority and the office of the insurance commissioner shall consult with the University of Washington, medicaid managed care organizations, and health insurance carriers as defined in RCW 48.44.010 to develop an alternative funding model for the partnership access line (PAL).

(i) The funding model must identify potential sources to support:

(A) Current PAL services for primary care providers;

(B) An expansion of PAL services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and

(C) An expansion of PAL services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(ii) In developing the alternative funding model, the authority and office of the insurance commissioner must:

(A) Consider a mechanism that determines the annual cost of operating the PAL and collects a proportional share of the program cost from each health insurance carrier;

(B) Differentiate between PAL activities eligible for medicaid funding from other nonmedicaid eligible activities; and

(C) Ensure that the expanded services identified in this subsection do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(eee) \$20,000 of the general fund-state appropriation for fiscal year 2019 and \$20,000 of the general fund-federal appropriation are provided solely for the authority, in partnership with the department of social and health services and the department of health, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(fff) \$5,825,000 of the general fund-state appropriation for fiscal year 2019 and \$8,019,000 of the general fund-federal appropriation are provided solely for an increase in pediatric primary care provider rates to privately owned and operated pediatric care providers. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates to this class of providers through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how these rate increases have impacted access to care.

(ggg) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority to conduct a study to identify strategies for enhancing access to primary care for

medical assistance clients. The authority may collaborate with other stakeholders as appropriate. The authority shall provide a report with recommendations to the appropriate committees of the legislature by December 1, 2018. The study shall, to the extent possible:

(i) Review the effect of the temporary rate increase provided as part of the patient protection and affordable care act on:

(A) The number of providers serving medical assistance clients;

(B) The number of medical assistance clients receiving services; and

(C) Utilization of primary care services.

(ii) Identify client barriers to accessing primary care services;

(iii) Identify provider barriers to accepting medical assistance clients;

(iv) Identify strategies for incentivizing providers to accept more medical assistance clients;

(v) Prioritize areas for investment that are likely to have the most impact on increasing access to care; and

(vi) Strategically review the current medicaid rates and identify specific areas and amounts that may promote access to care.

(hhh) \$1,400,000 of the general fund-state appropriation for fiscal year 2019 and \$3,900,000 of the general fund-federal appropriation are provided solely to increase the rates paid to rural hospitals that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred and fifty percent of the hospital's fee-for-service rates.

(iii) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to create a work group at the Robert Bree collaborative to identify best practices for mental health services regarding patient mental health treatment and patient management. The work group shall identify best practices

on patient confidentiality, discharging patients, treating patients with homicide ideation and suicide ideation, recordkeeping to decrease variation in practice patterns in these areas, and other areas as defined by the work group. The work group shall be composed of clinical and administrative experts including psychologists, psychiatrists, advanced practice psychiatric nurses, social workers, marriage and family therapists, certified counselors, and mental health counselors.

(jjj) \$536,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(kkk) \$50,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(lll) \$31,000 of the general fund-state appropriation for fiscal year 2018 and \$44,000 of the general fund-federal appropriation are provided solely for implementation of chapter 303, Laws of 2017 (public records administration).

(mmm) \$200,000 of the general fund-state appropriation for fiscal year 2019 and \$150,000 of the general fund-federal appropriation are provided solely for the authority to develop and issue a request for proposal (RFP) to implement a population-based, cost-effective approach to eradicate the hepatitis C disease in Washington state. In coordination with the department of health and the department of corrections, the authority shall contract with a consultant to support the development of a RFP that requires: (a) A partnership with a hepatitis C drug manufacturer to make available cost-effective hepatitis C medications for medicaid and nonmedicaid populations through potentially new and innovative pricing strategies; (b) identification of the universe of medicaid and nonmedicaid populations infected with hepatitis C and the development of successful strategies to treat and eradicate the disease with associated costs; (c) an evaluation of

state agency efforts to treat medicaid and nonmedicaid populations infected with hepatitis C; (d) research of population-based hepatitis C models that take into consideration alternative payment models and service delivery strategies; (e) the development of care-model options for case finding and delivery of hepatitis C treatment that leverage existing efforts in the state, including project ECHO and hub and spoke opiate use disorder treatment, and estimated costs of implementing such models; and (f) the development of a timeline to implement care models and a service delivery system that will eradicate the disease. The authority shall report initial findings and implementation timeframes to the office of financial management and the appropriate committees of the legislature by November 1, 2018, and shall issue a request for proposal no later than January 1, 2019.

(nnn) Sufficient amounts are provided in this subsection for the authority to provide an adult hearing aid benefit.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority
Administration Account-

State Appropriation... (~~(\$42,061,000)~~)
\$63,221,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account-state appropriation for fiscal year 2018 and \$236,000 of the state health care

authority administration account-state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and

system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

(f) (~~(\$8,000,000)~~) \$28,730,000 of the health care authority administrative account-state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.

(g) The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD

<u>School Employees' Insurance Administrative</u>	<u>Account-State</u>
	<u>Appropriation</u>
	\$28,730,000

The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account-state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. It is the intent of the legislature that the state health care authority administration account be reimbursed for the appropriation to this account made in this section, with interest.

(4) HEALTH BENEFIT EXCHANGE

General Fund-State Appropriation (FY 2018) \$5,184,000

General Fund-State Appropriation (FY 2019) (~~(\$5,184,000)~~)

	<u>\$5,701,000</u>
General Appropriation.....	Fund-Federal (\$52,837,000)
	<u>\$53,892,000</u>
Health Benefit Exchange Account-State Appropriation.....	(\$56,736,000)
	<u>\$59,385,000</u>
TOTAL APPROPRIATION	\$119,941,000
	<u>\$124,162,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b) (i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund-state appropriation and one-half the health benefit exchange account-state appropriation to the exchange.

(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iv) Payments made from general fund-state appropriation and health benefit exchange account-state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(c) \$321,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely for implementation of Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$196,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund-State Appropriation (FY 2019) \$576,489,000

General Fund-Federal Appropriation \$917,440,000

General Fund-Private/Local Appropriation \$18,261,000

Criminal Justice Treatment Account-State Appropriation \$6,490,000

Problem Gambling Account-State Appropriation \$728,000

Dedicated Marijuana Account-State

Appropriation (FY 2019)... \$28,486,000

Pension Funding Stabilization Account-State

Appropriation..... \$857,000

TOTAL APPROPRIATION... \$1,548,751,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund-state appropriation for fiscal year 2019 and \$3,810,000 of the general fund-federal appropriation are provided solely for the authority and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive

community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under (f) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund-state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund-state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) \$1,760,000 of the general fund-federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(e) \$6,858,000 of the general fund-state appropriation for fiscal year 2019 and \$4,023,000 of the general fund-federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(f) \$81,930,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for persons and

services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(g) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(h) \$1,125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these

services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,204,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (f) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$2,291,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(l) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(m) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert

contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The authority must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(n) \$3,079,000 of the general fund-state appropriation for fiscal year 2019 and \$2,892,000 of the general fund-federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(o) \$100,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ensure that utilization will be based on medical necessity and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

(p) \$7,103,000 of the general fund-state appropriation for fiscal year 2019 and \$8,052,000 of the general fund-federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(q) \$1,133,000 of the general fund-state appropriation for fiscal year 2019 and \$1,297,000 of the general fund-federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(r) \$6,744,000 of the general fund-state appropriation for fiscal year 2019 and \$14,516,000 of the general fund-federal appropriation are provided

solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must require the contracted actuaries to: (i) Review and consider comparison of salaries paid by government agencies and hospitals that compete with community providers for behavioral health workers in developing salary assumptions; and (ii) review data to see whether a specific travel assumption for high congestion areas is warranted. The authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(s) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(t) \$11,405,000 of the general fund-state appropriation for fiscal year 2019 and \$8,840,000 of the general fund-federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for

the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

(u) \$1,296,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(v) \$213,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county

to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(w) \$3,278,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5) (w):

(i) \$1,130,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided

to the department by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund-federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 and \$950,000 of the general fund-federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for training and technical assistance for

the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(kk) \$562,000 of the general fund-federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund-state appropriation for fiscal year 2019 and \$2,320,000 of the general fund-federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The authority must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(mm) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(nn) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(oo) The criminal justice treatment account-state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with a behavioral health organization or administrative services organization to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2018.

(pp) \$26,000,000 of the general fund-state appropriation for fiscal year 2019 and \$44,200,000 of the general fund-federal appropriation are provided solely for the enhancement of community-based behavioral health services. This funding must be allocated to behavioral health organizations proportionate to their regional population. In order to receive these funds, each behavioral health organization must submit a plan to address the following issues: (i) Reduction in their use of long-term commitment beds through community alternatives; (ii) compliance with RCW

71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care; (iii) improvement of staff recruitment and retention in community behavioral health facilities; (iv) diversion of individuals with behavioral health issues from the criminal justice system; and (v) efforts to improve recovery oriented services, including, but not limited to, expansion of clubhouse models. The plans are not limited to the amounts in this subsection and may factor in all resources the behavioral health organization receives from the state. Each plan must identify metrics for tracking progress in each of the areas identified. The authority must collect information on the metrics and outcomes and submit a report summarizing the findings to the office of financial management and the appropriate committees of the legislature by June 30, 2019. Up to twenty percent of the general fund-state appropriation amounts for each behavioral health organization may be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates up to but not exceeding the top of each behavioral health organizations medicaid rate range. Each behavioral health organization must specify in their plan how they would like the funds distributed between medicaid rates and nonmedicaid funding in accordance with this subsection.

(qq) \$11,023,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a

fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must explore options for continuing to expand waivers which allow for federal matching funds to be used in these facilities. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(rr) \$15,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to become mid-adopters for full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for start-up costs in full integration regions. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers.

(ss) \$806,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to

develop a peer support program for individuals with substance use disorders. These amounts must be used for development of training and certification of peers specialists. The authority must submit a state plan amendment which provides for these services to be included in behavioral health capitation rates beginning in fiscal year 2020 and allows for federal matching funds to be leveraged for these services.

(tt) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority, in collaboration with the department of social and health services, to further develop efforts to shift funding and risk for most civil long-term inpatient commitments into fully integrated care contracts beginning in January 2020. The funding and risk for patients at the state hospitals who have been committed pursuant to dismissal of felony charges after being determined incompetent to stand trial shall not be incorporated into integrated care contracts.

(i) By December 1, 2018, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature on the following: (A) Actuarial estimates on the impact to per member per month payments and estimated annual state and federal costs for medicaid managed care organizations with fully integrated contracts; (B) actuarial estimates on the estimated annual costs for administrative services organizations; (C) estimates of the per-diem cost at the state hospitals that will be charged to entities with responsibility for paying for long-term civil inpatient commitments once these are incorporated into fully integrated care contracts; and (D) estimates of the amount of funding that can be reduced from direct appropriations for the state hospitals to reflect the shift in financial responsibility.

(ii) The authority must also explore and report on options for fully leveraging the state's share of federal medicaid disproportionate share funding allowed for institutions of mental diseases, including but not limited to: (A) Prioritizing the use of this funding for forensic patients and those civilly committed pursuant to dismissal of a

felony charge; (B) obtaining an institution for mental diseases-disproportionate share hospital waiver to allow for regular medicaid federal financial participation to be used at the state hospitals; and (C) shifting some of the state's current disproportionate share funding used at the state hospitals to community-based institutions for mental diseases to reduce the state cost of patients for whom regular federal medicaid match is not allowed.

(uu) \$2,732,000 of the general fund-state appropriation for fiscal year 2019 and \$9,026,000 of the general fund-federal appropriation are provided solely for the authority to implement strategies to improve access to prevention and treatment of opioid use disorders. The authority may use these funds for the following activities: (i) Expansion of hub and spoke treatment networks; (ii) expansion of pregnant and parenting case management programs; (iii) grants to tribes to prevent opioid use and expand treatment for opioid use disorders; (iv) development and implementation of a tool to track medication assisted treatment provider capacity; (v) support of drug take-back programs which allow individuals to return unused opioids and other drugs for safe disposal; (vi) purchase and distribution of opioid reversal medication; and (vii) maintaining support for youth prevention services. The authority must coordinate these activities with the department of health to avoid duplication of effort and must work to identify additional federal resources that can be used to maintain and expand these efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2018. The report must include identification of any increase in behavioral health federal block grants or other federal funding awards received by the authority and the plan for the use of these funds.

(vv) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to contract with actuaries to develop estimates for the cost of implementing new behavioral health service types in the medicaid state plan. The authority must coordinate with behavioral health organizations to identify: (i) Eligible behavioral health service types that are

currently provided to medicaid enrollees without federal funding and are dependent on state, local, or other funds; and (ii) eligible behavioral health service types that are not currently available to medicaid enrollees due to the lack of federal funding. The authority must contract with the actuaries responsible for certifying state behavioral health capitation rates to develop estimates for the cost of implementing each of these services. The estimates must identify the cost of implementing each service statewide, the estimated state and federal medicaid cost, and any estimated offset in state non-medicaid spending. The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the services and costs estimates by November 1, 2018.

(ww) (i) \$446,000 of the general fund-state appropriation for fiscal year 2019 and \$89,000 of the general fund-federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(ii) No more than \$13,098,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this

initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund-State Appropriation (FY 2018)	.....	(\$2,317,000)	
			\$2,298,000
General Fund-State Appropriation (FY 2019)	.....	(\$2,359,000)	
			\$2,330,000
General Fund-Federal Appropriation	.....		\$2,427,000
Pension Funding Stabilization Account-State			
Appropriation	.....		\$190,000
TOTAL APPROPRIATION	.....		\$7,103,000
			\$7,245,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided to convene a work group consisting of representatives from the agribusiness industry, the department of labor and industries, farmworkers, public sector attorneys, immigrant rights leaders, and social workers. The work group shall study the issue of sexual harassment in the farmworker industry. The work group shall hold meetings in each of the following locations across the state: Yakima, Wenatchee, Pasco, Bellingham, and Vancouver. The work group is staffed by the human rights commission. The work group must make recommendations to the appropriate committees of the legislature by November 21, 2018. Recommendations may include, but are not limited to, statutory changes, funding

for education and outreach, training programs, or increasing penalties for violating chapter 49.60 RCW.

24/7 Sobriety Account-State
Appropriation(~~\$30,000~~)
\$20,000

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

TOTAL APPROPRIATION.....~~\$57,118,000~~
\$60,872,000

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

The appropriations in this section are subject to the following conditions and limitations:

Worker and Community Right-to-Know Account-State

(1) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000,000 of the general fund-state appropriation for fiscal year 2019, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

Appropriation \$10,000
Accident Account-State Appropriation (~~\$22,437,000~~)
\$22,434,000

Medical Aid Account-State Appropriation (~~\$22,438,000~~)
\$22,435,000

TOTAL APPROPRIATION.....~~\$44,885,000~~
\$44,879,000

Sec. 216. 2017 3rd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

(2) \$1,284,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$1,283,000~~) \$1,712,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for seventy-five percent of the costs of providing six additional statewide basic law enforcement trainings in (~~each~~) fiscal year 2018, and eight additional statewide basic law enforcement trainings in fiscal year 2019. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements.

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund-State Appropriation (FY 2018) (~~\$21,703,000~~)
\$21,662,000

General Fund-State Appropriation (FY 2019) (~~\$20,705,000~~)
\$23,170,000

General Fund-Private/Local Appropriation (~~\$5,905,000~~)
\$6,785,000

Death Investigations Account-State Appropriation \$148,000

Municipal Criminal Justice Assistance Account-State

Appropriation \$460,000

Pension Funding Stabilization Account-State

Appropriation..... \$460,000

Washington Auto Theft Prevention Authority Account-State

Appropriation \$8,167,000

(3) (~~\$745,000~~) \$791,520 of the general fund-local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(4) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(5) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide

the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(6) \$96,000 of the general fund-state appropriation for fiscal year 2018 and \$96,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund-state appropriation for fiscal year 2018 and \$146,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund-state appropriation for fiscal year 2018 and \$587,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund-state appropriation for fiscal year 2018 and \$414,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund-state appropriation for fiscal year 2018,

\$117,000 of the general fund-state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account-state appropriation are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund-state appropriation for fiscal year 2018 and \$595,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund-state appropriation for fiscal year 2018 and \$429,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund-state appropriation for fiscal year 2018 and \$353,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust.

(16) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement education for law enforcement, medical

professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to administer statewide training in the use of the Washington state gang database, established in compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$800,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for providing grants for a criminal justice diversion center pilot program in Snohomish county. Snohomish county must collect and report data from the pilot program to the Washington association of sheriffs and police chiefs. The Washington association of sheriffs and police chiefs must submit a report to the appropriate committees of the legislature by October 1, 2019. The report must contain, at a minimum: (i) An analysis of arrests and bookings for individuals served in the pilot program; (ii) an analysis of connections to behavioral health services made for individuals who were served by the pilot program; (iii) an analysis of impacts on housing stability for individuals served by the pilot program; (iv) the number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(19) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for providing grants for the mental health field response team grant program established in House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund-State Appropriation (FY 2018)(~~\$7,671,000~~)
\$6,511,000

General Fund-State Appropriation (FY 2019)(~~\$8,897,000~~)
\$7,838,000

General Fund-Federal Appropriation\$11,876,000

Asbestos Account-State Appropriation\$527,000

Electrical License Account-State Appropriation(~~\$52,100,000~~)
\$53,851,000

Farm Labor Contractor Account-State Appropriation\$28,000

Worker and Community Right-to-Know Account-State
 Appropriation\$993,000

Public Works Administration Account-State
 Appropriation(~~\$6,303,000~~)
\$8,529,000

Manufactured Home Installation Training
 Account-State Appropriation . \$378,000

Accident Account-State Appropriation(~~\$320,314,000~~)
\$321,179,000

Accident Account-Federal
 Appropriation\$16,765,000

Medical Aid Account-State
 Appropriation(~~\$333,053,000~~)
\$333,862,000

Medical Aid Account-Federal
 Appropriation\$3,739,000

Plumbing Certificate Account-State
 Appropriation\$1,882,000

Pressure Systems Safety Account-State
 Appropriation\$4,442,000

Construction Registration Inspection
 Account-State
 Appropriation(~~\$19,128,000~~)

	<u>\$20,706,000</u>
<u>Pension Funding Stabilization Account—</u>	
<u>State</u>	
<u>Appropriation.....</u>	<u>\$1,435,000</u>
TOTAL APPROPRIATION.....	<u>\$788,096,000</u>
	<u>\$794,541,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$123,000 of the accident account—state appropriation and \$22,000 of the medical aid—state appropriation are provided solely for implementation of chapter 150, Laws of 2017 (House Bill No. 1906) (farm internship).

~~((4))~~ (2) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The department must enter into an agreement with the health care authority to pay its share of the costs of implementing and operating a new provider credentialing system.

~~((5) \$6,124,000)~~ (3) \$5,802,000 of the accident account—state appropriation and ~~((5,989,000))~~ \$5,676,000 of the medical aid account—state appropriation are provided solely for business transformation projects and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((6))~~ (4) \$19,128,000 of the construction registration inspection account—state appropriation is provided solely to implement House Bill No. 1716 (construction inspection account). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$2,000,000 of the accident account—state appropriation and \$2,000,000 of the medical account—state appropriation are provided solely for a contract with a workforce institute to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding

from the information technology industry members, except small and mid-sized employers. Up to \$2,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized employers" means those that have fewer than one hundred employees or have less than five percent net profitability.

(6) \$107,000 of the accident account—state appropriation and \$18,000 of the medical aid account—state are provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(7) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident fund—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

Sec. 218. 2017 3rd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund-State Appropriation (FY 2018) (~~(\$2,004,000)~~)
\$1,911,000

General Fund-State Appropriation (FY 2019) (~~(\$1,997,000)~~)
\$1,905,000

Charitable, Educational, Penal, and Reformatory

Institutions Account-State Appropriation \$10,000

Pension Funding Stabilization Account-State

Appropriation..... \$185,000

TOTAL APPROPRIATION..... \$4,011,000

The appropriations in this subsection are subject to the following conditions and limitations: \$85,000 of the general fund-state appropriation for fiscal year 2018 and \$84,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 173, Laws of 2017 (ESSB 1802) (veterans' shared leave pool).

(2) FIELD SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$6,220,000)~~)
\$6,074,000

General Fund-State Appropriation (FY 2019) (~~(\$6,278,000)~~)
\$6,329,000

General Fund-Federal Appropriation \$3,751,000

General Fund-Private/Local Appropriation \$4,799,000

Veteran Estate Management Account-Private/Local Appropriation \$666,000

Pension Funding Stabilization Account-State

Appropriation..... \$443,000

TOTAL APPROPRIATION..... \$21,714,000

\$22,062,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state

appropriation for fiscal year 2019 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 192, Laws of 2017 (SB 5849) (veterans' services).

(c) \$110,000 of the general fund-state appropriation for fiscal year 2018 and \$110,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the veterans conservation corps by fifteen paid internships.

(3) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$2,105,000)~~)
\$10,925,000

General Fund-State Appropriation (FY 2019) (~~(\$2,307,000)~~)
\$6,500,000

General Fund-Federal Appropriation (~~(\$93,767,000)~~)
\$84,905,000

General Fund-Private/Local Appropriation (~~(\$35,687,000)~~)
\$28,269,000

Pension Funding Stabilization Account-State

Appropriation..... \$1,462,000

TOTAL APPROPRIATION..... \$133,866,000

\$132,061,000

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund-State Appropriation (FY 2018) (~~(\$71,759,000)~~)
\$70,937,000

General Fund-State Appropriation (FY 2019) (~~(\$72,148,000)~~)
\$80,780,000

General Fund-Federal Appropriation (~~(\$550,186,000)~~)
\$550,304,000

General Fund-Private/Local Appropriation (~~(\$185,189,000)~~)
\$186,886,000

Hospital Data Collection Account-State Appropriation \$348,000

Health Professions Account-State Appropriation (~~(\$129,629,000)~~)
\$132,368,000

Aquatic Lands Enhancement Account-State Appropriation \$623,000

Emergency Medical Services and Trauma Care Systems

Trust Account-State Appropriation \$9,247,000

Safe Drinking Water Account-State Appropriation (~~(\$5,678,000)~~)
\$5,676,000

Drinking Water Assistance Account-Federal

Appropriation (~~(\$16,016,000)~~)
\$16,006,000

Waterworks Operator Certification-State Appropriation (~~(\$1,671,000)~~)
\$1,839,000

Drinking Water Assistance Administrative Account-State

Appropriation \$372,000

Site Closure Account-State Appropriation \$169,000

Biotoxin Account-State Appropriation (~~(\$1,972,000)~~)
\$1,971,000

State Toxics Control Account-State Appropriation (~~(\$4,259,000)~~)
\$4,258,000

Medicaid Fraud Penalty Account-State Appropriation \$938,000

Medical Test Site Licensure Account-State

Appropriation \$2,594,000

Youth Tobacco and Vapor Products Prevention Account-State

Appropriation (~~(\$4,963,000)~~)

\$3,363,000

Dedicated Marijuana Account-State Appropriation

(FY 2018) \$9,761,000

Dedicated Marijuana Account-State Appropriation

(FY 2019) \$9,766,000

Public Health Supplemental Account-Private/Local

Appropriation \$3,248,000

Pension Funding Stabilization Account-State

Appropriation \$3,821,000

Accident Account-State Appropriation \$344,000

Medical Aid Account-State Appropriation \$53,000

Suicide-Safer Homes Project Account-State Appropriation \$50,000

TOTAL APPROPRIATION ~~\$1,080,983,000~~
\$1,095,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial

management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) (a) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final

report, to the appropriate committees of the legislature regarding:

(i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;

(ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;

(iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and

(iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5) (a) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund-local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the health professions account—state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$40,000)~~) \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(13) (a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and experts that focus on hunger and poverty issues, shall produce a report regarding ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program, of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

(i) The number of people in Washington who are eligible for the program;

(ii) The number of people in Washington who participated in the program;

(iii) The average annual participation rate in the program;

(iv) Participation rates by geographic distribution; and

(v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account—state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account—state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund—federal appropriation is provided solely for the department to implement projects and activities during the 2017-2019 fiscal biennium that are designed to improve the health and well-being of individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This

project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund-local appropriation is provided solely for the department to target its efforts in the HIV early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund-local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

(20) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data reporting system to identify children who are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools-Revised Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking

water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund-local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund-state appropriation for fiscal year 2018 and \$130,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(25) (~~(\$250,000)~~) \$100,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$250,000)~~) \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The

program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must report to the legislature by ~~((December 1, 2018))~~ June 30, 2019, regarding identified barriers and any recommendations for interventions.

(26) \$27,000 of the general fund-state appropriation for fiscal year 2018 and \$16,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

(27) \$224,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(28) \$93,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

(29) \$82,000 of the general fund-local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

(30) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal and policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

(31) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are

assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(32) \$28,000 of the general fund-state appropriation for fiscal year 2018 and \$28,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

(33) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(34) (a) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to fund a pilot project in Pierce county to reduce the rate of hospitalizations for acute illnesses or chronic conditions, or both, that can be managed successfully in outpatient settings. Under the pilot program, the department shall coordinate with the local health jurisdiction to:

(i) Increase immunizations for bacterial pneumonia and influenza; and

(ii) Implement screening, brief intervention, and referrals to treatment for alcohol, tobacco, drugs, and depression.

(b) Providers in the pilot program shall enter data into the statewide immunization registry for easy tracking and access.

(c) No later than December 1, 2018, the department, in collaboration with the local health jurisdiction, shall provide to the legislature and the appropriate committees a preliminary report regarding the outcomes of the pilot program, addressing the following measures:

(i) Improvement in the rate of influenza and pneumonia immunizations, as determined by the number of unnecessary hospitalizations, the number of patient deaths, and calculated prevented costs; and

(ii) Effectiveness of screenings, brief interventions, and referrals to treatment, as determined by emergency room use, hospitalizations, and calculated prevented costs.

(d) A final report addressing the same measures as the preliminary report shall be provided to the legislature and the appropriate committees no later than June 30, 2019.

(35) \$556,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to replace the comprehensive hospital abstract reporting system and is subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(36) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in partnership with the department of social and health services and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(37) \$140,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to convene and chair a pesticide incident reporting and tracking review panel.

(a) The panel must meet at least monthly and consist of the following members:

(i) The directors, secretaries, or designees of the departments of health, labor and industries, agriculture, natural resources, fish and wildlife, and ecology;

(ii) The chair of the department of environmental health at the University of Washington, or his or her designee;

(iii) The pesticide coordinator and specialist of the cooperative extension at Washington State University or his or her designee;

(iv) A representative of the Washington poison control center network;

(v) A practicing toxicologist; and

(vi) A member of the general public.

(b) The responsibilities of the panel shall include, but not be limited to:

(i) Establishing guidelines for the receipt of information relating to actual or alleged health and environmental incidents involving pesticides;

(ii) Reviewing and making recommendations for procedures for the investigation of pesticide incidents;

(iii) Monitoring the time periods required for response to reports of pesticide incidents by the departments of agriculture, department of health, and labor and industries;

(iv) Identifying inadequacies in state or federal law that result in insufficient protection of public health and safety.

(c) The panel must review and approve an annual report prepared by the department. The report shall be provided to the governor, agency heads, the legislature, and shall be made available to the public. The report shall include:

(i) A summary of the year's activities;

(ii) A synopsis of the cases reviewed;

(iii) A separate descriptive listing of each case in which adverse health or environmental effects from pesticides were found;

(iv) A tabulation of the data from each case, including the number of exposures;

(v) An assessment of the effects of pesticide exposure in the workplace;

(vi) Identification of trends, issues, and needs; and

(vii) Any recommendations for improved pesticide use practices.

(d) The first annual report is due June 30, 2019.

(38) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation

of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(39) \$30,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the nursing care quality assurance commission to convene and facilitate a work group to assess the need for nurses in long-term care settings and to make recommendations regarding worker recruitment, training, and retention challenges for long-term care providers in the sectors of skilled nursing facilities, assisted-living facilities, and adult family homes.

(a) The work group must:

(i) Determine the current and projected worker vacancy rates in the long-term care sectors compared to the workload projections for these sectors;

(ii) Develop recommendations for a standardized training curriculum for certified nursing assistants that ensures that workers are qualified to provide care in each sector, including integration into the curriculum of specific training for the care of clients with dementia, developmental disabilities, and mental health issues;

(iii) Review academic and other prerequisites for training for licensed practical nurses to identify any barriers to career advancement for certified nursing assistants;

(iv) Identify barriers to career advancement for long-term care workers; and

(v) Evaluate the oversight roles of the department of health and the department of social and health services for nurse training programs and make recommendations for streamlining those roles.

(b) The members of the work group must include the following:

(i) The chair of the house health care and wellness committee or his or her designee;

(ii) The chair of the senate health and long-term care committee or his or her designee;

(iii) The assistant secretary of the aging and disability support administration of the department of

social and health services, or his or her designee;

(iv) A member of the Washington apprenticeship and training council, chosen by the director of the department of labor and industries;

(v) A representative from the health services quality assurance division of the department of health, chosen by the secretary;

(vi) The executive director of the Washington state board for community and technical colleges or his or her designee;

(vii) A representative of the largest statewide association representing nurses;

(viii) A representative of the largest statewide union representing home care workers;

(ix) A representative of the largest statewide association representing assisted living and skilled nursing facilities;

(x) A representative of the adult family home council of Washington; and

(xi) The Washington state long-term care ombuds or his or her designee.

(d) The work group must meet at least three times, and the first meeting must occur no later than July 15, 2018. The commission must report no later than December 15, 2018, to the governor and the legislature regarding the work group's assessments and recommendations.

(40) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to implement training and education recommendations described in the 2016 report of the community health worker task force. The department shall report to the legislature on the progress of implementation no later than June 30, 2019. These moneys shall only be used to cover the cost of the department's staff time, meeting expenses, and community outreach.

(41) \$3,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to Seattle and King county public health for core public health services that prevent and stop the spread of communicable disease, including but not limited to zoonotic and emerging diseases and chronic hepatitis B and hepatitis C.

(42) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$360,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive Group B programs to ensure safe and reliable drinking water. These amounts shall be used to support the costs of the development and adoption of rules, policies and procedures, and for technical assistance, training, and other program-related costs.

	\$61,281,000
General Fund-State Appropriation (FY 2019)	((\$64,219,000))
	\$61,541,000
General Fund-Federal Appropriation.....	\$400,000
Pension Funding Stabilization Account-State Appropriation	\$7,602,000
TOTAL APPROPRIATION	(\$128,711,000)
	\$130,824,000

(43) \$485,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

The appropriations in this subsection are subject to the following conditions and limitations:

Sec. 220. 2017 3rd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2018 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(a) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$35,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund-State Appropriation (FY 2018)

(~~(\$64,492,000)~~)

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) \$865,000 of the general fund-state appropriation for fiscal year 2018 and \$587,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(2) CORRECTIONAL OPERATIONS

General Fund-State Appropriation (FY 2018) ((~~\$541,061,000~~))
\$499,134,000

General Fund-State Appropriation (FY 2019) ((~~\$562,878,000~~))
\$518,049,000

General Fund-Federal Appropriation\$818,000

Washington Auto Theft Prevention Authority Account-State

Appropriation((~~\$4,608,000~~))

\$4,597,000

Pension Funding Stabilization Account-State

Appropriation\$62,831,000

TOTAL APPROPRIATION~~\$1,109,365,000~~

\$1,085,429,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs

incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund-state appropriation for fiscal year 2018 and \$501,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,379,000 of the general fund-state appropriation for fiscal year 2018, and \$1,379,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

(d) (~~(\$250,000 of the general fund-state appropriation for fiscal year 2018 and~~) \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a (~~sawmill waste cogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex~~) source located in Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.

(e) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(f) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of 2017 (HB 1153) (vulnerable persons/crimes).

(g) (~~The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).~~

~~(i))~~ Within the amounts appropriated in this section, the department of corrections must review the use of full body scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of

technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

(h) \$400,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with an independent third party to: (i) Provide a comprehensive review of the prison staffing model; and (ii) develop an updated prison staffing model for use by the department.

(3) COMMUNITY SUPERVISION

General Fund-State Appropriation (FY 2018)(~~\$181,670,000~~)
\$179,455,000

General Fund-State Appropriation (FY 2019)(~~\$187,807,000~~)
\$192,507,000

General Fund-Federal Appropriation(~~\$2,368,000~~)
\$2,902,000

Pension Funding Stabilization Account-State Appropriation.....\$12,791,000

TOTAL APPROPRIATION\$371,845,000
\$387,655,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community

supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

\$42,200,000

TOTAL APPROPRIATION\$85,267,000

\$87,010,000

(c) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(6) OFFENDER CHANGE

General Fund-State Appropriation (FY 2018)(~~\$55,170,000~~)

\$54,590,000

General Fund-State Appropriation (FY 2019)(~~\$56,426,000~~)

\$57,465,000

Pension Funding Stabilization Account-State

Appropriation.....\$4,434,000

TOTAL APPROPRIATION\$111,596,000

\$116,489,000

The appropriations in this subsection are subject to the following conditions and limitations:

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

~~((c) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).-))~~

(4) CORRECTIONAL INDUSTRIES

(b) The department shall submit a report by December 1, 2018, to the appropriate committees of the legislature regarding the department's compliance with this subsection. The report must: (i) Include a summary of the comprehensive plan; (ii) analyze state funds allocated to cognitive behavioral change programs and reentry specific programs, including percentages and amounts of funds used in evidence-based practices and the number of people being served; (iii) identify discontinued and newly implemented cognitive behavioral change programs and reentry specific programs, including information used by the department in evaluating the effectiveness of discontinued and implemented programs; and (iv) provide recommendations to improve program outcomes, including recommended strategies, deadlines, and funding.

General Fund-State Appropriation (FY 2018)(~~\$5,985,000~~)

\$6,278,000

General Fund-State Appropriation (FY 2019)(~~\$6,085,000~~)

\$5,979,000

Pension Funding Stabilization Account-State

Appropriation.....\$510,000

TOTAL APPROPRIATION\$12,070,000

\$12,767,000

(5) INTERAGENCY PAYMENTS

General Fund-State Appropriation (FY 2018)(~~\$44,091,000~~)

\$44,810,000

General Fund-State Appropriation (FY 2019)(~~\$41,176,000~~)

(c) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(7) HEALTH CARE SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$128,680,000)~~)
\$144,271,000

General Fund-State Appropriation (FY 2019) (~~(\$127,782,000)~~)
\$147,270,000

TOTAL APPROPRIATION..... ~~\$256,462,000~~
\$291,541,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund-State Appropriation (FY 2018) (~~(\$2,478,000)~~)
\$2,451,000

General Fund-State Appropriation (FY 2019) (~~(\$2,525,000)~~)
\$2,567,000

General Fund-Federal Appropriation (~~(\$25,276,000)~~)
\$25,282,000

General Fund-Private/Local Appropriation \$60,000

Pension Funding Stabilization Account-State
Appropriation..... \$173,000

TOTAL APPROPRIATION..... ~~\$30,339,000~~
\$30,533,000

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund-State Appropriation (FY 2019).....\$35,000

General Fund-Federal Appropriation (~~(\$216,993,000)~~)
\$209,391,000

General Fund-Private/Local Appropriation (~~(\$35,426,000)~~)
\$35,416,000

Unemployment Compensation Administration Account-Federal Appropriation (~~(\$270,643,000)~~)
\$267,890,000

Administrative Contingency Account-State Appropriation (~~(\$20,386,000)~~)
\$20,136,000

Employment Service Administrative Account-State Appropriation (~~(\$53,555,000)~~)
\$53,543,000

Family and Medical Leave Insurance Account-State Appropriation.....\$82,000,000

TOTAL APPROPRIATION.....~~\$679,003,000~~
\$668,411,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$4,152,000 of the unemployment compensation administration account-federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.

(3) \$82,000,000 of the family and medical leave insurance account-state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are

enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$125,000 of the general fund-federal appropriation is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(5) \$35,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$530,000 of the unemployment compensation administration-federal appropriation is provided solely for the implementation of Substitute House Bill No. 2703 (education employee compensation claims). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund-State Appropriation (FY 2019)	(\$366,467,000)	
		\$364,464,000
General Appropriation	Fund-Federal (\$236,770,000)	
		\$246,342,000
General Appropriation	Fund-Private/Local	\$1,477,000
Domestic Violence Prevention Account-State		
Appropriation.....		\$1,002,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation.....</u>		<u>\$13,976,000</u>
TOTAL APPROPRIATION.....	\$605,716,000	\$627,261,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund-state appropriation for fiscal year 2019 and \$55,000 of the general fund-federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund-state appropriation for fiscal year 2019 and \$6,022,000 of the general fund-federal appropriation are provided solely for family assessment response. Amounts appropriated in this subsection are sufficient to implement Substitute House Bill No. 2449 or Substitute Senate Bill No. 6309 (family assessment response).

(g) \$94,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a

child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund-state appropriation for fiscal year 2019 and \$876,000 of the general fund-federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i) (A) \$540,000 of the general fund-state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund-federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund-state appropriation for fiscal year 2019 and \$26,000 of the general fund-federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund-state appropriation for fiscal year 2019 and \$11,000 of the general fund-federal

appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund-state appropriation for fiscal year 2019 and \$133,000 of the general fund-federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(m) \$400,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund-state appropriation for fiscal year 2019 and \$56,000 of the general fund-federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

~~(o) ((\$3,600,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial~~

~~participation-))~~ For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(p) \$1,018,000 of the general fund-state appropriation for fiscal year 2019 and \$195,000 of the general fund-federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund-state appropriation for fiscal year 2019 and \$78,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund-state appropriation for fiscal year 2019 and \$959,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund-state appropriation for fiscal year 2019 and \$174,000 of the general fund-federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both

overnight and day shelters, that serve those who are under 18 years old and are homeless.

(u) Beginning in the November 2018 forecast process, and in the 2019 supplemental budget and thereafter, funding for the per-capita cost of children in the care and custody of the state who are placed in emergent placement contract beds shall be treated as a foster care maintenance payment and adjusted on the basis of actual and forecasted utilization.

(v) \$1,200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a national nonprofit organization to offer a comprehensive, community- and research-based model of services to youth and young adults age seventeen through twenty-two who are transitioning from foster care, childhood homelessness, or the juvenile justice system to adulthood. The model shall be operated by community organizations, in three different sites, that are willing and able to ensure fidelity to the model as assessed by the national nonprofit organization. The contract shall supplement, but not supplant, the work of the department to provide extended foster care, and shall be implemented in partnership with private matching funds of at least twenty-five percent of total operating costs.

(w) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a county-wide nonprofit organization with early childhood expertise in Pierce county for a pilot project that convenes stakeholders to develop and plan an intervention using the help me grow model to prevent child abuse and neglect.

(x) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to work in collaboration with the University of Washington to continue developing and testing a supportive visitation program. The visitation program was jointly developed by the children and families services program and the University of Washington to be delivered by lay visitation supervisors.

(y) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a demonstration

project to test innovative intervention and reconciliation services to support families and youth in crisis who are seeking services to address family conflict.

(z) \$533,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to begin expansion of performance-based contracts for family support and related services through network administrators, pursuant to Proposed Substitute Senate Bill No. 6407 (H-4858.4). Of the amount provided in this subsection:

(i) \$100,000 is provided solely for the contract development and procurement process at the department of children, youth, and families;

(ii) \$433,000 is provided solely for a second network administrator of performance-based contracts, and assumes an implementation date of March 1, 2019.

(2) EARLY LEARNING PROGRAM

General Fund-State Appropriation (FY 2019) (~~(\$126,721,000)~~)
\$127,579,000

General Fund-Federal Appropriation \$148,179,000

Education Legacy Trust Account-State Appropriation \$14,192,000

Home Visiting Services Account-State Appropriation (~~(\$3,191,000)~~)
\$5,490,000

Home Visiting Services Account-Federal Appropriation \$11,708,000

WA Opportunity Pathways Account-State Appropriation \$40,000,000

Pension Funding Stabilization Account-State Appropriation..... \$468,000

TOTAL APPROPRIATION..... ~~\$343,991,000~~
\$347,616,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$67,938,000 of the general fund-state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account-state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education

and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c) (i) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(ii) (A) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(I) Increasing child care rates comparable to market rates based on the most recent market survey;

(II) Increasing access to infant and toddler child care;

(III) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand; and

(IV) Providing nurse consultation services to licensed providers.

(B) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(d) (i) (~~(\$76,650,000)~~) \$77,253,000 of the general fund-federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(iv) By January 1, 2019, the department shall revise rules to allow working connections child care consumers who are full-time community or technical college students who have children attending part-day head start or early childhood education and assistance program classrooms to attend college full-time and not have to meet work requirements.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund-state appropriation for fiscal year 2019 and \$6,712,000 of the general fund-federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department.

(h) (~~(\$45,359,000)~~) \$42,706,000 of the general fund-state appropriation for fiscal year 2019 and \$13,954,000 of the general fund-federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account-state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund-federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n) (i) (A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional

development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(p) \$2,651,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$273,000 is for a base rate increase;

(ii) \$55,000 is for increasing paid professional development days from three days to five days;

(iii) \$1,708,000 is for the family child care providers 501(c)(3)

organization for the substitute pool, training and quality improvement support services, and administration;

(iv) \$114,000 is for increasing licensing incentive payments; and

(v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(u) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the department of health, to submit a report on child care nurse consultation to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2018. The report must address the following:

(i) Provide background on what nurse consultation services are currently available to licensed child care providers; and

(ii) Provide options and recommendations, including fiscal estimates, for a plan to provide nurse consultation services to licensed child care providers who request assistance in addressing the health and behavioral needs of children in their care.

(v) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided for the department, in collaboration with the health care authority, to:

(i) Develop a common set of definitions to clarify differences between evidence-based, research-based, and promising practices home visiting programs and discrete services provided in the home;

(ii) Develop a strategy to expand home visiting programs statewide;

(iii) Identify opportunities to leverage medicaid and other federal resources for the operation of current home visiting programs and the statewide strategy for future implementation developed under this section; and

(iv) Provide a set of recommendations to the legislature by December 1, 2018.

(w) \$163,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to develop a community-based training module in managing and sustaining a child care business for child care providers and entrepreneurs. To develop the training, the department must consult with the statewide child care resource and referral network, the community and technical college system, and one or more community-based organizations with experience in preparing child care providers for entry into the workforce. By November 1, 2018, the department must offer the training as a pilot in rural Jefferson county and urban Pierce county. The department must report on the results of the pilot to the governor and the legislature by December 1, 2019.

(x) \$614,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(y) \$74,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of

Engrossed House Bill No. 2861 (trauma-informed child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$750,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of the expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(3) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2019)	.....	(\$50,448,000)
		\$50,598,000
General		Fund-Federal
Appropriation.....		\$15,928,000
TOTAL APPROPRIATION.....		\$66,376,000
		\$66,526,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) (i) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(ii) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(iii) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may

include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

(iv) The department and the office shall jointly submit recommendations required by this section to the governor and the appropriate legislative committees no later than December 15, 2018.

PART III

NATURAL RESOURCES

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund-State Appropriation (FY 2018)	.....	(\$485,000)	
			\$462,000
General Fund-State Appropriation (FY 2019)	.....	(\$507,000)	
			\$483,000
General Fund-Federal Appropriation	.....	\$32,000	
General Fund-Private/Local Appropriation	.....	(\$960,000)	
			\$959,000
<u>Pension Funding Stabilization Account-State</u>			
<u>Appropriation</u>	.....	\$46,000	
TOTAL APPROPRIATION	.....	\$1,984,000	
			\$1,982,000

Sec. 302. 2017 3rd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund-State Appropriation (FY 2018)	.....	(\$20,877,000)	
			\$19,672,000
General Fund-State Appropriation (FY 2019)	.....	(\$21,411,000)	
			\$24,465,000

General Fund-Federal Appropriation \$106,575,000

General Fund-Private/Local Appropriation \$23,028,000

Reclamation Account-State Appropriation \$4,106,000

Flood Control Assistance Account-State Appropriation \$2,175,000

State Emergency Water Projects Revolving Account-State Appropriation \$40,000

Waste Reduction/Recycling/Litter Control-State Appropriation ((~~\$13,736,000~~))

\$14,035,000

State Drought Preparedness Account-State Appropriation \$204,000

State and Local Improvements Revolving Account (Water Supply Facilities)-State Appropriation \$164,000

Aquatic Algae Control Account-State Appropriation \$522,000

Water Rights Tracking System Account-State Appropriation \$47,000

Site Closure Account-State Appropriation \$582,000

Wood Stove Education and Enforcement Account-State Appropriation \$560,000

Worker and Community Right-to-Know Account-State Appropriation \$1,872,000

Water Rights Processing Account-State Appropriation \$39,000

State Toxics Control Account-State Appropriation ((~~\$147,806,000~~))

\$149,117,000

State Toxics Control Account-Private/Local Appropriation \$499,000

Local Toxics Control Account-State Appropriation ((~~\$4,845,000~~))

\$4,869,000

Water Quality Permit Account-State Appropriation ((~~\$44,119,000~~))

\$44,421,000

Underground Storage Tank Account-State Appropriation ((~~\$3,635,000~~))

\$3,666,000

Biosolids Permit Account-State Appropriation \$2,207,000

Environmental Legacy Stewardship Account-State Appropriation ((~~\$41,259,000~~))

\$41,440,000

Hazardous Waste Assistance Account-State Appropriation ((~~\$6,466,000~~))

\$6,599,000

Radioactive Mixed Waste Account-State Appropriation ((~~\$18,170,000~~))

\$18,436,000

Air Pollution Control Account-State Appropriation ((~~\$3,437,000~~))

\$3,650,000

Oil Spill Prevention Account-State Appropriation ((~~\$8,469,000~~))

\$8,606,000

Air Operating Permit Account-State Appropriation ((~~\$3,787,000~~))

\$3,819,000

Freshwater Aquatic Weeds Account-State Appropriation \$1,460,000

Oil Spill Response Account-State Appropriation \$7,076,000

Dedicated Marijuana Account-State Appropriation
(FY 2019) \$180,000

Pension Funding Stabilization Account-State Appropriation \$2,924,000

Water Pollution Control Revolving Administration Account-State Appropriation \$3,601,000

TOTAL APPROPRIATION \$492,774,000

\$500,656,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account-state appropriation is provided solely for a contract with

the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((3))~~ (2) \$15,000,000 of the general fund-state appropriation for fiscal year 2018 and \$15,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund-state appropriation for fiscal year 2018 and \$227,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$180,000 of the general fund-state appropriation for fiscal year 2019, \$44,000 of the waste reduction, recycling and litter control account-state appropriation, \$720,000 of the state toxics control account-state appropriation, \$17,000 of the local toxics control account-state appropriation, \$220,000 of the water quality permit account-state appropriation, \$23,000 of the underground storage tank account-state appropriation, \$132,000 of the environmental legacy stewardship account-state appropriation, \$39,000 of the hazardous waste assistance account-state appropriation, \$86,000 of the radioactive mixed waste account-state appropriation, \$18,000 of the air pollution control account-state appropriation, \$41,000 of the oil spill prevention account-state appropriation, and \$23,000 of the air operating permit account-state appropriation are provided solely for modernizing and migrating the

department of ecology's business applications from an agency-based data center to the state data center or a cloud environment and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(6) \$180,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2227 (marijuana product testing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$80,000 of the hazardous waste assistance account-state appropriation is provided solely for the implementation of Substitute House Bill No. 2634 (antifouling paints). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$240,000 of the waste reduction, recycling, and litter control account-state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2914 (postconsumer materials). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$97,000 of the state toxics control account-state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2658 (perfluorinated chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$190,000 of the general fund-state appropriation for fiscal year 2018 and \$3,707,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(11) (a) \$625,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to address unpermitted water use in priority watersheds. The legislature recognizes that unpermitted water use in priority watersheds can impair existing instream flows and senior water rights and supports actions taken by the department to reduce unpermitted water use. The department shall engage in compliance and enforcement work to ensure compliance with requirements under chapters 90.03 and 90.44 RCW. Funding is

authorized to be used for technical assistance, informal enforcement, and formal enforcement actions.

\$9,288,000

(b) The department shall use funds appropriated under this section to work in water resource inventory areas where:

General Fund-Federal Appropriation\$6,981,000

Winter Recreation Program Account-State Appropriation\$3,293,000

(a) Rules have been adopted under chapters 90.22 or 90.54 RCW; (b) those rules do not specify mitigation requirements for groundwater withdrawals exempt from permitting under RCW 90.44.050; and (c) the department believes unpermitted water use is negatively impacting streamflows.

ORV and Nonhighway Vehicle Account-State Appropriation(~~\$232,000~~)

\$392,000

Snowmobile Account-State Appropriation\$5,633,000

Aquatic Lands Enhancement Account-State Appropriation\$367,000

(c) The department shall submit a report to the legislature by December 1, 2019, that summarizes the compliance and enforcement work completed in each basin, including the estimated benefit to streamflows occurring from actions taken.

~~(Outdoor Education and Recreation Account State~~

~~Appropriation\$1,500,000)~~

Recreation Access Pass Account-State Appropriation.....\$50,000

(d) Appropriations under this section should not replace or otherwise impact funds appropriated to the department to carry out duties under RCW 90.03.605 and chapter 90.08 RCW.

Parks Renewal and Stewardship Account-State

Appropriation(~~\$124,759,000~~)

\$125,374,000

(12) \$187,000 of the air pollution control account-state appropriation is provided solely to the department to begin a multiyear study to distinguish the sources of emissions of the toxic air pollutant that poses the greatest cancer risk at the air monitoring station that is located closest to a port in the state with the highest volume of container traffic in domestic and foreign waterborne trade, as measured by the United States bureau of transportation statistics for the most recent year such statistics were available, as of January 1, 2017. The local air pollution control authority may financially contribute to the completion of this study, and the department is encouraged to consult with the local air pollution control authority in designing and implementing this study.

Parks Renewal and Stewardship Account-Private/Local

Appropriation(~~\$318,000~~)

\$420,000

Pension Funding Stabilization Account-State

Appropriation\$1,498,000

TOTAL APPROPRIATION~~\$162,723,000~~

\$162,289,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund-state appropriation for fiscal year 2018 and \$129,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account-state appropriation is provided solely for the commission to

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund-State Appropriation (FY 2018) (~~\$9,645,000~~)

\$8,993,000

General Fund-State Appropriation (FY 2019) (~~\$9,945,000~~)

replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

(4) (~~(\$500,000 of the outdoor education and recreation account state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.)~~) Of the amounts that the commission spends on the no child left inside program, \$500,000 must be used to partner with organizations that have at least one veteran on staff.

(5) \$50,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must

examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund—State Appropriation (FY 2018)	.....	(\$1,441,000)
		<u>\$1,401,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$1,398,000)
		<u>\$1,483,000</u>
General Fund—Federal Appropriation	.....	\$3,646,000
General Fund—Private/Local Appropriation	.....	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	.....	\$495,000
Firearms Range Account—State Appropriation	.....	\$37,000
Recreation Resources Account—State Appropriation	.....	(\$3,615,000)
		<u>\$3,614,000</u>
NOVA Program Account—State Appropriation	.....	\$1,054,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	<u>\$80,000</u>
TOTAL APPROPRIATION	.....	<u>\$11,710,000</u>
		<u>\$11,834,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the general fund—state appropriation for fiscal year 2018 and \$156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for

implementation of the Nisqually watershed stewardship plan.

\$2,190,000

(2) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon.

General Fund-State Appropriation (FY 2019) (~~(\$2,375,000)~~)

\$2,247,000

Pension Funding Stabilization Account-State

Appropriation \$255,000

TOTAL APPROPRIATION ~~\$4,693,000~~

\$4,692,000

Sec. 306. 2017 3rd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund-State Appropriation (FY 2018) (~~(\$7,301,000)~~)

\$7,074,000

General Fund-State Appropriation (FY 2019) (~~(\$7,264,000)~~)

\$7,321,000

General Fund-Federal Appropriation \$2,301,000

Public Works Assistance Account-State Appropriation \$7,620,000

State Toxics Control Account-State Appropriation \$1,000,000

Pension Funding Stabilization Account-State

Appropriation \$254,000

TOTAL APPROPRIATION ~~\$25,486,000~~

\$25,570,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,602,000 of the public works assistance account-state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2)(a) \$50,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the

(3) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board to conduct or contract for a study of the economic and health benefits of trail-based activities, including hiking, walking, and bicycling. The information gathered will assist in decision-making regarding the allocation of dedicated resources and investment in Washington's trail networks. Additionally, the information will aid in increasing and leveraging economic benefits in the development of public-private partnerships aimed at stewardship and growth connected to Washington's trail networks. The study may include, but is not limited to, analysis of the number of people in the state who hike, bike, and walk annually, economic contribution, environmental and social benefits, and mental and physical health outcomes. The study may also include regional case studies. As appropriate, the analysis must incorporate data from the state comprehensive outdoor recreation plan and federal initiatives to integrate outdoor recreation into GDP accounting. To allow for a collaborative process, the board must create an advisory committee of appropriate agencies and stakeholders, including hiking and bicycling groups. The board must report the results of the study to the appropriate fiscal and policy committees of the legislature by October 1, 2019.

Sec. 305. 2017 3rd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund-State Appropriation (FY 2018) (~~(\$2,318,000)~~)

commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by October 31, 2018.

(3) ~~(\$375,000)~~ \$275,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$375,000)~~ \$475,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants and technical assistance. Of the amounts provided in this subsection, ~~(\$125,000 in each fiscal year is)~~ \$25,000 in fiscal year 2018 and \$225,000 in fiscal year 2019 are provided solely for activities related to water quality improvements and fecal coliform DNA speciation statewide.

(4) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 1562 (WA food policy forum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund-State Appropriation (FY 2018) ~~(\$46,860,000)~~
\$45,527,000

General Fund-State Appropriation (FY 2019) ~~(\$46,483,000)~~
\$47,227,000

General Fund-Federal Appropriation ~~(\$118,809,000)~~
\$130,476,000

General Fund-Private/Local Appropriation ~~(\$63,920,000)~~
\$63,988,000

ORV and Nonhighway Vehicle Account-State Appropriation ~~(\$437,000)~~
\$699,000

Aquatic Lands Enhancement Account-State Appropriation \$10,460,000

Recreational Fisheries Enhancement-State Appropriation ~~(\$3,084,000)~~
\$3,122,000

Warm Water Game Fish Account-State Appropriation ~~(\$2,773,000)~~
\$2,668,000

Eastern Washington Pheasant Enhancement Account-State Appropriation \$675,000

State Wildlife Account-State Appropriation ~~(\$118,033,000)~~
\$117,951,000

Special Wildlife Account-State Appropriation ~~(\$71,000)~~
\$3,234,000

Special Wildlife Account-Federal Appropriation \$505,000

Special Wildlife Account-Private/Local Appropriation .. \$3,576,000

Wildlife Rehabilitation Account-State Appropriation \$361,000

Ballast Water Management Account-State Appropriation..... \$10,000

Hydraulic Project Approval Account-State Appropriation ~~(\$690,000)~~
\$31,000

Environmental Legacy Stewardship Account-State Appropriation \$2,765,000

Regional Fisheries Enhancement Salmonid Recovery Account-	
Federal Appropriation	\$5,001,000
Oil Spill Prevention Account-State Appropriation	\$1,122,000
<u>Pension Funding Stabilization Account- State</u>	
<u>Appropriation.....</u>	<u>\$5,178,000</u>
Oyster Reserve Land Account-State Appropriation	\$527,000
Performance Audits of Government Account-State	
Appropriation.....	\$325,000
Aquatic Invasive Species Management Account-State	
Appropriation.....	\$1,658,000
TOTAL APPROPRIATION.....	\$428,145,000
	<u>\$447,086,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$467,000)~~) \$67,000 of the general fund-state appropriation for fiscal year 2018 and \$467,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$1,098,000 of the general fund-state appropriation for fiscal year 2018 and \$1,098,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund-state appropriation for fiscal year 2018, \$415,000 of the general fund-state appropriation for fiscal year 2019, and \$440,000 of the general fund-federal appropriation are provided solely for county assessments.

(4) Prior to submitting its 2019-2021 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the

proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$425,000)~~) \$525,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for training for a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife, (~~and~~) the continued conflict transformation with the wolf advisory group, and for cost share partnerships with livestock owners and the use of range riders to reduce the potential for depredation of livestock from wolves. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account-state appropriation is provided solely for the fish program, including

implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund-federal appropriation, \$62,000 of the state wildlife account-state appropriation, and \$10,000 of the ballast water management account-state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

(12) (~~(\$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to~~

~~grant to the regional fisheries enhancement groups.~~

~~(13))~~ (a) \$5,500,000 of the general fund-state appropriation for fiscal year 2018, \$5,500,000 of the general fund-state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account-state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. Of the amounts provided in this subsection, \$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups. In order to address this shortfall on a long-term basis, the department must develop a plan for balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on

efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by ~~(May)~~ September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(13) \$528,000 of the general fund-state appropriation for fiscal year 2018,

\$511,000 of the general fund-state appropriation for fiscal year 2019, and \$103,000 of the state wildlife account-state appropriation are provided solely for the department to modernize its network infrastructure in the 2017-2019 biennium in preparation to migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment in the 2019-2021 biennium and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(14) \$580,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$183,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 2771 (wolves/translocation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) The department may not spend funds, staff time, or other resources on the south unit Shillapoo and Buckmire slough project until one of the following has occurred:

(a) The department makes payments to all public and private entities that contributed to the purchase of the unit's 540 acres of waterfowl habitat, in amounts that are equal to the amounts the entity contributed towards the purchase; or

(b) The department acquires a like 540 acres of habitat with the same carrying capacity for waterfowl and other fauna identified by the department, in particular the endangered Columbian white-tailed deer.

(17) \$76,000 of the general fund-state appropriation for fiscal year 2018 and \$472,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to increase enforcement of vessel traffic near orca whales, especially commercial and recreational whale watchers and shipping, and to reduce underwater noise levels that interfere with feeding and communication. While the patrol focus is to be on orca whale protection when the animals are present, nothing prohibits

responses to emergent public safety or in-progress poaching incidents. In the event that orca whales are not present in marine waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound.

(18) \$245,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for the inventory and maintenance of fish screens in the Puget Sound, Methow, and Wenatchee drainages to protect juvenile salmonids.

Sec. 308. 2017 3rd sp.s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund-State Appropriation (FY 2018) (~~(\$48,463,000)~~)
\$82,001,000

General Fund-State Appropriation (FY 2019) (~~(\$48,264,000)~~)
\$51,529,000

General Fund-Federal Appropriation (~~(\$27,329,000)~~)
\$36,503,000

General Fund-Private/Local Appropriation (~~(\$2,372,000)~~)
\$3,230,000

Forest Development Account-State Appropriation (~~(\$56,643,000)~~)
\$50,204,000

ORV and Nonhighway Vehicle Account-State Appropriation (~~(\$8,449,000)~~)
\$7,854,000

Surveys and Maps Account-State Appropriation (~~(\$3,462,000)~~)
\$2,480,000

Aquatic Lands Enhancement Account-State Appropriation (~~(\$13,262,000)~~)
\$16,162,000

Resources Management Cost Account-State Appropriation (~~(\$121,559,000)~~)
\$121,650,000

Surface Mining Reclamation Account-State Appropriation (~~(\$4,130,000)~~)
\$4,123,000

Disaster Response Account-State Appropriation..... (~~(\$23,076,000)~~)
\$15,051,000

Forest and Fish Support Account-State Appropriation.....\$12,790,000

Aquatic Land Dredged Material Disposal Site Account-State Appropriation.....\$400,000

Natural Resources Conservation Areas Stewardship Account-State Appropriation (~~(\$34,000)~~)
\$232,000

State Toxics Control Account-State Appropriation..... (~~(\$10,705,000)~~)
\$10,704,000

Forest Practices Application Account-State Appropriation (~~(\$2,158,000)~~)
\$1,900,000

Air Pollution Control Account-State Appropriation\$872,000

NOVA Program Account-State Appropriation\$734,000

Pension Funding Stabilization Account-State Appropriation.....\$3,239,000

Derelict Vessel Removal Account-State Appropriation.....\$1,946,000

Community Forest Trust Account-State Appropriation.....\$52,000

Agricultural College Trust Management Account-State Appropriation (~~(\$3,056,000)~~)
\$3,059,000

TOTAL APPROPRIATION.....~~(\$389,756,000)~~
\$426,715,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,420,000 of the general fund--state appropriation for fiscal year 2018 and \$1,352,000 of the general fund--state appropriation for fiscal year 2019 are

provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) (~~(\$16,546,000)~~) \$51,736,000 of the general fund-state appropriation for fiscal year 2018, \$16,546,000 of the general fund-state appropriation for fiscal year 2019, and (~~(\$16,050,000)~~) \$8,025,000 of the disaster response account-state appropriation are provided solely for emergency fire suppression. The general fund-state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account-state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund-state appropriation for fiscal year 2018 and \$1,640,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding

needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund-state appropriation for fiscal year 2018 and \$147,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within these counties for residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund-state appropriation for fiscal year 2018 and \$486,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account-state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account-state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account-state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund-state appropriation for fiscal year 2018 is

provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$27,000 of the general fund-state appropriation for fiscal year 2019, \$23,000 of the forest development account-state appropriation, and \$50,000 of the resources management cost account-state appropriation are provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

(17) \$42,000 of the forest development account-state appropriation, \$56,000 of the resources management cost account-state appropriation, and \$2,000 of the agricultural college trust management account-state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2285 (marbled murrelet reports). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(18) \$6,000 of the forest development account-state appropriation, \$36,000 of the resources management cost account-state appropriation, and \$1,000 of the agricultural college trust management

account-state appropriation are provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$57,000 of the general fund-state appropriation for fiscal year 2018 and \$136,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2561 (wildland fire advisory committee). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) \$403,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2733 (prescribed burn certificate program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$873,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to the department to provide to the Kittitas county fire district seven as matching funds for a federal staffing for adequate fire and emergency response (SAFER) grant.

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund-State Appropriation (FY 2018)	..... ((\$17,281,000))	
		\$17,027,000
General Fund-State Appropriation (FY 2019)	..... ((\$17,525,000))	
		\$17,383,000
General Fund-Federal Appropriation	..... ((\$31,424,000))	
		\$32,149,000
General Fund-Private/Local Appropriation	.....	\$193,000
Aquatic Lands Enhancement Account-State Appropriation	..... ((\$2,565,000))	
		\$2,566,000
State Toxics Control Account-State Appropriation	..... ((\$5,534,000))	
		\$6,070,000
Water Quality Permit Account-State Appropriation	.....	\$73,000

Pension Funding Stabilization Account-State

<u>Appropriation</u>	.....	<u>\$1,041,000</u>
<u>TOTAL APPROPRIATION</u>	.....	<u>\$74,595,000</u>
		<u>\$76,502,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund-state appropriation for fiscal year 2018 and \$6,102,905 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$132,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the shellfish interagency permitting team recommendations.

(4) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 1562 (WA food policy forum). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$2,000 of the general fund-state appropriation for fiscal year 2018 and \$18,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(6) \$142,000 of the general fund-state appropriation for fiscal year 2018 and \$145,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the industrial hemp research pilot program.

(7) \$534,000 of the state toxics control account-state appropriation is provided solely for a monitoring program to study the impacts of the use of imidacloprid as a means to control burrowing shrimp and related costs. Department costs include, but are not limited to, oversight and participation on a technical advisory committee, technical assistance, planning, and reporting activities. The department may also use the funding provided in this subsection, as needed, for payments to Washington State University, the United States department of agriculture, and outside consultants for their participation in the monitoring program and technical advisory committee. The department must report to the appropriate committees of the legislature by June 1, 2019, on the progress of the monitoring program.

(8) \$2,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Revolving Account-State

Appropriation..... ((~~\$10,000~~))
\$90,000

Pollution Liability Insurance Program Trust Account-State

Appropriation ((~~\$1,338,000~~))
\$1,339,000

TOTAL APPROPRIATION.....~~\$1,348,000~~
\$1,429,000

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund-State Appropriation (FY 2018) ((~~\$2,922,000~~))
\$2,782,000

General Fund-State Appropriation (FY 2019) ((~~\$2,668,000~~))
\$2,526,000

General Fund-Federal Appropriation ((~~\$8,102,000~~))
\$10,336,000

Aquatic Lands Enhancement Account-State
Appropriation..... ((~~\$1,420,000~~))
\$1,419,000

State Toxics Control Account-State
Appropriation \$721,000

Pension Funding Stabilization Account-State
Appropriation.....\$277,000

TOTAL APPROPRIATION.....~~\$15,833,000~~
\$18,061,000

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

PART IV

TRANSPORTATION

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund-State Appropriation (FY 2018)	.....	(\$1,460,000)
		<u>\$1,687,000</u>
General Fund-State Appropriation (FY 2019)	.....	(\$1,530,000)
		<u>\$1,442,000</u>
Architects' License Account-State Appropriation	.....	(\$995,000)
		<u>\$1,205,000</u>
Professional Engineers' Account-State Appropriation	.....	(\$3,922,000)
		<u>\$3,932,000</u>
Real Estate Commission Account-State Appropriation	.....	(\$11,045,000)
		<u>\$11,575,000</u>
Uniform Commercial Code Account-State Appropriation	.....	(\$3,448,000)
		<u>\$3,472,000</u>
Real Estate Education Program Account-State Appropriation	.....	\$276,000
Real Estate Appraiser Commission Account-State Appropriation	.....	(\$1,870,000)
		<u>\$1,875,000</u>
Business and Professions Account-State Appropriation	.....	(\$19,302,000)
		<u>\$22,019,000</u>
Real Estate Research Account-State Appropriation	.....	\$415,000
<u>Landscape Architects' License Account-State</u>	.....	<u>\$4,000</u>
Geologists' Account-State Appropriation	.....	\$53,000
Derelict Vessel Removal Account-State Appropriation	.....	\$33,000
CPL Renewal Notification Account-State Appropriation	.....	\$183,000
Firearms Range Account-State Appropriation	.....	\$75,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>	.....	<u>\$95,000</u>
TOTAL APPROPRIATION	.....	\$44,607,000
		<u>\$48,341,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws of 2017 (SHB 1420) (theatrical wrestling).

(2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund-state appropriation for fiscal year 2018 and \$11,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$32,000 of the general fund-state appropriation for fiscal year 2018 and \$32,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department of licensing to issue identicards to youths released from juvenile rehabilitation facilities.

(5) The appropriations in this section include sufficient funding for the implementation of Third Substitute House Bill No. 1169 (student loan assistance).

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund-State Appropriation (FY 2018) ~~(\$44,994,000)~~
\$44,008,000

General Fund-State Appropriation (FY 2019) ~~(\$45,986,000)~~
\$46,607,000

General Fund-Federal Appropriation \$16,260,000

General Fund-Private/Local Appropriation \$3,085,000

Death Investigations Account-State Appropriation ~~(\$7,087,000)~~

\$7,185,000

County Criminal Justice Assistance Account–State	
Appropriation	\$3,755,000
Municipal Criminal Justice Assistance Account–State	
Appropriation	\$1,521,000
Fire Service Trust Account–State	
Appropriation	\$131,000
Vehicle License Fraud Account–State	
Appropriation	\$110,000
Disaster Response Account–State	
Appropriation	(\$8,000,000)
	<u>\$12,400,000</u>
Fire Service Training Account–State	
Appropriation	\$11,126,000
Aquatic Invasive Species Management Account–State	
Appropriation	\$54,000
<u>Pension Funding Stabilization Account–State</u>	
<u>Appropriation.....</u>	<u>\$3,295,000</u>
State Toxics Control Account–State	
Appropriation	\$549,000
Fingerprint Identification Account–State	
Appropriation	\$15,768,000
<u>Dedicated Marijuana Account–State</u>	
<u>Appropriation</u>	
<u>(FY 2019).....</u>	<u>\$2,803,000</u>
TOTAL APPROPRIATION.....	\$158,426,000
	<u>\$168,657,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the fire service training account–state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ~~(\$8,000,000)~~ \$12,400,000 of the disaster response account–state appropriation is provided solely for Washington state fire service resource

mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account–state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund–state appropriation for fiscal year 2018 and \$41,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund–state appropriation for fiscal year 2018 and \$116,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund–state appropriation for fiscal year 2018 and \$90,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account–state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account–state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$350,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for the costs related to the 1995 king air maintenance.

(10) \$2,803,000 of the dedicated marijuana account–state appropriation

for fiscal year 2019 is provided solely for the Washington state patrol to create a new drug enforcement task force for the purposes of controlling the potential diversion and illicit production or distribution of marijuana and marijuana-related products in Washington.

PART V

EDUCATION

Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund-State Appropriation (FY 2018)	.....	(\$49,844,000)	
			<u>\$46,711,000</u>
General Fund-State Appropriation (FY 2019)	.....	(\$47,888,000)	
			<u>\$58,034,000</u>
General Fund-Federal Appropriation	.....	(\$68,460,000)	
			<u>\$83,973,000</u>
General Fund-Private/Local Appropriation	.....	(\$8,051,000)	
			<u>\$8,101,000</u>
Washington Opportunity Pathways Account-State Appropriation	.....		\$584,000
Dedicated Marijuana Account-State Appropriation (FY 2018)	.....		\$513,000
Dedicated Marijuana Account-State Appropriation (FY 2019)	.....		\$516,000
Performance Audits of Government Account-State Appropriation	.....		\$211,000
<u>Pension Funding Stabilization Account-State</u>			
<u>Appropriation</u>	.....		<u>\$2,126,000</u>
TOTAL APPROPRIATION	.....		<u>\$176,067,000</u>
			<u>\$200,769,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$10,437,000~~) \$9,633,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$11,112,000~~) \$13,667,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a

summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) (~~(\$3,857,000)~~) \$1,423,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,857,000)~~) \$6,291,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education).

(3) (a) \$911,000 of the general fund-state appropriation for fiscal year 2018 and \$911,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account-state appropriation is provided solely for the state board of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,512,000)~~) \$3,161,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund-state appropriation for fiscal year 2018 (~~and \$2,372,000 of the general fund-state appropriation for fiscal year 2019 are~~) is for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop

models and share best practices for increasing the classroom teaching experience of preservice training programs and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$960,000 of the general fund-state appropriation for fiscal year 2019 is for grants to improve preservice teacher training and for funding of alternate routes programs, including the recruiting Washington teachers program.

(d) \$1,061,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to implement Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(e) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$25,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(~~(d)~~) (f) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(5) \$266,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$266,000)~~) \$502,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6)(a) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$61,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(b) Within amounts appropriated in this subsection (6), the committee shall review the rules and procedures adopted by the superintendent of public instruction and the state board of education related to the minimum number of students to be used for public reporting and federal accountability purposes. By October 30, 2018, the committee shall report to the office of the superintendent of public instruction, the state board of education, and the appropriations committees of the legislature with its recommendations for the state to meet the following goals: Increase the visibility of the opportunity gap in schools with small subgroups of students; hold schools and school districts accountable to individual student-level support; and comply with federal student privacy laws.

(7) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$61,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 of the Washington opportunity pathways account-state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(9) \$1,802,000 of the general fund-state appropriation for fiscal year 2018 and \$1,802,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote

participation in government by middle school students.

(11) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund-state appropriation for fiscal year 2018 and \$123,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund-state appropriation for fiscal year 2018 and \$14,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund-state appropriation for fiscal year 2018 and \$62,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may

apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools-recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$131,000 of the general fund-state appropriation for fiscal year 2018, \$131,000 of the general fund-state appropriation for fiscal year 2019, and \$211,000 of the performance audits of government account-state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing

the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(20) \$150,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$150,000)~~) \$215,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund-state appropriation for fiscal year 2018 and \$55,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(22) \$2,541,000 of the general fund-state appropriation for fiscal year 2018 and \$2,541,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(24) \$1,221,000 of the general fund-state appropriation for fiscal year 2018 and \$1,221,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and

advanced technical support for the network.

(25) \$3,940,000 of the general fund-state appropriation for fiscal year 2018 and \$3,940,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(26) \$1,354,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$1,354,000)~~ \$1,454,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(27) \$410,000 of the general fund-state appropriation for fiscal year 2018, \$280,000 of the general fund-state appropriation for fiscal year 2019, and \$1,029,000 of the dedicated marijuana account-state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$513,000 of the dedicated marijuana account-state appropriation for fiscal year 2018, and \$516,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund-state appropriation for fiscal year 2018 and \$2,590,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington

kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(29) \$293,000 of the general fund-state appropriation for fiscal year 2018 and \$293,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(30) \$4,894,000 of the general fund-state appropriation for fiscal year 2018 and \$4,894,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants for implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund-state appropriation for fiscal year 2018

and \$117,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$450,000)~~ \$1,450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Of the amounts in this subsection, up to \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is for implementation of the K-12 dual language grant program established in RCW 28A.630.095 and \$450,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(35) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and

engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund-state appropriation for fiscal year 2018 and \$2,145,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund-state appropriation for fiscal year 2018 and \$446,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund-state appropriation for fiscal year 2018 and \$1,015,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(37) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund-state appropriation for fiscal year 2018 and \$703,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund-state appropriation for fiscal year 2018 and \$15,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund-state appropriation for fiscal year 2018 and \$178,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund-state appropriation for fiscal year 2018 and \$912,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund-state appropriation for fiscal year 2018, \$204,000 of the general fund-state appropriation for fiscal year 2019, and \$408,000 of the general fund-federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend a qualifying high poverty high school that has received a grant under (a) of this subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) (~~(\$100,000)~~) \$40,000 of the general fund-state appropriation for fiscal year 2018 (~~(is)~~) and \$60,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund-state appropriation for fiscal year 2018 and \$270,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund-state appropriation for fiscal year 2018 and \$179,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$25,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to form a work group to build on an initial internal report on institutional education funding recommendations. The group shall vet the report with on-the-ground providers and offer recommendations to the legislature on how to establish a new funding structure, funding levels, and support services such as special education, mental health, and career and technical education that more adequately meet the needs of the institutional education programs and the students they serve. Recommendations must be reported by the office to the legislature no later than December 1, 2018.

(50) \$97,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1539 (sexual abuse of students). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$60,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute House Bill No. 2610 (school meal payment). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$288,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1377 (student mental health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) \$121,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2390 (opioid medications/schools). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(56) \$676,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2748 (learning assistance program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(57) \$230,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1896 (civics education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(58) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(59) (a) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to assist the office of the governor in developing a strategic plan for work-integrated

learning focused on youth apprenticeship.

(b) In consultation with the governor's office, the superintendent shall collaborate with the state board for community and technical colleges, workforce training board, department of labor and industries, and employment security department to:

(i) Review existing work-integrated learning programs and youth apprenticeship programs;

(ii) Analyze barriers to statewide adoption of registered apprenticeship programs and pre-apprenticeship programs; and

(iii) Recommend policies to implement strategies that increase statewide youth engagement in registered apprenticeships.

(c) Individuals from the public and private sectors with expertise in career and technical education and career-integrated training, including representatives of labor unions, professional technical organizations, and business and industry must be consulted in the development of recommendations.

(d) Findings and recommendations must be consolidated into one report delivered to the governor and the education and economic development committees of the legislature by October 1, 2018.

(60) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(61) \$150,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-private/local appropriation for fiscal year 2019 are provided solely for support of national history day. Activities funded must include outreach, implementation, and support for student participation.

(62) \$335,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(63) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the creation of a comprehensive online encyclopedia of local Holocaust education resources. The online encyclopedia must include teaching trunk materials, Anne Frank materials, genocide resources, and video testimonies. Amounts provided in this subsection may be used for: The hiring of program staff and contractors; program planning; oversight and evaluation; and the research, coding, marketing, and creation of online resources and program materials.

(64) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(65) \$165,000 of the general fund-state appropriation for fiscal year 2018 and \$915,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to provide grants to the Washington state school directors association and individual school districts to assist school directors and school districts to comply with their budgeting and collective bargaining responsibilities under the provisions of chapter 13, Laws of 2017 3rd sp. sess. (EHB 2242).

(a) From amounts provided in this subsection, the Washington state school directors association must create school board training modules that inform school directors of their budgeting responsibilities, and their roles and responsibilities preceding and during collective bargaining under chapters 41.56 and 41.59 RCW.

(b) The Washington state school directors association may contract for labor relations consultants, legal advisors, and fiscal analysts, to assist specific school boards and school districts to comply with chapters 41.56 and 41.59 RCW by providing legal assistance, bargaining support, and real time proposal analysis. From amounts provided in this subsection, the office of the superintendent of public instruction must provide grants to individual school districts on a sliding scale based on the size of the school district in order for those districts to access labor relations consultants, legal advisors, and fiscal analysts under contract with the Washington state school directors association, or to procure such services under separate contract. The Washington state school directors association and the office of the superintendent of public instruction must administer the funding for such assistance in order to provide the services promptly, with minimum administrative burden, and at no cost for districts with student enrollments at or under two thousand.

(66) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for grants to implement a program that provides hands-on education in financial literacy, work readiness, and entrepreneurship.

(67) \$95,000 of the general fund-state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to create and administer a grant program to decrease student participation gaps in extracurricular activities between free- and reduced-price lunch students and full-price lunch students. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts with the largest participation gaps between low-income students and higher-income students, as identified by federal free- or reduced-price lunch program eligibility. The office must distribute grants for the 2018-19 school year to school districts by August 31, 2018.

(a) Of the amount appropriated in this subsection, \$60,000 of the general fund-state appropriation must be distributed to schools and districts to reduce associated student body fees for low-income students.

(b) The office of the superintendent of public instruction must collect the following school-level data from each high school and middle school:

(i) Athletic participation fees for full-price, free-, and reduced-price lunch program students;

(ii) Associated student body card fees for full-price, free-, and reduced-price lunch program students;

(iii) After school athletic participation rate for full-price, free-, and reduced-price lunch program students, excluding students participating in for-credit activities;

(iv) The number of associated student body card purchases for full-price, free-, and reduced-price lunch program students;

(v) School club participation for full-price, free-, and reduced-price lunch program students; and

(vi) Career and technical student organization participation for full-price, free-, and reduced-price lunch program students.

(c) No later than June 30, 2018, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with section 3, chapter 211, Laws of 2014. Schools and districts that the office identifies as noncompliant are ineligible to receive grant allocations under this subsection.

(68) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(69) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the legislative youth

advisory council. The council of statewide members advises legislators on issues of importance to youth.

(70) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit, civil rights and human relations organization with expertise in tracking and responding to hate incidents in schools, and with experience implementing programs designed to empower students to improve upon and sustain school climates that combat bias and bullying. The contract must expand the organization's current anti-bias programs to public schools across Washington, with at least half of the public schools located east of the crest of the Cascade mountains. Amounts provided in this subsection may be used to support preprogram planning, trainings, guidance, surveys, materials, and the hiring of a part-time contractor to support data tracking.

Sec. 502. 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund-State Appropriation (FY 2018)	..... (\$7,183,886,000)	\$7,239,334,000
General Fund-State Appropriation (FY 2019)	..... (\$7,412,055,000)	\$7,008,792,000
Education Legacy Trust Account-State Appropriation	..... \$345,730,000	
TOTAL APPROPRIATION...	\$14,941,671,000	\$14,593,856,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in

House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2017-18 and 2018-19 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(h) Funding is provided in this section for a hold-harmless payment beginning with the 2018-19 school year. A school district qualifies for a hold-harmless payment if the sum of the school district's state basic education

allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of what the district would have received for that year from the state basic education allocations, local maintenance and operation levy, and local effort assistance under the law as it existed on January 1, 2017. For the prior law calculation, it is assumed that the local levy is the lesser of the voter approved levy as of January 1, 2017, and the maximum allowed under the law as it existed on January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW	2017	2018
	28A.150.260	-18	-19
		School Year	School Year

K	Grade	17.0	17.0
		0	0
1	Grade	17.0	17.0
		0	0
2	Grade	17.0	17.0
		0	0
3	Grade	17.0	17.0
		0	0
4	Grade	27.0	27.0
		0	0
	Grade s 5-6	27.0	27.0
		0	0
	Grade s 7-8	28.5	28.5
		3	3
	Grade s 9-12	28.7	28.7
		4	4

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:

Grade	RCW	2017	2018
e	28A.150.260	-18	-19
		School Year	School Year
	Grade e K	17.0	17.0
		0	0
	Grade e 1	17.0	17.0
		0	0
	Grade e 2	17.0	17.0
		0	0
	Grade e 3	17.0	17.0
		0	0

Grad e 4	27.0	27.0
	0	0
Grad es 5-6	27.0	27.0
	0	0
Grad es 7-8	28.5	28.5
	3	3
Grad es 9-12	28.7	28.7
	4	4

generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d) (i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d) (ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2017-18	2018-19
	School Year	School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 school years for general education students are determined using the formula

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students.....1.025

Skill Center students.....1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2017-18 and 2018-19 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2017-18 and 2018-19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff

units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and 23.49 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and 24.60 percent in the 2018-19 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act,

based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$130.7	(\$132.95) \$133.24
Utilities and Insurance	\$355.3	(\$360.98) \$362.05
Curriculum and Textbooks	\$140.3	(\$142.64) \$143.06
Other Supplies and Library Materials	\$298.0	(\$302.82) \$303.71
Instructional Professional Development	\$21.71	(\$22.06) \$22.12

for Certificated			
and Classified Staff			
Facilities	\$176.0		
Maintenance	1	((\$178.83))	<u>\$179.36</u>
Security and Central Office	4	((\$123.89))	<u>\$124.26</u>
TOTAL	\$1,244		
BASIC EDUCATION MSOC/STUDENT FTE	.16	((\$1,264.07))	<u>\$1,267.80</u>

Technology	\$37.60	((\$38.20))	<u>\$38.31</u>
Curriculum and Textbooks	\$41.02	((\$41.67))	<u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	((\$86.82))	<u>\$87.08</u>
Instructional Professional Development for Certified and Classified Staff	\$6.83	((\$6.95))	<u>\$6.97</u>
TOTAL GRADE 9-12 EDUCATION MSOC/STUDENT FTE	\$170.9	((\$173.64))	<u>\$174.16</u>

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8) (a) (ii) exceeds (B) of this subsection (8) (a) (ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2017- 18 School Year	2018-19 School Year
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(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five

students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-

three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (~~((+12))~~) (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any

delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2018 and 2019 as follows:

(a) \$638,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$648,000)~~) \$650,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund-state appropriation for fiscal year 2018 and \$436,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$225,000 of the general fund-state appropriation for fiscal year 2018 and \$229,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE

including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection ~~((12))~~ (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ~~((5 percent))~~ the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate

programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2017-2019 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 503. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated

administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation	
For School Year 2018-19	
Certificated Instructional Staff	((\$59,333.55) \$65,216.05)
Certificated Administrative Staff	((\$79,127.50) \$96,805.00)
Classified Staff	((\$39,975.50) \$46,784.33)

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~(June 22, 2017, at 1:14 hours)~~ February 20, 2018, at 8:24 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and 22.85 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and 21.10 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff are established for basic education salary allocations for the 2017-18 school year:

Table Of Total Base Salaries For Certificated Instructional Staff

For School Year 2017-18

*** Education Experience ***

e a r s	f	e r v i c e										
			BA	A	A	A	A	A	MA	A	h	
			1	3	4	9	1		4	D		
			5	0	5	0	3		5	.		
							5					
			6,	7	8	9	2	4	3,	7	9	
			52	,	,	,	,	,	78	,	,	
			1	5	5	5	8	9	5	0	1	
				0	2	5	4	5		7	9	
				7	9	4	0	7		2	1	
			7,	8	9	0	3	5	4,	7	9	
			01	,	,	,	,	,	27	,	,	
			3	0	0	1	4	5	2	5	6	
				1	4	1	3	4		9	9	
				3	8	7	8	3		3	7	
			7,	8	9	0	4	6	4,	8	0	
			48	,	,	,	,	,	76	,	,	
			1	4	5	6	0	1	2	0	2	
				9	3	8	0	2		7	0	
				1	7	8	0	7		3	1	
			7,	8	0	1	4	6	5,	8	0	
			96	,	,	,	,	,	22	,	,	
			4	9	0	2	5	7	7	5	7	
				8	4	2	3	1		2	0	
				3	0	9	4	2		9	9	
			8,	9	0	1	5	7	5,	9	1	
			43	,	,	,	,	,	71	,	,	
			7	5	5	7	1	3	4	0	2	
				0	6	9	1	1		3	3	
				1	5	4	9	3		8	4	
			8,	9	1	2	5	7	6,	9	1	
				,	,	,	,	,		,	,	

92	9	0	3	6	9	20	5	7
6	9	6	6	7	1	9	2	6
	5	9	7	9	8		2	0
9,	0	1	2	6	8	6,	0	2
42	,	,	,	,	,	71	,	,
8	4	5	9	2	4	6	0	2
	7	8	4	4	9		1	6
	4	5	8	4	4		3	2
0,	1	2	3	7	9	7,	1	3
31	,	,	,	,	,	66	,	,
2	3	4	9	2	5	6	0	3
	7	9	3	8	9		1	2
	3	8	5	0	3		0	4
1,	2	3	5	8	1	9,	2	4
60	,	,	,	,	,	16	,	,
4	7	8	4	8	2	1	5	9
	2	7	3	2	1		5	4
	4	6	1	2	9		2	9
	4	5	6	0	2	0,	4	6
	,	,	,	,	,	67	,	,
	1	3	9	4	8	2	1	6
	2	3	4	1	9		4	2
	2	2	3	3	2		3	3
0		6	8	2	4	2,	5	8
		,	,	,	,	26	,	,
		8	5	0	6	3	7	3
		0	3	4	1		8	4
		5	3	9	1		0	0
1			0	3	6	3,	7	0
			,	,	,	89	,	,
			1	7	3	9	4	1
			6	6	7		9	0
			9	1	5		2	4
2			1	5	8	5,	9	1
			,	,	,	60	,	,
			7	5	2	0	2	9
			5	2	1		5	4
			3	0	1		0	2
3				7	0	7,	1	3
				,	,	36	,	,
				3	0	0	0	8
				2	9		5	2
				2	3		2	3
4				9	2	9,	2	5
				,	,	,	,	,

	1	0	17	9	7
	3	4	2	8	7
	2	6		1	6
5	0	3	0,	4	7
	,	,	71	,	,
	6	6	0	6	4
	7	6		1	8
	1	0		8	6
6	1	4	1,	5	8
o	,	,	92	,	,
r	8	9	4	9	8
m	8	3		1	3
o	4	2		0	6
r					
e					

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any

replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

(a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or

(b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

Sec. 504. 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund-State Appropriation (FY 2018) (~~(\$216,086,000)~~)
\$206,149,000

General Fund-State Appropriation (FY 2019) (~~(\$1,360,536,000)~~)
\$1,911,498,000

Basic Education Account-State
Appropriation \$85,358,000

TOTAL APPROPRIATION.... ~~\$1,576,622,000~~
\$2,203,005,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

(2) ~~((In addition to salary allocations specified in this subsection (1) funding in this subsection includes~~

~~one day of professional learning for each of the funded full time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~ (a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and 22.85 percent for the 2018-19 school year for certificated instructional and certificated administrative staff and 21.10 percent for the 2017-18 school year and 21.10 percent for the 2018-19 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per month for the 2017-18 school year and ~~(\$840.00)~~ \$843.97 per month for the 2018-19 school year. When bargaining for health benefits funding for the school employees' benefits board during the 2017-2019 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health

insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

~~((5))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$85,358,000 of the basic education account appropriation is provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), and regionalization and experience factors as provided in RCW 28A.150.412(2)(b), each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H-. . ./18].

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2018)	..... ((\$502,599,000))	
		<u>\$518,512,000</u>
General Fund—State Appropriation (FY 2019)	..... ((\$497,940,000))	
		<u>\$496,524,000</u>
TOTAL APPROPRIATION....	\$1,000,539,000	<u>\$1,015,036,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students

are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2019 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$913,000 of this fiscal year 2018 appropriation and a maximum of (~~(\$937,000)~~) \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2017 3rd sp.s. c 1 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2018)	.....	\$7,111,000
General Fund—State Appropriation (FY 2019)	.....	(\$7,111,000)
		<u>\$7,173,000</u>
General Fund—Federal Appropriation	.....	\$537,178,000
TOTAL APPROPRIATION.....		\$551,400,000
		<u>\$551,462,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$7,111,000 of the general fund—state appropriation for fiscal year 2018 and \$7,111,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(1) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades prekindergarten through third grade who are eligible for reduced-price lunch;

(2) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(3) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(4) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsections (1), (2), and (3) of this section.

The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

Sec. 507. 2017 3rd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	.....	(\$956,055,000)
		<u>\$965,613,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$989,284,000)
		<u>\$951,320,000</u>
General Fund—Federal Appropriation	.....	(\$470,673,000)
		<u>\$485,054,000</u>
Education Legacy Trust Account—State Appropriation	.....	\$54,694,000
<u>Basic Education Account</u>		
<u>Appropriation.....</u>		<u>\$19,842,000</u>

Pension Funding Stabilization Account—
State

Appropriation.....\$20,000
TOTAL APPROPRIATION....~~\$2,470,706,000~~
\$2,476,543,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the

fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H- . . ./18], except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund-state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~\$31,087,000~~ of the general fund-state appropriation for fiscal year 2018, ~~((~~\$31,087,000~~))~~ \$35,952,000 of the general fund-state appropriation for fiscal year 2019, and ~~((~~\$31,024,000~~))~~ \$29,574,000 of the general fund-federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection

(7) in any fiscal year, the superintendent shall expend all

available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2017-18 and 2018-19 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund-state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund-state appropriation for fiscal year 2018 and \$256,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to

provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund-state appropriation for fiscal year 2018, \$50,000 of the general fund-state appropriation for fiscal year 2019, and \$100,000 of the general fund-federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(13) \$19,842,000 of the basic education account appropriation is provided solely for allocation to school districts to increase the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H-. . ./18].

Sec. 508. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR EDUCATIONAL SERVICE DISTRICTS

General Fund-State Appropriation (FY 2018)	.....(\$8,534,000)	\$8,549,000
General Fund-State Appropriation (FY 2019)	.....(\$8,558,000)	\$9,460,000
TOTAL APPROPRIATION.....		<u>\$17,009,000</u>
		<u>\$18,009,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and

benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2018)	.....((\$449,808,000))	
		<u>\$451,423,000</u>
General Fund—State Appropriation (FY 2019)	.....((\$454,876,000))	
		<u>\$425,973,000</u>
TOTAL APPROPRIATION.....	(\$904,684,000)	<u>\$877,396,000</u>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	.....((\$13,565,000))	
		<u>\$13,895,000</u>

General Fund—State Appropriation (FY 2019)	.....((\$13,689,000))	
		<u>\$14,087,000</u>
TOTAL APPROPRIATION.....	(\$27,254,000)	<u>\$27,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2018 and \$701,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2018) (~~(\$21,265,000)~~)
\$21,447,000

General Fund—State Appropriation (FY 2019) (~~(\$24,306,000)~~)
\$22,996,000

TOTAL APPROPRIATION..... ~~\$45,571,000~~
\$44,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$85,000 of the general fund—state appropriation for fiscal year 2019 are

provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation (~~(\$4,802,000)~~)
\$5,802,000

Sec. 513. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2018) (~~(\$134,741,000)~~)
\$125,067,000

General Fund—State Appropriation (FY 2019) (~~(\$155,464,000)~~)
\$147,957,000

General Fund—Federal Appropriation (~~(\$93,320,000)~~)
\$94,820,000

General Fund—Private/Local Appropriation \$1,451,000

Education Legacy Trust Account—State Appropriation \$1,619,000

Pension Funding Stabilization Account—State

Appropriation..... \$765,000

TOTAL APPROPRIATION..... ~~\$386,595,000~~

\$371,679,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$30,421,000)~~) \$21,104,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$26,975,000)~~) \$21,104,000 of the general fund—state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(2) \$356,000 of the general fund-state appropriation for fiscal year 2018 and \$356,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities (~~coordinated at the Pacific science center~~), including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund-state appropriation for fiscal year 2018 and \$3,935,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) (~~\$62,672,000~~) \$62,674,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$82,665,000~~) \$82,670,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of \$5,381 per teacher in the 2018-19 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a

prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund-state appropriation for fiscal year 2018 and \$477,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund-state appropriation for fiscal year 2018 and \$950,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund-state appropriation for fiscal year 2018 and \$810,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund-state appropriation for fiscal year 2018 and \$1,802,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for (a) staff at the

office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund-state appropriation for fiscal year 2018 and \$10,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 funding must be used for one-time start-up course

costs for an advanced project lead the way course, to be offered to students beginning in the 2018-19 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$9,352,000 of the general fund-state appropriation for fiscal year 2018 and \$14,352,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the provision of

training for teachers in the performance-based teacher principal evaluation program.

(17) (~~(\$100,000)~~) \$125,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$100,000)~~) \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,194,000)~~) \$909,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund-state appropriation for fiscal year 2018 and \$36,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an

existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracts with nonprofit organizations that provide direct services to children exclusively through one-to-one volunteer mentoring. The mentor, student, and parent must each

receive monthly coaching from professional staff in the first year and coaching every two months in subsequent years.

Sec. 514. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund-State Appropriation (FY 2018)	.....((\$147,948,000))	
		<u>\$151,022,000</u>
General Fund-State Appropriation (FY 2019)	.....((\$157,744,000))	
		<u>\$150,515,000</u>
General Fund-Federal Appropriation	.....((\$92,244,000))	
		<u>\$97,244,000</u>
<u>Pension Funding Stabilization Account-State Appropriation</u>	.....	<u>\$4,000</u>
TOTAL APPROPRIATION	.....	<u>\$397,936,000</u>
		<u>\$398,785,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260 (10) (b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 for the head count number of students who have exited the transitional bilingual instruction

program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: (~~2.55~~) 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(4) The general fund-federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$35,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

Sec. 515. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR THE LEARNING ASSISTANCE PROGRAM

General Fund-State Appropriation (FY 2018) (~~\$326,233,000~~)
\$323,386,000

General Fund-State Appropriation (FY 2019) (~~\$355,633,000~~)
\$330,463,000

General Fund-Federal Appropriation (~~\$505,487,000~~)
\$519,487,000
TOTAL APPROPRIATION ~~\$1,187,353,000~~
\$1,173,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund-state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's

October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund-federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2017-18 and 2018-19 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2017 3rd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations			
Per Annual	Average	Full-Time	
Equivalent Student			
Basic Education Program	2017-18 School Year	2018-19 School Year	
General Apportionment	((\$7,037)) <u>\$7,063</u>	((\$8,037)) <u>\$8,741</u>	
Pupil Transportation	((\$422)) <u>\$429</u>	((\$485)) <u>\$531</u>	
Special Education Programs	((\$6,920)) <u>\$6,897</u>	((\$7,875)) <u>\$8,754</u>	

Institutional Education Programs	((\$13,476)) <u>\$14,401</u>	((\$15,369)) <u>\$17,826</u>
Programs for Highly Capable Students	((\$455)) <u>\$457</u>	((\$525)) <u>\$570</u>
Transitional Bilingual Programs	((\$1,024)) <u>\$1,028</u>	((\$1,163)) <u>\$1,250</u>
Learning Assistance Program	((\$735)) <u>\$738</u>	((\$849)) <u>\$921</u>

Sec. 517. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly

provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2017 3rd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Account—State	Opportunity	Pathways
Appropriation..... ((\$62,713,000))		
<u>\$53,641,000</u>		

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

Sec. 519. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Account—State	Opportunity	Pathways
Appropriation ((\$477,000))		
<u>\$476,000</u>		
Charter Schools State	Oversight	Account—
Appropriation ((\$1,958,000))		
<u>\$1,485,000</u>		
TOTAL APPROPRIATION..... <u>\$2,435,000</u>		
<u>\$1,961,000</u>		

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State 2018)	Appropriation (FY
..... ((\$662,672,000))	
<u>\$628,995,000</u>	
General Fund—State 2019)	Appropriation (FY
..... ((\$668,368,000))	
<u>\$645,969,000</u>	
Community/Technical Projects	College Capital
Account—State	
Appropriation..... ((\$23,841,000))	
<u>\$21,618,000</u>	
Education Legacy Trust Appropriation	Account—State
..... ((\$138,314,000))	
<u>\$138,315,000</u>	

Pension Funding Stabilization Account-
State

<u>Appropriation.....</u>	<u>\$67,897,000</u>
TOTAL APPROPRIATION....	\$1,493,195,000
	<u>\$1,502,794,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund-state appropriation for fiscal year 2018 and \$33,261,000 of the general fund-state appropriation for fiscal year 2019 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account-state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund-state appropriation for fiscal year 2018 and \$425,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund-state appropriation for fiscal year 2018 and \$5,250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund-state appropriation for fiscal year 2018, and \$1,610,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the

number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$1,500,000~~) \$8,463,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(8) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(9) (~~\$18,588,000~~) \$18,697,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$18,960,000~~) \$19,164,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund-state appropriation for fiscal year 2018 and \$157,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund-state appropriation for fiscal year 2018 and \$185,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund-state appropriation for fiscal year 2018 and \$42,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for program delivery through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund-state appropriation for fiscal year 2018 and \$60,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund-state appropriation for fiscal year 2018

and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(20) (a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 724 of this act.

(21) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence hosted by Everett Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$216,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the opportunity center for employment and education at north Seattle college.

(23) \$381,000 of the general fund-state appropriation for fiscal year 2019

is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher ed). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$2,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2669 (civil service/part-time employees). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(25) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Highline college to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(26) (a) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board to contract with an independent professional consulting service to:

(i) Collect academic, classified, and professional employee total compensation data, source of funding, and the duties or categories for which that compensation is paid;

(ii) Identify comparable market rate salaries;

(iii) Incorporate, as appropriate, data from the office of financial management from the compensation studies conducted pursuant to the 2017-2019 memorandum of understanding between the state of Washington community college coalition and the Washington federation of state employees re: regional compensation issues; and

(iv) Provide analysis regarding whether a local labor market adjustment formula should be implemented, and if so which market adjustment factors and methods should be used.

(b) The board must collect, and college districts must provide, the compensation, recruitment, and retention data necessary to accomplish the work required in this subsection.

(c) The consultant shall provide an interim report to the board by August 15, 2018. The consultant shall provide the final data and analysis to the board by October 1, 2018.

(27) \$87,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Peninsula college to expand the annual cohorts of the specified programs as follows:

(a) Medical assisting, from 20 to 40 students;

(b) Nursing assistant, from 40 to 60 students; and

(c) Registered nursing, from 24 to 32 students.

(28) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(29) \$338,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state labor education and research center at South Seattle College.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund-State Appropriation (FY 2018)(~~\$336,712,000~~)
\$311,875,000

General Fund-State Appropriation (FY 2019)(~~\$353,811,000~~)
\$327,352,000

Aquatic Lands Enhancement Account-State Appropriation\$1,350,000

UW Building Account-State Appropriation.....\$1,052,000

Education Legacy Trust Account-State Appropriation(~~\$30,050,000~~)
\$33,050,000

Economic Development Strategic Reserve Account-State
Appropriation\$3,035,000

Pension Funding Stabilization Account-State
Appropriation\$51,068,000

Biotoxin Account-State Appropriation\$597,000

Dedicated Marijuana Account-State Appropriation	
(FY 2018).....	\$247,000
Dedicated Marijuana Account-State Appropriation	
(FY 2019).....	\$247,000
Accident Account-State Appropriation	\$7,436,000
Medical Aid Account-State Appropriation	\$7,042,000
<u>Geoduck Aquaculture Research Account- State</u>	
<u>Appropriation</u>	<u>\$200,000</u>
TOTAL APPROPRIATION.....	\$741,579,000
	\$744,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund-state appropriation for fiscal year 2018 and \$52,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) (~~(\$38,581,000)~~) \$38,807,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$39,353,000)~~) \$39,777,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(3) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(4) \$8,000,000 of the education legacy trust account-state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(5) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the

cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(6) \$1,350,000 of the aquatic lands enhancement account-state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2017, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(7) (~~(\$8,000,000)~~) \$11,000,000 of the education legacy trust account-state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(8) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the university to increase resident undergraduate enrollments in science, technology, engineering, and math majors. The university is expected to increase full-time equivalent enrollment by approximately 60 additional students.

(9) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund-state appropriation for fiscal year 2018 and \$7,400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) \$3,200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund-state appropriation for fiscal year 2018 and \$2,250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(18) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(19) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the University of

Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) General fund-state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(24) \$45,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their military education. The purpose of the research and analysis is to examine possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25) (a) \$140,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the University of Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the Volk decision changed the law in this state;

(ii) Comprehensive review and assessment of the involuntary and

voluntary treatment capacity available in the state, including information and data available from the select committee on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the Volk decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in *Petersen*, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the Volk decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the Volk decision, and a description of any changes as a result of the Volk decision;

(viii) Assessment of whether mental health service providers may be changing practice to limit exposure to the potential risks created by the Volk decision;

(ix) Assessment of legal and practice implications state legal standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including,

but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The

University of Washington school of law must submit the final report to the appropriate committees of the legislature by December 1, 2017.

(26) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(27) \$38,000 of the general fund-state appropriation for fiscal year 2018 and \$152,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for updating the Washington state parcel and forestland databases with standardized information for all of Washington's parcels.

(28) \$77,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the University of Washington school of environmental and forest sciences to pilot a program to advise and facilitate the activities of the Olympic peninsula forest collaborative.

(29) (a) \$172,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as

wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(30) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

(31) (a) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the creation and implementation of the center for education strategy located at the University of Washington campus in Tacoma. The center must be created and administered by the University of Washington Tacoma, in collaboration with an advisory board. The university must convene the board, which shall be made of members including, but not limited to:

(i) Representatives from each public four-year institution;

(ii) The director, or director's designee, of the Washington student achievement council;

(iii) The director, or director's designee, of the workforce training and education coordinating board;

(iv) The director, or director's designee, of the state board for community and technical colleges;

(v) The director, or director's designee, of the office of the superintendent of public instruction;

(vi) A representative from the Washington roundtable;

(vii) A representative from the Washington state apprenticeship and training council; and

(viii) A representative from the Washington building and construction trades council.

(b) The center, in collaboration with its advisory board, shall submit a report to the appropriate committees of the legislature by December 1, 2018. The report shall include, but not be limited to:

(i) A broad strategy for shaping the state's overall system of education to meet the state's needs in a globally competitive world;

(ii) Preliminary research on multi-institution, cross discipline needs; and

(iii) A plan for the continued role of the center.

(32) \$200,000 of the geoduck aquaculture research account-state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(33) \$3,190,000 of the general fund-state appropriation for fiscal year 2018 and \$6,323,000 of the general fund-state appropriation for fiscal year 2019 are provided on a one-time basis solely for compensation and central services costs. The funding provided shall temporarily replace a portion of tuition expenditures on central services and salaries and benefits for union-represented and nonrepresented employees. The additional funding provided in this section will permit the university to fund the incremental cost of compensation costs for all general fund-state and tuition-supported employees in equal amounts from general fund-state and tuition for the remainder of the 2017-2019 fiscal biennium.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund-State Appropriation (FY 2018) (~~\$215,329,000~~)
\$200,486,000

General Fund-State Appropriation (FY 2019) (~~\$227,266,000~~)
\$212,596,000

WSU Building Account-State Appropriation.....\$792,000

Education Legacy Trust Account-State Appropriation\$33,995,000

Dedicated Marijuana Account-State
Appropriation

(FY 2018)\$138,000

Dedicated Marijuana Account-State
Appropriation

(FY 2019)\$138,000

Pension Funding Stabilization Account-
State

Appropriation.....\$30,983,000

TOTAL APPROPRIATION.....\$477,658,000

\$479,128,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund-state appropriation for fiscal year 2018 and \$90,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of

2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund-state appropriation for fiscal year 2018 and \$7,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

(8) Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.

(9) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

(10) (~~(\$27,425,000)~~) \$27,586,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$27,973,000)~~) \$28,275,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(11) \$230,000 of the general fund-state appropriation for fiscal year 2018 and \$376,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(12) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state

universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

(13) \$580,000 of the general fund-state appropriation for fiscal year 2018 and \$580,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(14) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(15) \$760,000 of the general fund-state appropriation for fiscal year 2018 and \$760,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(16) \$630,000 of the general fund-state appropriation for fiscal 2018 and

\$630,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(17) \$1,370,000 of the general fund-state appropriation for fiscal year 2018 and \$1,370,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(18) General fund-state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(19) \$768,000 of the general fund-state appropriation for fiscal year 2018 and \$504,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(20) \$89,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher ed). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$58,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(22) \$50,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely for the integrated weed control project.

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund–State Appropriation (FY 2018)	.....	(\$50,064,000)
		\$50,090,000
General Fund–State Appropriation (FY 2019)	.....	(\$51,985,000)
		\$52,115,000
Education Legacy Trust Account–State Appropriation	.....	\$16,598,000
TOTAL APPROPRIATION.....		\$118,647,000
		\$118,803,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund–state appropriation for fiscal year 2018 and at least \$200,000 of the general fund–state appropriation for fiscal year 2019 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$9,851,000)~~ \$9,909,000 of the general fund–state appropriation for fiscal year 2018 and ~~(\$10,048,000)~~ \$10,156,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$55,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund–State Appropriation (FY 2018)	.....	(\$49,969,000)
		\$48,136,000
General Fund–State Appropriation (FY 2019)	.....	(\$52,303,000)
		\$50,849,000
CWU Capital Projects Account–State Appropriation.....		\$76,000
Education Legacy Trust Account–State Appropriation	.....	\$19,076,000
<u>Pension Funding Stabilization Account–State</u>		
<u>Appropriation</u>		\$3,921,000
TOTAL APPROPRIATION		\$121,424,000
		\$122,058,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student

completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$11,104,000)~~) \$11,169,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$11,326,000)~~) \$11,448,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$76,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately 500 students per year.

Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund-State Appropriation (FY 2018) (~~(\$26,543,000)~~)
\$26,582,000

General Fund-State Appropriation (FY 2019) (~~(\$27,146,000)~~)
\$28,109,000

TESC Capital Projects Account-State Appropriation.....\$80,000

Education Legacy Trust Account-State Appropriation\$5,450,000

(~~(Liquor Revolving Account-State Appropriation.....\$250,000)~~)

Pension Funding Stabilization Account-State

Appropriation.....\$2,000

TOTAL APPROPRIATION.....~~\$59,469,000~~

\$60,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$3,377,000)~~) \$3,397,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,445,000)~~) \$3,482,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$65,000)~~) \$95,000 of the general fund-state appropriation for fiscal year 2019

are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund-state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$34,000)~~) \$41,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund-state appropriation for fiscal year 2018 and \$43,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect of the national board for professional teaching standards certification on student outcomes by December 15, 2018. The institute shall also report on the following:

(a) Does the certification improve teacher retention in Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) \$122,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$40,000)~~) \$141,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the

implementation of chapter 244, Laws of 2015 (college bound).

(12) \$1,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$1,000)~~) \$7,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

(~~(14)~~) (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(~~(15)~~) (14) \$16,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$22,000)~~) \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$35,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a meta-analysis of United States single payer and other United States universal health care proposals, studies, and models. The institute shall provide a report to the appropriate committees of the legislature by December 1, 2018. The analysis shall:

(a) Summarize the parameters used to define universal health care coverage;

(b) Summarize the various models proposed;

(c) Identify the role of the state in providing health care coverage;

(d) Compare and contrast the extent to which the state is sole payer for health care coverage;

(e) Identify the extent to which other funds are leveraged to provide for health care coverage;

(f) Identify the various financing mechanisms proposed;

(g) Examine any cost savings to consumers, the health care system, or the state resulting from the adoption of such a model; and

(h) Summarize any identified technical challenges.

(18) \$56,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for data storage and security upgrades at the Washington state institute for public policy.

(19) \$76,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (child welfare budgeting). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$27,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided to the Washington state institute for public policy solely for additional research related to marijuana. In addition to those activities performed pursuant to Initiative Measure No. 502, the institute must:

(a) Update the inventory of programs for the prevention and treatment of youth cannabis use published in December 2016; and

(b) Examine current data collection methods measuring use of cannabis by youth and report to the legislature on potential ways to improve data collection and comparisons; and

(c) To the extent information is available, identify effective methods used to reduce or eliminate the unlicensed cultivation or distribution of marijuana or marijuana containing

products in jurisdictions with existing recreational and/or medical marijuana markets.

(22) (a) \$87,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a study of medical debt in Washington. The study must include:

(i) A systematic review of the prevalence and impact of medical debt on Washingtonians including, but not limited to, if available:

(A) The nature and amount of medical debt;

(B) The amount of prejudgment interest sought;

(C) Attorneys' fees and other collection costs sought by collection agencies;

(D) Number and rate of default judgments in medical debt collection cases;

(E) The amount of postjudgment interest, garnishment fees, and other costs after judgment; and

(F) Hospital debt collection policies; and

(ii) A comparison of the laws and practices regarding medical debt collection in Washington with those in other states.

(b) In conducting its analysis, the Washington state institute for public policy may work with the administrative office of the courts and individual courts throughout the state in order to access necessary data.

(c) The Washington state institute for public policy shall conduct research to enable a report of the findings of the study to be completed and submitted to the appropriate committees of the legislature by December 1, 2019.

(23) \$111,000 of the general fund-state appropriation for fiscal year 2018 and \$20,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018)	.....	(\$70,456,000)
		<u>\$70,474,000</u>
General Fund-State Appropriation (FY 2019)	.....	(\$72,950,000)
		<u>\$73,905,000</u>
Education Legacy Trust Account-State Appropriation	.....	\$13,831,000
Western Washington University Capital Projects		
Account-State Appropriation (FY 2018)	.....	\$771,000
Western Washington University Capital Projects Account-State		
Appropriation (FY 2019)	.....	\$712,000
TOTAL APPROPRIATION	.....	\$158,720,000
		<u>\$159,693,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) \$630,000 of the general fund-state appropriation for fiscal year 2018 and \$630,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$15,326,000)~~ \$15,416,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$15,632,000)~~ \$15,801,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$39,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$700,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(11) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$70,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a study of the feasibility of the university creating a four-year degree-granting campus on the Kitsap or Olympic peninsula. The university shall submit a report on the findings of the study to the governor and appropriate committees of the legislature by December 2018.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL-POLICY COORDINATION AND ADMINISTRATION

General Fund-State Appropriation (FY 2018)	..... ((\$5,640,000))	
		\$5,370,000
General Fund-State Appropriation (FY 2019)	..... ((\$5,791,000))	
		\$6,304,000
General Fund-Federal Appropriation	.....	\$4,892,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation.....</u>		\$535,000
TOTAL APPROPRIATION.....		(\$16,323,000)
		\$17,101,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$62,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1512 (expanding college bound scholarship eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$363,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill

No. 2143 (higher education financial aid). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$33,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2832 (passport to college/foster). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$126,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the consumer protection unit.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL-OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund-State Appropriation (FY 2018)	..... ((\$238,397,000))	
		\$238,388,000
General Fund-State Appropriation (FY 2019)	..... ((\$242,726,000))	
		\$273,016,000
General Fund-Federal Appropriation	..... ((\$11,906,000))	
		\$11,905,000
General Fund-Private/Local Appropriation	.....	\$300,000
Education Legacy Trust Account-State Appropriation	..... ((\$99,955,000))	
		\$104,291,000
WA Opportunity Pathways Account-State Appropriation	..... ((\$117,389,000))	
		\$122,350,000
Aerospace Training Student Loan Account-State		
Appropriation	.....	\$208,000
Health Professionals Loan Repayment and Scholarship		

Program Account–State Appropriation	\$4,720,000
<u>Pension Funding Stabilization Account–State Appropriation</u>	<u>\$18,000</u>
TOTAL APPROPRIATION.....	<u>\$715,601,000</u>
	<u>\$755,196,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,157,000 of the general fund–state appropriation for fiscal year 2018, \$233,928,000 of the general fund–state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account–state appropriation, and \$88,000,000 of the Washington opportunity pathways account–state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2)(a) For the 2017–2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017–2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009–2011 and 2011–2013 fiscal biennia are continued in the 2017–2019 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards

for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund–state appropriation for fiscal year 2018 and \$100,000 of the general fund–state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0–65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) \$15,849,000 of the education legacy trust account–state appropriation and (~~(\$29,389,000)~~) \$34,350,000 of the Washington opportunity pathways account–state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. Funding provided in this subsection reflects treatment of the state-funded portion of the Washington

state opportunity scholarship as a state-funded grant under RCW 28B.118.010.

(8) \$2,236,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,236,000)~~) \$2,535,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2018 and 2019 for this purpose. Of the amounts in this subsection, \$299,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2832 (passport to college/foster). If the bill is not enacted by June 30, 2018, this portion of the amount provided in this subsection shall lapse.

(9) (~~(\$14,730,000)~~) \$19,066,000 of the education legacy trust account-state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(10) \$2,325,000 of the general fund-state appropriation for fiscal year 2018 and \$2,325,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric

hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2019-2021 biennium on the basis of these contractual obligations.

(11) \$42,000 of the general fund-state appropriation for fiscal year 2018 and \$42,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable

students receiving a packet to apply without paying application fees;

(d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and

(e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1452 (opportunity scholarship program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$4,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund-State Appropriation (FY 2018)	.....	(\$1,881,000)
		\$1,845,000
General Fund-State Appropriation (FY 2019)	.....	(\$1,795,000)
		\$1,833,000
General Fund-Federal Appropriation	.....	\$55,279,000
General Fund-Private/Local Appropriation	.....	\$208,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>	.....	\$176,000
TOTAL APPROPRIATION	.....	\$59,163,000
		\$59,341,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund-state appropriation for fiscal year 2018 and \$57,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund-State Appropriation (FY 2018)	..... ((\$119,174,000))	\$116,775,000
General Fund-Federal Appropriation	.....	\$171,032,000
Education Legacy Trust Account-State Appropriation	.....	\$14,091,000
Home Visiting Services Account-State Appropriation	.....	\$3,133,000
Home Visiting Services Account-Federal Appropriation	.....	\$12,153,000
WA Opportunity Pathways Account-State Appropriation	.....	\$40,000,000
<u>Pension Funding Stabilization Account-State Appropriation</u>	.....	\$468,000
TOTAL APPROPRIATION	.....	\$359,593,000 \$357,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,185,000 of the general fund-state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account-state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

(2) \$200,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3)(a) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(b)(i) If the department receives additional federal child care and development funding while the

legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(A) Increasing child care rates comparable to market rates based on the most recent market survey;

(B) Increasing access to infant and toddler child care;

(C) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand; and

(D) Providing nurse consultation services to licensed providers.

(ii) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(4) (a) (~~(\$76,650,000)~~) \$77,253,000 of the general fund-federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent federal poverty level or below; and

(viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application and the department of social and health services cannot verify an open child support case or verify household composition through internal agency records, then the applicant must:

(A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month

within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(6) \$1,560,000 of the general fund-state appropriation for fiscal year 2018 and \$6,712,000 of the general fund-federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts

are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) (~~(\$44,663,000)~~) \$42,707,000 of the general fund-state appropriation for fiscal year 2018 and \$13,954,000 of the general fund-federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account-state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund-federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and

attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee

and the senate ways and means committee using available data by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$2,651,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$273,000 is for a base rate increase;

(b) \$55,000 is for increasing paid professional development days from three days to five days;

(c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;

(d) \$114,000 is for increasing licensing incentive payments; and

(e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving

children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

(i) The statewide child care resource and referral network;

(ii) The department;

(iii) The department of commerce;

(iv) The economic opportunity institute;

(v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;

(vi) The state board for community and technical colleges;

(vii) A union representing child care workers;

(viii) The small business administration;

(ix) A member consisting of either an economist or a representative of the workforce development councils;

(x) A representative from an early childhood education and assistance program;

(xi) A representative from a nonprofit child care center;

(xii) A representative from a private child care center; and

(xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Funding in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not

determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund-State Appropriation (FY 2018) (~~(\$6,976,000)~~)
\$6,924,000

General Fund-State Appropriation (FY 2019) (~~(\$7,427,000)~~)
\$7,529,000

General Fund-Private/Local Appropriation \$34,000

Pension Funding Stabilization Account-State

Appropriation..... \$591,000

TOTAL APPROPRIATION..... ~~\$14,437,000~~
\$15,078,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund-State Appropriation (FY 2018) (~~(\$10,646,000)~~)
\$10,290,000

General Fund-State Appropriation (FY 2019) (~~(\$11,679,000)~~)
\$11,616,000

Pension Funding Stabilization Account-State

Appropriation.....\$727,000

TOTAL APPROPRIATION.....~~\$22,325,000~~
\$22,633,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund-State Appropriation (FY 2018) (~~(\$1,497,000)~~)
\$1,417,000

General Fund-State Appropriation (FY 2019) (~~(\$1,514,000)~~)

	\$1,567,000
General Fund-Federal Appropriation	\$2,124,000
General Fund-Private/Local Appropriation	(\$16,000)
	<u>\$50,000</u>
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	\$122,000
TOTAL APPROPRIATION.....	\$5,151,000
	<u>\$5,280,000</u>

The appropriations in this section are subject to the following conditions and limitations: (~~\$78,000~~) \$58,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$78,000~~) \$98,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund-State Appropriation (FY 2018)	(\$2,505,000)
	<u>\$2,447,000</u>
General Fund-State Appropriation (FY 2019)	(\$2,603,000)
	<u>\$2,789,000</u>
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	\$230,000
TOTAL APPROPRIATION.....	\$5,108,000
	<u>\$5,466,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$96,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2288 (history day program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) The Washington state historical society must transfer the management and operations of the historic Lord mansion

in Olympia to The Evergreen State College by July 1, 2018. The department of enterprise services must facilitate and approve the transfer. If the Lord mansion management and operations are not transferred to The Evergreen State College by June 30, 2019, then the department of enterprise services must begin administering the management and operations of the property on July 1, 2019.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund-State Appropriation (FY 2018)	(\$1,991,000)
	<u>\$1,925,000</u>
General Fund-State Appropriation (FY 2019)	(\$2,044,000)
	<u>\$2,091,000</u>
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	\$213,000
TOTAL APPROPRIATION.....	\$4,035,000
	<u>\$4,229,000</u>

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund-State Appropriation (FY 2018)	(\$1,133,223,000)
	<u>\$1,115,140,000</u>
General Fund-State Appropriation (FY 2019)	(\$1,190,324,000)
	<u>\$1,158,352,000</u>
State Building Construction Account-State Appropriation	\$6,456,000
Columbia River Basin Water Supply-State Appropriation	\$79,000

State Taxable Building Construction Account-State
 Appropriation\$376,000
 Debt-Limit Reimbursable Bond Retire Account-State
 Appropriation\$570,000
 TOTAL APPROPRIATION....~~\$2,331,029,000~~
\$2,280,973,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2017 3rd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund-State Appropriation (FY 2018)\$1,400,000
 General Fund-State Appropriation (FY 2019)\$1,400,000
 (~~(Hood Canal Aquatic Rehabilitation State~~
~~Appropriation.....\$1,000))
 State Building Construction Account-State
 Appropriation\$2,191,000
 Columbia River Basin Water Supply-State Appropriation\$58,000
 Columbia River Basin Taxable Bond Water
 Supply-State Appropriation....\$14,000
 State Taxable Building Construction Account-State
 Appropriation\$150,000
 TOTAL APPROPRIATION.....~~\$5,214,000~~
\$5,213,000~~

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated

from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (a) John Weiler, claim number 99970144\$7,975
- (b) Samson Asfaw, claim number 99970145.....\$18,873
- (c) Kevon Turner, claim number 99970147.....\$9,750
- (d) Arthur Eshe, claim number 99970148\$12,900
- (e) Woody J. Pierson, claim number 99970235.....\$19,789

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074\$79,000

Sec. 704. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-COUNTY PUBLIC HEALTH ASSISTANCE

General Fund-State Appropriation (FY 2018)\$36,386,000
 General Fund-State Appropriation (FY 2019)\$36,386,000
 TOTAL APPROPRIATION.....\$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2018	FY 2019	2017 -2019
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			Bien nium	<u>Communit y Health</u>			
((Adams County Health District) Adams County Integrat ed Health Care Services	\$121 ,213	\$121 ,213	\$242 ,426	((Columbia County Health District) Columbia County Public Health	\$119 ,991	\$119 ,991	\$239 ,982
Asotin County Health District	\$159 ,890	\$159 ,890	\$319 ,780	((Cowlitz County Health Department) Cowlitz County Health and Human Services	\$477 ,981	\$477 ,981	\$955 ,962
Benton- Franklin Health District	\$1,6 14,337	\$1,6 14,337	\$3,2 28,674	Garfield County Health District	\$93, 154	\$93, 154	\$186 ,308
Chelan- Douglas Health District	\$399 ,634	\$399 ,634	\$799 ,268	Grant County Health District	\$297 ,761	\$297 ,761	\$595 ,522
Clallam County Health and Human Services Department	\$291 ,401	\$291 ,401	\$582 ,802	((Grays Harbor Health Department) Grays Harbor Public Health and Social Services	\$335 ,666	\$335 ,666	\$671 ,332
((Clatsop County Health District) Clark County Public Health	\$1,7 67,341	\$1,7 67,341	\$3,5 34,682	((Island County Health Department) Island County Public Health	\$255 ,224	\$255 ,224	\$510 ,448
((Skamania County Health Department) Skamania County	\$111 ,327	\$111 ,327	\$222 ,654				

(Jefferson County Health and Human Services)) <u>Jefferson County Public Health</u>	\$184,080	\$184,080	\$368,160	(Lewis County Health Department)) <u>Lewis County Public Health and Social Services</u>	\$263,134	\$263,134	\$526,268
(Seattle-King County Department of Public Health - Seattle & King County)	\$12,685,521	\$12,685,521	\$25,371,042	Lincoln County Health Department	\$113,917	\$113,917	\$227,834
(Bremerton-Kitsap County Health District)) <u>Kitsap Public Health District</u>	\$997,476	\$997,476	\$1,994,952	(Mason County Department of Health Services)) <u>Mason County Public Health and Human Services</u>	\$227,448	\$227,448	\$454,896
(Kittitas County Health Department)) <u>Kittitas County Public Health</u>	\$198,979	\$198,979	\$397,958	(Okanogan County Health District)) <u>Okanogan County Public Health</u>	\$169,882	\$169,882	\$339,764
(Klickitat County Health Department)) <u>Klickitat County Public Health</u>	\$153,784	\$153,784	\$307,568	(Pacific County Health Department)) <u>Pacific County Health and Human Services</u>	\$169,075	\$169,075	\$338,150
				Tacoma-Pierce County	\$4,143,169	\$4,143,169	\$8,286,338

Health Department				(Wahkiakum County Health Department)	\$93,181	\$93,181	\$186,362
San Juan County Health and Community Services	\$126,569	\$126,569	\$253,138	Wahkiakum County Health and Human Services			
(Skagit County Health Department) Skagit County Public Health	\$449,745	\$449,745	\$899,490	(Walla Walla County City Health Department) Walla Walla County Department of Community Health	\$302,173	\$302,173	\$604,346
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582	Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
(Spokane County Health District) Spokane Regional Health District	\$2,877,318	\$2,877,318	\$5,754,636	(Whitman County Health Department) Whitman County Public Health	\$189,355	\$189,355	\$378,710
Northwest Tri-County Health District	\$249,303	\$249,303	\$498,606	Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
(Thurston County Health Department) Thurston County Public Health and Social Services	\$1,046,897	\$1,046,897	\$2,093,794	TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

Sec. 705. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund-State Appropriation (FY 2018) \$5,000,000
 TOTAL APPROPRIATION..... \$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the cancer research endowment program.

Sec. 706. 2017 3rd sp.s. c 1 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-HEALTH PROFESSIONS ACCOUNT

Dedicated Marijuana Account-State Appropriation
 (FY 2018) (~~(\$352,000)~~)
 \$2,652,000

Dedicated Marijuana Account-State Appropriation
 (FY 2019) \$352,000
 TOTAL APPROPRIATION..... ~~\$704,000~~
 \$3,004,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 707. 2017 3rd sp.s. c 1 s 721 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-HOME VISITING SERVICES ACCOUNT

General Fund-State Appropriation (FY 2018) \$691,000
 General Fund-State Appropriation (FY 2019) (~~(\$744,000)~~)
 \$3,043,000
 TOTAL APPROPRIATION..... ~~\$1,435,000~~
 \$3,734,000

The appropriations in this section are subject to the following conditions and

limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

Sec. 708. 2017 3rd sp.s. c 1 s 723 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-LEASE COST POOL

General Fund-State Appropriation (FY 2018)\$9,712,000
General Fund-State Appropriation (FY 2019).....\$8,000,000
 General Fund-Federal Appropriation\$2,431,000
 TOTAL APPROPRIATION.....~~\$12,143,000~~
\$20,143,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account created in section 949 of this act for state agency office relocation costs as shown in LEAP omnibus document (~~LEAS-2017~~) LEAS-2018, dated (~~March 14, 2017~~) February 20, 2018, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus document LEAS-2017, dated March 14, 2017, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$2,431,000 to the lease cost pool in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account in an amount not to exceed the actual costs for the office relocations.

NEW SECTION. **Sec. 709.** The following acts or parts of acts are each repealed:

- (1) 2017 3rd sp.s. c 1 s 726 (uncodified);
- (2) 2017 3rd sp.s. c 1 s 727 (uncodified);

(3)2017 3rd sp.s. c 1 s 728
(uncodified);
 (4)2017 3rd sp.s. c 1 s 729
(uncodified);
 (5)2017 3rd sp.s. c 1 s 730
(uncodified);
 (6)2017 3rd sp.s. c 1 s 731
(uncodified);
 (7)2017 3rd sp.s. c 1 s 732
(uncodified);
 (8)2017 3rd sp.s. c 1 s 733
(uncodified);
 (9)2017 3rd sp.s. c 1 s 734
(uncodified);
 (10)2017 3rd sp.s. c 1 s 735
(uncodified);
 (11)2017 3rd sp.s. c 1 s 736
(uncodified); and
 (12)2017 3rd sp.s. c 1 s 737
(uncodified).

NEW SECTION. Sec. 710. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**PAID FAMILY LEAVE**

General Fund-State Appropriation (FY 2019) \$1,013,000
 General Fund-Federal Appropriation \$85,000
 General Fund-Private/Local Appropriation \$7,000
 Dedicated Funds and Accounts Appropriation \$221,000
 TOTAL APPROPRIATION..... \$1,326,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for employer payment of employee family and medical leave premiums as shown in LEAP Document G2F 2018 dated February 15, 2018.

NEW SECTION. Sec. 711. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund-State Appropriation (FY 2018) \$3,000
 General Fund-State Appropriation (FY 2019) \$4,000

General Fund-Federal Appropriation.....\$2,000
 TOTAL APPROPRIATION.....\$9,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92C-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 712. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-STATE AUDITOR AUDIT SERVICES**

General Fund-State Appropriation (FY 2018).....\$1,000
 General Fund-State Appropriation (FY 2019).....\$4,000
 General Fund-Federal Appropriation.....\$3,000
 TOTAL APPROPRIATION.....\$8,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92D-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 713. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund-State Appropriation (FY 2018).....\$112,000
 General Fund-State Appropriation (FY 2019).....\$187,000

General Fund-Federal
Appropriation \$32,000

General Fund-Private/Local
Appropriation \$2,000

Other Appropriated Funds..... \$103,000

TOTAL APPROPRIATION..... \$436,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 714.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-ADMINISTRATIVE HEARINGS**

General Fund-State Appropriation (FY 2018) (\$37,000)

General Fund-State Appropriation (FY 2019) (\$318,000)

General Fund-Federal
Appropriation (\$259,000)

General Fund-Private/Local
Appropriation \$27,000

Other Appropriated Funds... \$2,646,000

TOTAL APPROPRIATION..... \$2,059,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92G-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 715.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-**

CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES

General Fund-State Appropriation (FY 2018).....\$453,000

General Fund-State Appropriation (FY 2019).....\$367,000

General Fund-Federal
Appropriation.....\$245,000

General Fund-Private/Local
Appropriation.....\$25,000

Other Appropriated Funds.....\$495,000

TOTAL APPROPRIATION.....\$1,585,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the central technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92J-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. **Sec. 716.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund-State Appropriation (FY 2018).....\$10,000

General Fund-State Appropriation (FY 2019).....\$538,000

General Fund-Federal
Appropriation.....\$111,000

General Fund-Private/Local
Appropriation.....\$20,000

Other Appropriated Funds.....\$349,000

TOTAL APPROPRIATION.....\$1,028,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92K-

2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 717. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2018)	\$3,000
General Fund—State Appropriation (FY 2019)	\$1,757,000
General Fund—Federal Appropriation	\$452,000
General Fund—Private/Local Appropriation	\$43,000
Other Appropriated Funds.....	\$728,000
TOTAL APPROPRIATION.....	\$2,983,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions performed by the office of financial management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92R-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 718. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES FEE FOR SERVICE ADJUSTMENT**

General Fund—State Appropriation (FY 2018)	\$282,000
General Fund—State Appropriation (FY 2019)	\$570,000
General Fund—Federal Appropriation	\$228,000
General Fund—Private/Local Appropriation	\$36,000
Other Appropriated Funds.....	\$559,000
TOTAL APPROPRIATION.....	\$1,675,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency

appropriations related to corresponding adjustments in the consolidated technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document GZC-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 719. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES RATE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2018)	(\$5,000)
General Fund—State Appropriation (FY 2019)	\$572,000
General Fund—Federal Appropriation.....	\$112,000
General Fund—Private/Local Appropriation.....	\$15,000
Other Appropriated Funds.....	\$298,000
TOTAL APPROPRIATION.....	\$992,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document GZH-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 720. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**

General Fund—State Appropriation (FY 2019)	\$2,900,000
Special Retirement Contribution Increase Revolving	
Account—State Appropriation.....	(\$1,900,000)
TOTAL APPROPRIATION.....	\$1,000,000

The appropriations in this section are subject to the following conditions and

limitations: The appropriations are provided solely for allocation to state agencies for costs of revised eligibility criteria for the public safety employees' retirement system as provided in Substitute House Bill No. 1558 (public safety employees retirement system membership). If the bill is not enacted by June 30, 2018, the appropriations in this section shall lapse.

NEW SECTION. **Sec. 721.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-PERS AND TRS PLANS 1 MINIMUM BENEFITS**

General Fund-State Appropriation (FY 2019) \$7,200,000
Special Retirement Contribution Increase Revolving
Account-State Appropriation \$2,000,000
TOTAL APPROPRIATION..... \$9,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies and school districts for costs of a one-time, ongoing increase to the minimum benefit and the alternative minimum benefit in the public employees' retirement system and the teachers' retirement system plans 1. If a bill is not enacted by June 30, 2018, to implement the increase in these minimum benefits, the appropriations in this section shall lapse.

NEW SECTION. **Sec. 722.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**COMPENSATION-STATE EMPLOYEES INSURANCE BENEFITS**

General Fund-State Appropriation (FY 2019) (\$14,036,000)
General Fund-Federal Appropriation (\$3,012,000)
General Fund-Private/Local Appropriation (\$284,000)
Dedicated Funds and Accounts Appropriation (\$7,242,000)
TOTAL APPROPRIATION..... (\$24,574,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for state employee health benefits for state

agencies, including institutions of higher education, and are subject to the conditions and limitations in sections 903 and 904 of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document GLS 2018 dated February 15, 2018.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2017 3rd sp.s. c 1 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premium distributions..((~~\$9,731,000~~))
\$9,730,000

General Fund Appropriation for prosecuting attorney
distributions.....((~~\$6,786,000~~))
\$6,643,000

General Fund Appropriation for boating safety and
education distributions....\$4,000,000
General Fund Appropriation for public utility district excise tax distributions.....((~~\$60,611,000~~))
\$30,230,000

Death Investigations Account Appropriation for
distribution to counties for publicly funded autopsies.....((~~\$3,556,000~~))
\$3,135,000

Aquatic Lands Enhancement Account Appropriation for
harbor improvement revenue distribution.....\$140,000

Timber Tax Distribution Account Appropriation for
distribution to "timber" counties.....((~~\$77,367,000~~))
\$68,009,000

County Criminal Justice Assistance
 Appropriation (~~(\$96,145,000)~~)
\$93,628,000

Municipal Criminal Justice Assistance
 Appropriation (~~(\$38,126,000)~~)
\$36,908,000

City-County Assistance
 Appropriation \$27,160,000

Liquor Excise Tax Account
 Appropriation for liquor
 excise tax distribution... \$56,058,000

Streamlined Sales and Use Tax
 Mitigation Account
 Appropriation for distribution to
 local taxing
 jurisdictions to mitigate the
 unintended revenue
 redistributions effect of sourcing law
 changes (~~(\$20,012,000)~~)
\$20,549,000

Columbia River Water Delivery Account
 Appropriation
 for the Confederated Tribes of the
 Colville
 Reservation..... \$8,074,000

Columbia River Water Delivery Account
 Appropriation
 for the Spokane Tribe of
 Indians \$5,402,000

Liquor Revolving Account Appropriation
 for liquor
 profits distribution..... \$98,876,000

General Fund Appropriation for other
 tax
 distributions..... \$80,000

General Fund Appropriation for
 Marijuana Excise
 Tax distributions..... (~~(\$12,000,000)~~)
\$30,000,000

General Fund Appropriation for Habitat
 Conservation
 Program distributions..... \$5,347,000

TOTAL APPROPRIATION..... ~~(\$529,471,000)~~
\$485,969,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds

available under statutory distributions for the stated purposes.

Sec. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account:
 For transfer to

the state general fund, \$4,450,000 for fiscal

year 2018 and \$4,450,000 for fiscal year 2019.....\$8,900,000

Dedicated Marijuana Account: For transfer to

the basic health plan trust account, the lesser

of the amount determined pursuant to RCW 69.50.540

or this amount plus \$40,494,000 for fiscal year

2018, (~~(\$170,000,000)~~) \$226,654,000 and this

amount for fiscal year 2019,

(~~(\$180,000,000)~~)
\$194,000,000..... (~~(\$350,000,000)~~)

\$420,654,000

Dedicated Marijuana Account: For transfer to

the state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this amount

for fiscal year 2018, (~~(\$120,000,000)~~)
\$130,000,000

and this amount for fiscal year 2019,

(~~(\$130,000,000)~~)
\$137,000,000..... (~~(\$239,239,000)~~)

\$267,000,000

Aquatic Lands Enhancement Account: For transfer to

the clean up settlement account as repayment of

the loan provided in section 3022(2) chapter 2,

Laws of 2012, 2nd sp. sess. (ESB 6074 2012

supplemental capital budget), \$620,000 for fiscal

year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed the

actual amount of the annual base payment to the

tobacco settlement account for fiscal year 2018 \$101,639,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed the

actual amount of the annual base payment to the

tobacco settlement account for fiscal year 2019 \$101,639,000

State Toxics Control Account: For transfer to the

cleanup settlement account as repayment of the

loan provided in section 3022(2) chapter 2,

Laws of 2012, 2nd sp. sess. (ESB 6074, 2012

supplemental capital budget), \$620,000 for

fiscal year 2018 and \$620,000 for fiscal

year 2019..... \$1,240,000

General Fund: For transfer to the streamlined sales

and use tax account, (~~(\$11,171,000)~~) \$12,877,000

for fiscal year 2018 and (~~(\$8,641,000)~~) \$7,672,000

for fiscal year 2019.. (~~(\$20,012,000)~~) \$20,549,000

Aerospace Training and Student Loan Account: For

transfer to the state general fund, \$750,000

for fiscal year 2018 and \$750,000 for fiscal

year 2019..... \$1,500,000

Disaster Response Account: For transfer to the state

general fund, \$42,000,000 for fiscal year 2018.....\$42,000,000

State Treasurer's Service Account: For transfer to the state

general fund, \$6,000,000 for fiscal year 2018 and

\$6,000,000 for fiscal year 2019.....\$12,000,000

Statewide Information Tech System Maintenance and

Operations Revolving Account: For transfer to the

consolidated technology services revolving account,

\$5,500,000 for fiscal year 2018.....\$5,500,000

General Fund: For transfer to the family and medical

leave insurance account as start-up costs for

the family and medical leave insurance program

pursuant to enactment of Substitute House Bill

No. 1116 (family and medical leave insurance),

Senate Bill No. 5975 (paid family and medical

leave insurance), or Senate Bill No. 5032

(family and medical leave insurance),

\$82,000,000 for fiscal year 2018.....\$82,000,000

Family and Medical Leave Insurance Account: For

transfer to the General Fund as repayment for

start-up costs for the family and medical leave

insurance program pursuant to implementation of

Substitute House Bill No. 1116 (family and

medical leave insurance), Senate Bill No. 5975

(paid family and medical leave insurance),

or Senate Bill No. 5032 (family and medical

leave insurance), the lesser of the amount

determined by the treasurer for full repayment

of the \$82,000,000 transferred from the general

fund in fiscal year 2018 for start-up costs

with any related interest or this amount for

fiscal year 2019, \$90,000,000 \$90,000,000

Public Works Assistance Account: For transfer to the

education legacy trust account, \$136,998,000 for

fiscal year 2018 and \$117,017,000 for fiscal

year 2019..... \$254,015,000

General Fund: For transfer to the firearms range

account for fiscal year 2018.. \$75,000

Death Investigations Account: For transfer to

the state general fund, \$1,186,000 for fiscal year 2018..... \$1,186,000

New Motor Vehicle Arbitration Account: For transfer

to the state general fund, \$2,000,000 for fiscal

year 2018..... \$2,000,000

Local Toxics Control Account: For transfer to the

state toxics control account, \$9,000,000 for

fiscal year 2018 and \$12,000,000 for fiscal

year 2019..... \$21,000,000

Flood Control Assistance Account: For transfer to

the state general fund, \$1,000,000 for fiscal

year 2018 and \$1,000,000 for fiscal year 2019 \$2,000,000

State Toxics Control Account: For transfer to water

pollution control revolving account, \$3,000 for

fiscal year 2018.....\$3,000

Aquatic Lands Enhancement Account: For transfer to

the geoduck aquaculture research account for

fiscal year 2019.....\$200,000

General Fund: For transfer to the basic education

account for fiscal year 2018.....\$105,200,000

The amount transferred represents the monetary

sanctions accrued from August 13, 2015, through

June 30, 2018, under the order of the state supreme

court of August 13, 2015, in *McCleary v. State.*

General Fund: For transfer to the disaster response

account for fiscal year 2018.....\$51,000,000

Oil Spill Response Account: For transfer to the oil

spill prevention account for fiscal year 2018,

to be transferred no later than April 1, 2018.....\$4,721,000

PART IX

MISCELLANEOUS

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—
SUPER COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2017-2019 biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$926 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The

surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES
OUTSIDE SUPER COALITION—INSURANCE
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$926 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$926 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment. All savings resulting from reduced claim costs or other factors identified after

December 31, 2016, must be reserved for reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar year (~~(=)~~) 2018 (~~and 2019~~), the subsidy shall be up to \$150 per month. For calendar year 2019, the subsidy shall be up to \$168 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month in calendar year 2018, and \$168 in calendar year 2019. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and (~~(\$68.67)~~) \$71.08 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and ~~((~~\$68.67~~))~~ \$71.08 beginning September 1, 2018, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 905. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650. During the 2017-19 biennium, expenditures from the account may also be used for grants to local governments and federally recognized tribes to provide high-speed, open access broadband services to rural and underserved communities. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, 2020.

Sec. 906. RCW 28B.20.476 and 2013 2nd sp.s. c 4 s 960 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be

used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 907. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

INITIATIVE 732 COST-OF-LIVING INCREASES

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1, 2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and ~~((seven-tenths of a))~~ one percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of ~~((one))~~ seven-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 908. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this obligation.

Sec. 909. RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund any distribution in 2019 and 2021 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

Sec. 910. RCW 69.50.530 and 2016 sp.s. c 36 s 942 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 and 2017-2019 fiscal (~~biennium~~) biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information

about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; ~~((and))~~

~~(ii) ((Three hundred fifty one thousand seven hundred fifty)) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health((. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium));~~

(iii) Two million eight hundred three thousand dollars for fiscal year 2019 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium; and

(iv) One hundred eighty thousand dollars for fiscal year 2019 to the department of ecology for accreditation of marijuana product testing laboratories. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium.

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for the development, implementation, maintenance, and

evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-

based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal

year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional

share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed ~~((six))~~ fifteen million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ~~((6))~~ fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates,"

and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 912. RCW 70.105D.070 and 2017 3rd sp.s. c 1 s 980 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Stormwater pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance

with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the ~~((2015-2017 and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

~~((During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;~~

~~(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;~~

~~(w))~~ During the ~~((2015-2017 and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, for the University of Washington Tacoma soil remediation project; and

~~((x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;~~

~~(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and~~

~~(z)~~) (v) For the ~~((2015-2017 and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, forest practices regulation at the department of natural resources.

(4) (a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under ~~((e))~~ (c) (i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under ~~((e))~~ (c) (iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Stormwater pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

~~(c)~~ ~~((During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government stormwater planning and implementation activities.~~

~~(d)~~ ~~During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.~~

~~(e)~~) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under ~~((e))~~ (c)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

~~((f))~~ (d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. ~~((For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.))~~

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics

control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or ~~((after January 1, 2010, for))~~ projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) ~~((Except during the 2011-2013 and the 2015-2017 fiscal biennia,))~~ One percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

~~(10) ((During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the stormwater financial assistance program administered by the department of ecology.~~

~~(11))~~ During the 2017-2019 biennium:

(a) The state toxics control account, the local toxics control account, and the environmental legacy stewardship account may be used for interchangeable purposes and funds may be transferred between accounts to accomplish those purposes.

(b) The legislature may direct the state treasurer to make transfers of moneys in the state toxics control account to the water pollution control revolving account.

Sec. 913. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the ~~((2013-2015, 2015-2017, and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean

acidification, the Puget Sound Corps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.))~~

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) ~~((After January 1, 2010,))~~ Any project designed to address the restoration of Puget Sound may be funded

under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 914. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. ~~((At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account.))~~ Each biennium ~~((thereafter))~~ the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account ~~((, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account)).~~ Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.))~~ During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the flood control assistance account to the state general fund.

Sec. 915. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the ~~((2015-2017))~~ 2017-2019 biennium, the legislature may transfer up to ~~((two million two hundred twenty-five))~~ four million seven hundred twenty-one thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. **Sec. 916.** A new section is added to chapter 28A.150 RCW to read as follows:

The basic education account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys transferred to the account pursuant to legislative directive. The legislature may appropriate from the account only for purposes of the state's program of basic education as defined in RCW 28A.150.220.

NEW SECTION. **Sec. 917.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 918.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Taylor moved the adoption of amendment (1150) to the striking amendment (1094):

On page 6, after line 2, insert the following:

"**Sec. 104.** 2017 3rd sp.s. c 1 s 104 is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government—State Appropriation (~~(\$4,175,000)~~)
..... \$4,350,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

(2) \$175,000 of the appropriation is provided solely to provide a plan for improving the accuracy and consistency of estimated fiscal impacts by individual school districts of major K-12 budget proposals and enacted K-12 budgets. The legislative evaluation and accountability program administrator must prepare an implementation plan for achieving the purposes of this subsection over the next several biennia. In developing the plan, the legislative evaluation and accountability program committee must seek input from the house appropriations committee, the senate ways and means committee, the office of the superintendent of public instruction, the office of financial management, and senior fiscal staff of educational service districts. The plan must include performance measures that will be used to judge progress towards improving accuracy

and consistency of K-12 fiscal analysis and information. The plan must be submitted to the appropriate fiscal committees of the legislature by January 1, 2019."

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Taylor and Sullivan spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1150) to the striking amendment (1094), was adopted.

Representative Manweller moved the adoption of amendment (1088) to the striking amendment (1094):

On page 8, line 28, increase the general fund-state appropriation for fiscal year 2019 by \$25,000,000

On page 9, line 3, correct the total.

On page 11, after line 28, insert the following:

"(12) \$25,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant program for counties and cities to offset the impact of criminal justice legislation. Of the amount appropriated, eighty percent must be provided to counties using the distribution formula contained in RCW 82.14.310 and twenty percent provided to cities using the distribution formula contained in RCW 82.14.330. Distributions must be made to the legislative body of the county or city and funds must be used for criminal indigent defense costs and other costs that directly impact court operations in criminal cases."

Representatives Manweller, Walsh, Muri and Schmick spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ormsby and Appleton spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1088) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves,

Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Sells, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1088) to the striking amendment (1094), was not adopted.

Representative Stokesbary moved the adoption of amendment (1131) to the striking amendment (1094):

On page 13, line 9, increase the general fund-state appropriation for fiscal year 2019 by \$1,500,000

On page 13, line 15, correct the total.

On page 13, line 26, after "~~(\$2,600,000)~~" strike "\$3,275,000" and insert "\$4,775,000"

On page 26, line 19, decrease the general fund-state appropriation for fiscal year 2019 by \$1,500,000

On page 27, line 27, correct the total.

On page 42, beginning on line 38, strike all material through "community safety." on page 43, line 2

Representative Stokesbary and Stokesbary (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Jinkins spoke against the adoption of the amendment to the striking amendment.

Amendment (1131) to the striking amendment (1094), was not adopted.

Representative Ormsby moved the adoption of amendment (1110) to the striking amendment (1094):

On page 14, line 13, increase the general fund-state appropriation for fiscal year 2019 by \$291,000

On page 14, line 19, correct the total.

On page 15, after line 11, insert the following:

"(5) \$291,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse."

On page 44, line 22, decrease the general fund-state appropriation for fiscal year 2019 by \$291,000

On page 45, line 6, correct the total.

On page 49, beginning on line 12, strike subsection (14).

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Ormsby and Chandler spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1110) to the striking amendment (1094), was adopted.

Representative Sullivan moved the adoption of amendment (1113) to the striking amendment (1094):

On page 20, line 34, increase the state auditing services revolving account-state appropriation by \$700,000

On page 20, line 37, decrease the performance audits of government account-state appropriation by \$700,000

On page 22, line 20, after "the" strike "performance audit of government" and insert "state auditing services revolving"

Representatives Sullivan and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1113) to the striking amendment (1094), was adopted.

Representative Maycumber moved the adoption of amendment (1125) to the striking amendment (1094):

On page 23, line 3, increase the general fund--state appropriation for fiscal year 2019 by \$856,000

On page 23, line 10, increase the legal services revolving account--state appropriation by \$8,000

On page 23, line 23, correct the total.

On page 25, after line 22, insert the following:

"(18) \$856,000 of the general fund--state appropriation for fiscal year 2019 and \$8,000 of the legal services revolving account--state appropriation are provided solely for the implementation of House Bill No. 2584 (GMA gov. action assistance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse."

Representatives Maycumber and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1125) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1125) to the striking amendment (1094), was not adopted.

Representative Steele moved the adoption of amendment (1122) to the striking amendment (1094):

On page 26, line 17, increase the general fund-state appropriation for fiscal year 2018 by \$40,000

On page 26, line 19, increase the general fund-state appropriation for fiscal year 2019 by \$100,000

On page 27, line 27, correct the total.

On page 44, after line 4, insert the following:

"(67) \$40,000 of the general fund--state appropriation for fiscal year 2018 and \$100,000 of the general fund--state appropriation for fiscal year 2019 are provided solely for a grant to the Douglas county associate development organization that serves on the core leadership team of the Wenatchee valley's our valley our future community and economic development program to support communities adversely impacted by wildfire damage and the reduction of aluminum smelter facilities."

Representatives Steele and Springer spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1122) to the striking amendment (1094), was adopted.

Representative Kraft moved the adoption of amendment (1126) to the striking amendment (1094):

On page 26, line 19, increase the general fund-state appropriation for fiscal year 2019 by \$226,000

On page 26, line 28, strike "~~(\$238,000)~~ \$464,000" and insert "\$238,000"

Representatives Kraft and Hudgins spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1126) to the striking amendment (1094), was adopted.

Representative Taylor moved the adoption of amendment (1133) to the striking amendment (1094):

On page 26, line 19, reduce the general fund-state appropriation for fiscal year 2019 by \$600,000

On page 26, line 23, reduce the general fund local appropriation by \$400,000

On page 27, line 27, correct the total.

On page 41, beginning on line 9, strike all of subsection (54).

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 43, beginning on line 27, strike all of subsection (65).

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 54, line 7, reduce the general fund-state appropriation for fiscal year 2018 by \$18,000

On page 54, line 9, reduce the general fund-state appropriation for fiscal year 2019 by \$1,691,000

On page 54, line 25, correct the total.

On page 55, beginning on line 21, strike all of subsection (5).

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 234, line 23, reduce the general fund-state appropriation for fiscal year 2019 by \$625,000

On page 236, line 2, correct the total.

On page 237, beginning on line 34, strike all of subsection (11).

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 241, line 3, reduce the general fund-state appropriation for fiscal year 2019 by \$125,000

On page 241, line 14, correct the total.

On page 241, beginning on line 29, strike of subsection (3).

On page 261, line 25, reduce the general fund-state appropriation for fiscal year 2018 by \$223,000

On page 261, line 27, reduce the general fund-state appropriation for fiscal year 2019 by \$289,000

On page 262, line 13, correct the total.

On page 298, line 18, reduce the basic education-state appropriation by \$17,766,000

On page 298, line 20, correct the total.

On page 299, line 33, after "(5)" strike "\$85,358,000" and insert "\$67,592,000"

On page 299, line 36, after "allocations" strike "," and insert

" and"

On page 299, line 37, after "RCW 28A.150.390(2)(b)" strike ", and regionalization and experience factors as provided in RCW 28A.150.412(2)(b)"

On page 321, line 32, reduce the opportunity pathways-state appropriation by \$56,000

On page 368, line 7, reduce the general fund-state appropriation for fiscal year 2019 by \$80,000

On page 368, line 14, correct the total.

Representatives Taylor and Harris spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1133) to the striking amendment (1094), was not adopted.

Representative Harris moved the adoption of amendment (1152) to the striking amendment (1094):

On page 26, line 19, increase the general fund-state appropriation by \$149,000

On page 27, line 27, correct the total.

On page 44, after line 4, insert the following:

"(67) \$149,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a pilot project in Clark county to increase access to local workforce training. The funding must be used to work with partners in careers to complete an assessment of basic literacy skills and connection to classes at Clark college or other programs to support the reading and math skills needed to complete workforce training; for case management to connect job seekers to community resources; and to support first time users or returners navigating the worksourse system and engagement in on the job training and industry specific training in high demand fields."

Representatives Harris and Stonier spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1152) to the striking amendment (1094), was adopted.

Representative Wilcox moved the adoption of amendment (1143) to the striking amendment (1094):

On page 54, line 9, reduce the general fund--state appropriation for fiscal year 2019 by \$1,250,000

On page 54, line 25, correct the total.

On page 55, beginning on line 21, strike all of subsection (5)

ReNUMBER remaining subsections consecutively and correct internal references accordingly.

Representatives Wilcox, Taylor, Orcutt and Manweller spoke in favor of the adoption of the amendment to the striking amendment.

Representative Lytton spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1143) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1143) to the striking amendment (1094), was not adopted.

Representative Pike moved the adoption of amendment (1147) to the striking amendment (1094):

On page 56, after line 14, insert:

"General Fund-State Appropriation (FY 2019) \$31,000"

On page 56, line 20, correct the total.

On page 56, after line 28, insert the following:

"(3) \$31,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5912 (tomosynthesis/mammography). If the bill is not enacted by June 30, 2018, the amounts provided in this section shall lapse."

On page 146, line 25, decrease the general fund-state appropriation for fiscal year 2019 by \$5,031,000

On page 147, line 9, correct the total.

On page 167, after line 32, insert the following:

"(ooo) The authority may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgement of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

On page 196, line 7, increase the general fund-state appropriation for fiscal year 2019 by \$3,000,000

On page 197, line 11, correct the total.

On page 208, after line 36, insert the following:

"(44) The department may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgement of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

(45) \$3,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to support organizations that provide breast and cervical cancer screenings at the county level. None of these amounts may be provided to organizations that perform abortions."

On page 386, after line 18, insert:

"General Fund: For transfer to the sexual assault prevention and

response account for fiscal year 2019\$2,000,000"

Correct any internal references accordingly.

Representatives Pike and Van Werven spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cody spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1147) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1147) to the striking amendment (1094), was not adopted.

Representative Kloba moved the adoption of amendment (1117) to the striking amendment (1094):

On page 58, after line 24 insert the following:

"(7) (a) Within amounts appropriated in this section, the state liquor and cannabis board shall conduct a study regarding the development and implementation of a system for the home delivery of medical marijuana products to qualifying medical marijuana patients by licensed medical marijuana retailers. The board shall examine the legal and regulatory issues to be addressed in order to provide safe home delivery and to ensure effective monitoring of the delivery process to minimize the likelihood of illicit activity.

(b) The board shall consult with the department of health, industry representatives, local government officials, law enforcement officials, and any other person or entity deemed necessary complete the study.

(c) In the course of the study, the board shall consider the following:

(i) Eligibility requirements for marijuana retailers applying for a medical marijuana delivery endorsement;

(ii) Verification procedures regarding age, identity, and registration in the medical marijuana authorization database with respect to the medical marijuana patient receiving delivery;

(iii) Qualifications for, and the training of, persons delivering medical marijuana products on behalf of the medical marijuana retailer;

(iv) Methods of ordering and payment;

(v) Maintaining the integrity of the marijuana traceability system during the course of the delivery process;

(vi) Safe and secure transportation of marijuana products from the retailer to the purchaser, including delivery vehicle requirements;

(vii) Methods of ensuring that a retailer's delivery employees and delivery system are in compliance with regulatory requirements;

(viii) Medical marijuana deliveries by retailers operating out of Indian country; and

(ix) Civil penalties and administrative actions for regulatory violations by a retailer holding a medical marijuana delivery endorsement.

(d) By December 1, 2018, the board must report to the legislature and the appropriate committees its findings and recommendations regarding the implementation of a medical marijuana home delivery system."

Representatives Kloba and Condotta spoke in favor of the adoption of the amendment to the striking amendment.

Representative Klippert spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) divided the House. The result was 59 - YEAS; 38 - NAYS.

Amendment (1117) to the striking amendment (1094), was adopted.

Representative Muri moved the adoption of amendment (1142) to the striking amendment (1094):

On page 99, line 5, decrease the general fund--state appropriation for fiscal year 2018 by \$34,000

On page 99, line 7, decrease the general fund--state appropriation for fiscal year 2019 by \$293,000

On page 99, line 9, decrease the general fund--federal appropriation by \$480,000

On page 99, line 15, correct the total.

On page 107, beginning on line 6, strike all of subsection "(z)"

Re-number remaining subsections consecutively and correct internal references.

On page 113, line 28, decrease the general fund--state appropriation for fiscal year 2018 by \$166,000

On page 113, line 30, decrease the general fund--state appropriation for fiscal year 2019 by \$800,000

On page 113, line 32, decrease the general fund--federal appropriation by \$1,510,000

On page 114, line 4, correct the total.

On page 127, beginning on line 12, strike all of subsection "(36)"

Re-number remaining subsections consecutively and correct internal references.

On page 381, beginning on line 5, strike all material through line 16 and insert the following:

"General Fund--State Appropriation (FY 2019)	\$16,030,000
Special Retirement Contribution Increase Revolving	
Account--State Appropriation	\$2,473,000
TOTAL APPROPRIATION.....	\$18,503,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are

provided solely for allocation to state agencies and school districts for costs of a contribution rate increases attributable to House Bill 2511 (PERS/TRS 1 benefit increase), providing a one-time 3 percent adjustment in the public employees' retirement system and the teachers' retirement system plans 1. If a bill is not enacted by June 30, 2018, the appropriations in this section shall lapse."

Representatives Muri, Barkis, Jenkin, Orcutt, Stokesbary and Irwin spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1142) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1142) to the striking amendment (1094), was not adopted.

Representative Caldier moved the adoption of amendment (1137) to the striking amendment (1094):

On page 99, line 7, increase the general fund--state appropriation for fiscal year 2019 by \$290,000

On page 99, line 15, correct the total.

On page 107, after line 18, insert the following:

"(bb) \$290,000 of the general fund--state appropriation for fiscal year 2019

is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county."

Representatives Caldier and Kagi spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1137) to the striking amendment (1094), was adopted.

Representative Caldier moved the adoption of amendment (1138) to the striking amendment (1094):

On page 99, line 7, increase the general fund--state appropriation for fiscal year 2019 by \$1,070,000

On page 99, line 9, increase the general fund--federal appropriation by \$1,242,000

On page 99, line 15, correct the total.

On page 107, after line 18, insert the following:

"(bb) \$1,070,000 of the general fund--state appropriation for fiscal year 2019 and \$1,242,000 of the general fund--federal appropriation are provided solely to expand the individual and family services waiver by approximately three-hundred and eighty clients by the end of the 2017-19 biennium. Within the amount appropriated in this subsection, the developmental disabilities administration shall focus on extending services to eligible individuals with developmental disabilities who are not otherwise receiving paid services from the developmental disabilities administration."

Renumber remaining subsections consecutively and correct internal references.

On page 146, line 25, increase the general fund--state appropriation for fiscal year 2019 by \$570,000

On page 146, line 27, increase the general fund--federal appropriation by \$564,000

On page 147, line 9, correct the total.

On page 167, after line 32, insert the following:

"(ooo) Sufficient amounts are provided in this subsection for the

authority to provide medical assistance to individuals who newly enroll in the individual and family services waiver at the department of social and health services developmental disabilities administration pursuant to section 205(1) (aa) of this act."

Renumber remaining subsections consecutively and correct internal references.

Representatives Caldier and Kagi spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1138) to the striking amendment (1094), was adopted.

Representative Buys moved the adoption of amendment (1141) to the striking amendment (1094):

On page 234, line 23, decrease the general fund--state appropriation for federal year 2019 by \$625,000

On page 234, line 32, correct the total.

On page 237, beginning on line 34, strike all of subsection (11)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Buys and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

Amendment (1141) to the striking amendment (1094), was not adopted.

Representative Manweller moved the adoption of amendment (1090) to the striking amendment (1094):

On page 238, line 37, increase the general fund--state appropriation for fiscal year 2019 by \$20,969,000

On page 239, line 11, decrease the parks renewal and stewardship account--state appropriation by \$20,969,000

On page 244, line 9, increase the general fund--state appropriation for fiscal year 2019 by \$1,997,000

On page 244, line 26, decrease the state wildlife account--state appropriation by \$1,997,000

On page 250, line 36, increase the general fund--state appropriation for fiscal year 2019 by \$1,997,000

On page 252, line 3, correct the total.

On page 406, after line 40, insert the following:

"Sec. 914. RCW 79A.80.020 and 2017 c 121 s 1 are each amended to read as follows:

(1) Except during the 2017-19 biennium and as otherwise provided in this chapter, a discover pass is required for any motor vehicle to:

(a) Park at any recreation site or lands; or

(b) Operate on any recreation site or lands.

(c) During the 2017-19 biennium, no discover pass, vehicle access pass, or day-use permit is required on any recreation site or lands.

(2) Except as provided in RCW 79A.80.110, the cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6) (a) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of

volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

(b) Married spouses under chapter 26.04 RCW may present an agency with combined vouchers demonstrating the collective performance of twenty-four hours of service on agency-sanctioned volunteer projects in a year to be redeemed for a single complimentary discover pass.

Sec. 915. RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each amended to read as follows:

(1) Except during the 2017-19 biennium, a ((A)) discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle:

(a) Operating on any recreation site or lands; or

(b) Parking at any recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required:

(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted;

(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements;

(c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or

(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.

(e) During the 2017-19 biennium.

(3) (a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary

consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(4) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

(5) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass to the court within fifteen days after the issuance of the notice of violation."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Manweller, Eslick, Stambaugh and MacEwen spoke in favor of the adoption of the amendment to the striking amendment.

Representative Hudgins spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1090) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea,

Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1090) to the striking amendment (1094), was not adopted.

Representative Chandler moved the adoption of amendment (1136) to the striking amendment (1094):

On page 238, line 37, increase the general fund--state appropriation for fiscal year 2019 by \$5,000,000

On page 239, line 11, decrease the parks renewal and stewardship account--state appropriation by \$5,000,000

On page 406, after line 40, insert the following:

"**Sec. 914.** RCW 82.19.040 and 2017 3rd sp.s. c 1 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Until June 30, 2018 (~~2019~~), taxes collected under this chapter shall be distributed as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

Sec. 915. RCW 82.19.040 and 2017 3rd sp.s. c 1 s 990 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Beginning June 30, 2018 (~~2019~~), taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 408, after line 28, insert the following:

"NEW SECTION. **Sec. 917.** Section 914 (RCW 82.19.040) of this act expires June 30, 2018."

NEW SECTION. **Sec. 918.** Section 915 (RCW 82.19.040) of this act takes effect June 30, 2018."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

Amendment (1136) to the striking amendment (1094), was not adopted.

Representative MacEwen moved the adoption of amendment (1086) to the striking amendment (1094):

On page 241, line 28, after "salmon." insert "The board shall amend the grant to specify that all assessment activities conducted as a result of this subsection must be coordinated with the United States Navy."

Representatives MacEwen and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1086) to the striking amendment (1094), was adopted.

Representative Buys moved the adoption of amendment (1116) to the striking amendment (1094):

On page 242, line 26, increase the general fund--state appropriation for fiscal year 2018 by \$100,000

On page 242, line 28, increase the general fund--state appropriation for fiscal year 2019 by \$1,900,000

On page 242, line 35, correct the total.

On page 244, after line 2, insert the following:

"(5) \$100,000 of the general fund--state appropriation for fiscal year 2018 and \$1,900,000 of the general fund--state appropriation for fiscal year 2019 are

provided solely for the Firewise fire prevention program."

On page 250, line 34, increase the general fund--state appropriation for fiscal year 2018 by \$500,000

On page 250, line 36, increase the general fund--state appropriation for fiscal year 2019 by \$3,500,000

On page 252, line 3, correct the total.

On page 256, after line 15, insert the following:

"(22) \$500,000 of the general fund--state appropriation for fiscal year 2018 and \$3,500,000 of the general fund--state appropriation for fiscal year 2019 are provided solely for the Firewise fire prevention program."

Representatives Buys and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1116) to striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1116) to the striking amendment (1094), was not adopted.

Representative Walsh moved the adoption of amendment (1093) to the striking amendment (1094):

On page 244, line 9, increase the general fund--state appropriation for fiscal year 2019 by \$1,000,000

On page 245, line 10, correct the total.

On page 250, after line 29, insert the following:

"(19) \$1,000,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for negotiated agreements with private landowners to provide hunting opportunities and any enforcement patrols related to those agreements. The department must report to the appropriate committees of the legislature by June 30, 2019 with the details of the negotiated agreements, including the lands that have been opened to hunting, the length of time those lands have been opened to hunting, and the costs of the agreements."

Representatives Walsh and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Blake spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1093) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1093) to the striking amendment (1094), was not adopted.

Representative Maycumber moved the adoption of amendment (1128) to the striking amendment (1094):

On page 244, line 9, increase the general fund--state appropriation for fiscal year 2019 by \$518,000

On page 244, line 11, increase the general fund--federal appropriation by \$691,000

On page 245, line 10, correct the total.

On page 245, line 19, strike "\$1,098,000" and insert "~~(\$1,098,000)~~ \$1,616,000"

On page 405, after line 24, insert the following:

"Sec. 913. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local

property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County

Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County

Adams	((1,235)) <u>1,817</u>
Asotin	((26,425)) <u>38,891</u>
Chelan	((39,858)) <u>58,661</u>

Columbia	((20,713)) <u>30,485</u>
Ferry	((22,798)) <u>33,554</u>
Garfield	((12,744)) <u>18,757</u>
Grant	((71,930)) <u>105,865</u>
Kittitas	((382,638)) <u>563,154</u>
Klickitat	((51,019)) <u>75,088</u>
Lincoln	((13,000)) <u>19,133</u>
Okanogan	((264,036)) <u>388,600</u>
Pend Oreille	((5,546)) <u>8,162</u>
Yakima	((186,056)) <u>273,831</u>

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Maycumber and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1128) to the striking amendment (1094), was adopted.

Representative Wilcox moved the adoption of amendment (1134) to the striking amendment (1094):

On page 244, line 9, increase the general fund--state appropriation for fiscal year 2019 by \$50,000,000

On page 245, line 10, correct the total.

On page 250, after line 29, insert the following:

"(19) \$50,000,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for fish passage barrier removal projects as determined by the fish passage barrier removal board created in RCW 77.95.160. Priority for funding must be given to the following four classes of projects: Transportation projects consistent with RCW 77.95.180 and with other state projects; local projects; projects included in the small forest landowner fish passage program created pursuant to RCW 76.13.150; and other projects, regardless of ownership,

identified by the board as necessary to restore access continuity within a watershed."

Representatives Wilcox, Wilcox (again), Taylor and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1134) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1134) to the striking amendment (1094), was not adopted.

Representative Tharinger moved the adoption of amendment (1114) to the striking amendment (1094):

On page 250, line 36, increase the general fund--state appropriation for fiscal year 2019 by \$380,000

On page 252, line 3, correct the total.

On page 256, after line 15, insert the following:

"(22) \$380,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for one full-time natural resource scientist, one full-time information technology specialist, and related support costs dedicated to earthquake and tsunami hazards. Duties for these positions include, but are not limited to, developing inventories, maps, evacuation routes, educational materials,

databases, and other activities that increase preparedness for earthquakes and tsunamis."

Representatives Tharinger and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1114) to the striking amendment (1094), was adopted.

Representative Harmsworth moved the adoption of amendment (1121) to the striking amendment (1094):

On page 250, line 36, increase the general fund--state appropriation for fiscal year 2019 by \$250,000

On page 251, line 4, increase the forest development account--state appropriation by \$125,000

On page 251, line 15, increase the resources management cost account--state appropriation by \$125,000

On page 252, line 3, correct the total.

On page 256, after line 15, insert the following:

"(22) \$250,000 of the general fund--state appropriation for fiscal year 2019, \$125,000 of the resources management cost account--state appropriation, and \$125,000 of the forest development account--state appropriation are provided solely for the department to contract for a trust asset accounting and valuation of the lands, based on current use, managed in trust by the department for each state lands trust by geographic region and state forestlands trusts by county and tax code area. This asset accounting and valuation shall be conducted by an independent third-party firm familiar with recreational land, commercial forestland, agricultural land, commercial land, and conservation land management. The department shall submit a report, containing the current trust assets, estimate of current use market value, any restrictions limiting those values, potential secondary non-revenue benefits, and recommendations for ongoing evaluation of trust assets and valuation, to the legislature by May 1, 2019."

Representatives Harmsworth and Blake spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1121) to the striking amendment (1094), was adopted.

Representative Kretz moved the adoption of amendment (1148) to the striking amendment (1094):

On page 256, line 22, increase the general fund--state appropriation for fiscal year 2019 by \$80,000

On page 256, line 34, correct the total.

On page 258, after line 18, insert the following:

"(9) \$80,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for the department to provide to the sheriff's departments of ferry county and stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$40,000 is for the ferry county sheriff's department and \$40,000 is for the stevens county sheriff's department."

Representatives Kretz and Lytton spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1148) to the striking amendment (1094), was adopted.

Representative Shea moved the adoption of amendment (1127) to the striking amendment (1094):

On page 257, line 38, after "program." insert "Expenditures shall be prioritized for processing licenses and expanding the industrial hemp market."

Representatives Shea and Kloba spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1127) to the striking amendment (1094), was adopted.

Representative Griffey moved the adoption of amendment (1123) to the striking amendment (1094):

On page 261, line 27, increase the general fund-state appropriation for fiscal year 2019 by \$2,500,000

On page 262, line 13, correct the total.

On page 263, after line 27, insert the following:

"(11) \$2,500,000 of the general fund state-appropriation for fiscal year 2019 is provided solely for the tracking and forensic analysis of sexual assault examination kits collected prior to July 24, 2015."

Representatives Griffey and Orwall spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1123) to the striking amendment (1094), was adopted.

By the adoption of amendment (1123), amendment (1124) was ruled out of order.

Representative McCabe moved the adoption of amendment (1144) to the striking amendment (1094):

On page 261, line 27, increase the general fund-state appropriation for fiscal year 2019 by \$190,000

On page 262, line 13, correct the total.

On page 263, after line 27, insert the following:

"(11) \$190,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to coordinate with the governor's office of Indian affairs, federally recognized tribal governments, and the U.S. justice department to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state."

Representatives McCabe and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1144) to the striking amendment (1094), was adopted.

Representative Orwall moved the adoption of amendment (1132) to the striking amendment (1094):

On page 263, after line 27, insert the following:

"(11) The amounts in this subsection are provided solely for implementing the recommendations of the joint legislative task force on sexual assault forensic examination, and for monitoring and testing untested sexual assault examination kits."

(a) \$238,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the state patrol to:

(i) Work in conjunction with state or non-state entities to test

sexual assault kits pursuant to RCW 43.43.545;

(ii) Conduct forensic analysis of sexual assault examination kits in the

custody of the state patrol pursuant to Chapter 247, Laws of 2015; and

(ii) Continue the task force.

(b) \$1,375,000 of the general fund-state appropriation for fiscal year 2018 and \$1,375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Chapter 247, Laws of 2015 to address the state's backlog in sexual assault examination kits. The seven full-time employees funded under this subsection must work exclusively on processing sexual assault exam kits through the crime laboratory division.

(c) Within amounts provided in this section, the Washington state patrol shall adopt rules necessary to implement RCW 43.43.545."

Representatives Orwall and McCabe spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1132) to the striking amendment (1094), was adopted.

Representative Walsh moved the adoption of amendment (1092) to the striking amendment (1094):

On page 264, line 9, increase the general fund-state appropriation for fiscal year 2019 by \$346,000

On page 264, line 25, correct the total.

On page 282, after line 14, insert the following:

"(71) \$346,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the Taholah school district for technical support and school district operations."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1092) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen,

MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1092) to the striking amendment (1094), was not adopted.

Representative Manweller moved the adoption of amendment (1089) to the striking amendment (1094):

On page 300, line 7, increase the general fund-state appropriation by \$11,752,000 for fiscal year 2019

One page 300, line 9, correct the total.

On page 301, after line 21, insert the following:

"(9) \$11,752,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for allocation to school districts that experience school bus mileage to and from school in a school year that exceeds the statewide median for school bus mileage in a school year to and from school."

Representatives Manweller, Schmick and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sullivan spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1089) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1089) to striking amendment (1094), was not adopted.

Representative Hayes moved the adoption of amendment (1085) to the striking amendment (1094):

On page 306, line 16, increase the general fund-state appropriation for fiscal year 2019 by \$30,000,000

On page 306, line 18, correct the total.

On page 307, after line 4, insert the following:

"(4) \$30,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for education service districts to administer a grant program to provide funding to school districts for school resource officers. School districts that have limited access to school resource officers must be given priority for grant awards."

Representatives Hayes, Irwin, Eslick, Johnson, Dye, Klippert, Vick, Shea and Holy spoke in favor of the adoption of the amendment to the striking amendment.

Representative Robinson spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1085) to the striking amendment (1094), and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lytton, Macri,

McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Smith.

Amendment (1085) to the striking amendment (1094), was not adopted.

Representative Bergquist moved the adoption of amendment (1139) to the striking amendment (1094):

On page 315, line 1, after "teachers" insert " , principals, and principal evaluators"

Representatives Bergquist and McCaslin spoke in favor of the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Tarleton, Representative Morris was excused.

Amendment (1139) to the striking amendment (1094), was adopted.

Representative Graves moved the adoption of amendment (1119) to the striking amendment (1094):

On page 322, line 9, increase the Washington opportunity pathways account-state appropriation by \$439,000

On page 322, line 14, correct the total.

Representatives Graves and Sullivan spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1119) to the striking amendment (1094), was adopted.

Representative Stambaugh moved the adoption of amendment (1118) to the striking amendment (1094):

On page 328, line 16, increase the general fund-state appropriation for fiscal year 2019 by \$200,000

On page 328, line 35, correct the total.

On page 337, after line 13, insert the following:

"(34) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma."

Representatives Stambaugh and Jinkins spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1118) to the striking amendment (1094), was adopted.

Representative Walsh moved the adoption of amendment (1091) to the striking amendment (1094):

On page 337, line 20, increase the general fund-state appropriation for fiscal year 2019 by \$180,000

On page 337, line 30, correct the total.

On page 341, after line 11, insert the following:

"(23) \$180,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Long Beach research and extension unit."

Representatives Walsh and Blake spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1091) to the striking amendment (1094), was adopted.

Representative Haler moved the adoption of amendment (1112) to the striking amendment (1094):

On page 348, line 26, increase the general fund-state appropriation for fiscal year 2019 by \$250,000

On page 348, line 33, correct the total.

On page 350, after line 20, insert the following:

"(13) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington campus compact to implement the statewide student civic engagement initiative. Amounts provided in this subsection must be used to: issue civic engagement grants, provide training to students, develop a statewide website and database, assess the impact of grants, and provide student leadership awards."

Representatives Haler and Robinson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1112) to the striking amendment (1094), was adopted.

Representative Orcutt moved the adoption of amendment (1120) to the striking amendment (1094):

On page 386, after line 18, insert the following:

"Funeral and Cemetery Account: For transfer to the skeletal human remains assistance account for fiscal year 2018. \$15,000"

On page 408, after line 20, insert the following:

"Sec. 916. RCW 18.39.810 and 2009 c 102 s 24 are each amended to read as follows:

The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 biennium, the legislature may transfer moneys from the funeral and cemetery account to the skeletal human remains assistance account."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Orcutt and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1120) to the striking amendment (1094), was adopted.

Representative McDonald moved the adoption of amendment (1149) to the striking amendment (1094):

On page 386, after line 18, insert

"General Fund: For transfer to the Washington internet crimes against children account for fiscal year 2018.....\$3,000,000"

Representatives McDonald and Ormsby spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1149) to the striking amendment (1094), was adopted.

Representative Haler moved the adoption of amendment (1151) to the striking amendment (1094):

On page 390, line 24, after "be up to" strike "\$168" and insert "\$183"

On page 390, line 27, after "2018, and" strike "\$168" and insert "\$183"

Representative Haler spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ormsby spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1151) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 49; Absent, 0; Excused, 2.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representatives Morris and Smith.

Amendment (1151) to the striking amendment (1094), was not adopted.

Representative Shea moved the adoption of amendment (1109) to the striking amendment (1094):

On page 408, after line 28, insert the following:

"NEW SECTION. Sec. 917. A new section is added to 2017 3rd sp. s. c 1 (uncodified) to read as follows:

(1) The legislature finds that the frequency and severity of natural disasters are taking a toll on states and their budgets and has stressed federal agencies and their capacity to respond. While the highest priority in preparing for and responding to disasters is saving lives, defining, protecting, and restoring critical infrastructure is crucial to saving lives and helping people and communities recover and rebuild.

(2) The joint legislative task force on critical infrastructure is established with membership as follows:

(a) The chair and ranking minority member of the senate committees on: (i) state government, tribal relations, and elections; and (ii) energy, environment, and technology;

(b) One member from each of the two largest caucuses in the senate appointed by the president of the senate;

(c) The chair and ranking minority member of the house of representative committees on: (i) community development, housing, and tribal affairs; and (ii) public safety; and

(d) One member from each of the two largest caucuses in the house of representatives appointed by the speaker.

(3) The task force shall choose a chair or co-chairs from among its members. The chair of the senate state government, tribal relations, and elections committee and the chair of the house of representatives community development, housing, and tribal affairs committee will convene the first meeting of the task force.

(4) The task force must, among other things:

(a) Make a recommendation for funding an all hazard mitigation analysis;

(b) Analyze levels of insurance and the viability of parametric insurance;

(c) Review current approaches and plans for reducing loss of life, mitigating property losses, and recovering and rebuilding in the event of a natural disaster or other catastrophe;

(d) Define critical infrastructure that must be protected and restored in order to reduce loss of life, mitigate property losses, and enable communities to recover and rebuild in the event of a natural disaster or other catastrophe; and

(e) Make findings and recommendations, including proposed legislation if applicable, on protecting and restoring critical infrastructure in the event of a natural disaster or other catastrophe.

(5) The task force should seek input broadly, particularly from experts at all levels of government, tribes, and the private sector, and include both standard and innovative approaches to rebuild and

recover, including financing these efforts. Examples of monetary assistance includes federal disaster programs for public and private recovery efforts, state and local bonding for public infrastructure, and insurance, including parametric insurance policies.

(6) The task force will be staffed by the house office of program research and senate committee services.

(7) The task force shall report its findings and any recommendations or proposed legislation to the committees identified in subsection (2) (a) and (2) (c) of this section by December 15, 2018.

(8) This section expires on December 31, 2018."

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Shea and Tarleton spoke in favor of the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Hayes, Representative DeBolt was excused.

Amendment (1109) to the striking amendment (1094), was adopted.

Representative McCabe moved the adoption of amendment (1145) to the striking amendment (1094):

On page 408, after line 28, insert the following:

"NEW SECTION Sec. 917. 2017 c 290 s 2 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on sexual assault forensic examination best practices is established for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one

member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016;

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two co-chairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative

policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by December 1st of the following year.

(9) This section expires (~~June 30, 2018~~) June 30, 2019."

Renumber the remaining sections consecutively and correct internal references.

Correct the title.

Representatives McCabe and Orwall spoke in favor of the adoption of the amendment to the striking amendment.

MOTION

On motion of Representative Riccelli, Representative Senn was excused.

Amendment (1145) to the striking amendment (1094), was adopted.

The striking amendment (1094), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred action on. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2299, and the bill held its place on the third reading calendar.

The Speaker (Representative Lovick presiding) called upon Representative Ortiz-Self to preside.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 21, 2018

HB 2990 Prime Sponsor, Representative Fey: Concerning the Tacoma Narrows bridge debt service payment plan. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 22, 2018

ESB 5450 Prime Sponsor, Senator Liias: Concerning the use of cross-laminated timber for building construction. (REVISED FOR ENGROSSED: Concerning the use of mass timber for building construction.) Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 5493 Prime Sponsor, Committee on Labor & Commerce: Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member and Manweller.

Referred to Committee on Rules for second reading.

February 21, 2018

ESB 5518 Prime Sponsor, Senator Miloscia: Requiring fair reimbursement for chiropractic services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.190 and 2008 c 304 s 1 are each amended to read as follows:

(1) (a) A health carrier may not pay a chiropractor less for a service or procedure identified under a particular physical medicine and rehabilitation code ~~((=))~~, evaluation and management code, or spinal manipulation code, as listed in a nationally recognized services and procedures code book such as the American medical association current procedural terminology code book, than it

pays any other type of provider licensed under Title 18 RCW for a service or procedure under the same or substantially similar code, except as provided in (b) of this subsection. A carrier may not circumvent this requirement by creating a chiropractor-specific code not listed in the nationally recognized code book otherwise used by the carrier for provider payment.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices;

(ii) Health care provider contracting to comply with the network adequacy standards;

(iii) Authority to pay in-network providers differently than out-of-network providers; and

(iv) Authority to pay a chiropractor less than another provider for procedures or services under the same or a substantially similar code based upon ~~((geographic))~~ differences in the cost of maintaining a practice or carrying malpractice insurance, as recognized by a nationally accepted reimbursement methodology.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payments made on or after January 1, 2009.

NEW SECTION. Sec. 2. The office of the insurance commissioner may adopt any rules necessary to implement section 1 of this act.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January 1, 2019."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Graves, Assistant Ranking Minority Member; Maycumber and Rodne.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 5539 Prime Sponsor, Senator Billig: Creating a pilot program for the supervision of motor vehicle-related felonies. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this purpose, a pilot program is established for the supervision of offenders convicted of felonies relating to the theft or taking of a motor vehicle.

(2) Notwithstanding the provisions of RCW 9.94A.701, a court may sentence an offender to community custody for a term of one year following the term of confinement when the court sentences the person to the custody of the department for theft of a motor vehicle (RCW 9A.56.065), possession of a stolen vehicle (RCW 9A.56.068), taking a motor vehicle without permission in the first degree (RCW 9A.56.070), or taking a motor vehicle without permission in the second degree (RCW 9A.56.075).

(3) Notwithstanding the provisions of RCW 9.94A.501, the department shall supervise any offender sentenced to community custody pursuant to subsection (2) of this section.

(4) No later than November 1, 2024, the department must submit a report to the

governor and the appropriate committees of the legislature analyzing the effectiveness of supervision in reducing recidivism among offenders committing felonies relating to the theft or taking of a motor vehicle. The department shall consult with the Washington state institute for public policy in guiding its data tracking efforts and preparing the report.

(5) This section expires June 30, 2025."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

February 22, 2018

ESSB 5928 Prime Sponsor, Committee on Financial Institutions & Insurance: Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Muri; Orwall; Shea and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Rodne, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 5987 Prime Sponsor, Senator Padden: Concerning pretrial release programs. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.21 RCW to read as follows:

A judicial officer in a municipal, district, or superior court imposing conditions of pretrial release for a defendant accused of a misdemeanor, gross misdemeanor, or felony offense, may prohibit the defendant from possessing or consuming any intoxicating liquors or drugs not prescribed to the defendant, and require the defendant to submit to testing to determine the defendant's compliance with this condition, when the judicial officer determines that such condition is necessary to protect the public from harm."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 5996 Prime Sponsor, Committee on Labor & Commerce: Encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6009 Prime Sponsor, Committee on Transportation: Authorizing the issuance of personalized collector vehicle license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 22, 2018

2SSB 6015 Prime Sponsor, Committee on Ways & Means: Concerning actions for wrongful injury or death. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall; Shea and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Haler; Klippert and Muri.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6040 Prime Sponsor, Senator Pedersen: Addressing meetings under the business corporations act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

ESSB 6065 Prime Sponsor, Committee on Early Learning & K-12 Education: Adopting policy and procedures on student interviews and interrogations. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association must convene a work group of interested stakeholders to update its model policy and procedure for interviews and interrogations of students on school premises in consideration of necessary accommodations for students who:

(a) Are homeless, or otherwise, without a legal guardian to notify;

- (b) Are undocumented;
- (c) are in foster care, extended foster care, or aged out of foster care; and
- (d) Have intellectual or developmental disabilities or are otherwise unable to make age appropriate decisions when engaging with school administrators, law enforcement, or other authorities.

(2) The Washington state school directors' association must submit its updated model policy and procedure for interviews and interrogations of students on school premises to the appropriate committees of the legislature by December 15, 2018."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6070 Prime Sponsor, Senator Fortunato: Establishing permissible methods of parking a motorcycle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.575 and 1977 ex.s. c 151 s 41 are each amended to read as follows:

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as

practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder. This subsection does not apply to the parking of motorcycles, unless a local jurisdiction prohibits angle parking as permitted under subsection (3) (a) (i) of this section and does not otherwise specify the manner in which a motorcycle must park.

(3) (a) (i) Every motorcycle stopped or parked on a one-way or two-way highway shall be so stopped or parked parallel or at an angle to the curb or edge of the highway with at least one wheel or fender within twelve inches of the curb nearest to which the motorcycle is parked or as close as practicable to the edge of the shoulder nearest to which the motorcycle is parked. A motorcycle may not be parked in such a manner that it extends into the roadway.

(ii) A county, city, or town may by ordinance prohibit the angle stopping or parking of a motorcycle as specified in (a) (i) of this subsection, but must post visible signage in a location to provide notice of the prohibition on angle stopping or parking for the prohibition to apply to that location.

(b) More than one motorcycle may occupy a parking space, provided that the parked motorcycles occupying the parking space do not exceed the boundaries of that parking space.

(4) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. The angle parking of motorcycles, which is governed under subsection (3) of this section, is not subject to this determination by the secretary of transportation.

~~((4))~~ (5) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or

where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 21, 2018

SB 6093 Prime Sponsor, Senator Cleveland: Adding the Washington State University college of medicine to the family medicine residency network. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6126 Prime Sponsor, Committee on Labor & Commerce: Requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.191 and 2016 c 198 s 2 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or

specialty electrician certificate of competency.

~~(a) ((Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.~~

~~(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.~~

~~(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:~~

~~(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and~~

~~(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.~~

~~(d)) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.~~

~~((e)) (b) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.~~

~~((f)) (c) To be eligible to take the examination for a journey level certificate of competency, the applicant must have~~

~~(i)) successfully completed an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical~~

construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours (~~(7, of which)~~). Four thousand of the hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician(~~(7 or~~

~~(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade)).~~ The holder of a specialty electrician certificate of competency with a four thousand hour work experience requirement shall be allowed to credit the work experience required to obtain that certificate towards apprenticeship requirements for qualifying to take the examination for a journey level electrician certificate of competency.

~~((g)(i))~~ (d) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:

~~((A))~~ (i) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;

~~((B))~~ (ii) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined

by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by ~~((g))~~ (d)(i)~~((A))~~ of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in ~~((g))~~ (d)(i)~~((A))~~ of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits excluding the replacement or repair of circuit breakers. The department may alter the scope of work for the restricted nonresidential maintenance specialty by rule. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ~~((g))~~ (d)(i)~~((A))~~ of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; ~~((or~~

~~((C))~~ (iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade~~((r))~~; or

~~((D))~~ (iv) In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(c). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for

those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(10)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. ~~((Individuals who are able to provide evidence to the department, prior to January 1, 2007, that they have been employed as a pump installer in the pump and irrigation or domestic pump business by an appropriately licensed electrical contractor, registered general contractor defined by chapter 18.27 RCW, or appropriate general specialty contractor defined by chapter 18.27 RCW for not less than eight thousand hours in the most recent six calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees.))~~ The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010(10)(c), showing that the individual has received both certifications. No other experience or training requirements may be imposed.

~~((iii) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:~~

~~(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and~~

~~(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.~~

~~(h))~~ (e) Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician required under the apprenticeship program. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to complete an apprenticeship and take the examination for the journey level electrician certificate of competency.

~~((i))~~ (f) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

~~((j))~~ (g) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a

substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

~~((h))~~ (h) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating ~~((the time and place))~~ instructions for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours.

Sec. 2. RCW 19.28.161 and 2013 c 23 s 29 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journey level electrician certificate of competency, journey level electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair. ~~((Until July 1, 2007, the department of labor and industries shall issue a written warning to any specialty pump and irrigation or domestic pump electrician not having a valid electrician certification. The warning will state that the individual must apply for an electrical training certificate or be qualified for and apply for electrician certification under the requirements in RCW 19.28.191(1)(g) within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty as defined in RCW 19.28.271 to the individual.))~~

(2) (a) A person who is ~~((indentured))~~:
(i) Registered in an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade ~~((or who is))~~; (ii) learning the electrical construction trade while working in a specialty; or (iii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (e) or (f) for a journey level certificate of competency may work in the electrical construction trade if supervised by a certified master journey level electrician, journey level electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty.

(b) All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to

learn the electrical construction trade while under the direct supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer. The holder shall also provide proof of ~~((sixteen))~~ forty-eight hours of: Approved classroom training covering this chapter, the national electrical code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1) ~~((-h))~~ (e). ~~((The number of hours of approved classroom training required for certificate renewal shall increase as follows: (a) Beginning on July 1, 2011, the holder of an electrical training certificate shall provide the department with proof of thirty two hours of approved classroom training; and (b) beginning on July 1, 2013, the holder of an electrical training certificate shall provide the department with proof of forty eight hours of approved classroom training. At the request of the chairs of the house of representatives commerce and labor committee and the senate labor, commerce and consumer protection committee, or their successor committees, the department of labor and industries shall provide information on the implementation of the new classroom training requirements for electrical trainees to both committees by December 1, 2012.))~~ A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(c) (i) Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall

show their certificates to an authorized representative of the department at the representative's request.

(ii) Unless working in a specialty, apprentices and individuals learning the electrical construction trade must also have in their possession proof of apprenticeship or training program registration. They shall show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work: (a) If that person is under supervision, and is (b) unless working in a specialty, (i) registered in an approved journey level apprenticeship program, as appropriate; or (ii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (e) for a journey level certificate of competency. Supervision shall consist of a person being on the same job site and under the control of either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journey level electricians, journey level electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that

electrician's specialty, master journey level electrician, or journey level electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journey level electrician, not more than one noncertified individual for every certified master journey level electrician or journey level electrician, except that the ratio requirements shall be one certified master journey level electrician or journey level electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), restricted nonresidential maintenance as determined

by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(g)~~) (d)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

Sec. 3. RCW 19.28.205 and 2013 c 23 s 32 are each amended to read as follows:

(1) An applicant for a journey level certificate of competency under RCW 19.28.191(1)(~~(f)~~) (c) or a specialty electrician certificate of competency under RCW 19.28.191(1)(~~(g)~~) (d) must demonstrate to the satisfaction of the department completion of in-class education as follows:

(a) Twenty-four hours of in-class education if two thousand hours or more but less than four thousand hours of work are required for the certificate;

(b) Forty-eight hours of in-class education if four thousand or more but less than six thousand hours of work are required for the certificate;

(c) Seventy-two hours of in-class education if six thousand or more but less than eight thousand hours of work are required for the certificate;

(d) Ninety-six hours of in-class education if eight thousand or more hours of work are required for the certificate.

(2) For purposes of this section, "in-class education" means approved classroom training covering this chapter, the national electric code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1) ~~((+))~~ (e).

(3) Classroom training taken to qualify for trainee certificate renewal under RCW 19.28.161 qualifies as in-class education under this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 19.28 RCW to read as follows:

(1) The department may permit an applicant who obtained experience and training equivalent to a journey level apprenticeship program to take the examination if the applicant establishes that the applicant has the equivalent training and experience and demonstrates good cause for not completing the required minimum hours of work under standards applicable on the effective date of this section.

(2) This section expires July 1, 2025.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act take effect July 1, 2023."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member and Manweller.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6134 Prime Sponsor, Senator Wellman: Modifying definitions for alternative learning experience courses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member;

Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6141 Prime Sponsor, Committee on Ways & Means: Strengthening school district plans for recognition, screening, and response to emotional or behavioral distress in students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6142 Prime Sponsor, Committee on Law & Justice: Revising the authority of commissioners of courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Hansen; Kirby; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Haler; Klippert and Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Goodman.

Referred to Committee on Rules for second reading.

February 22, 2018

ESSB 6143 Prime Sponsor, Committee on Local Government: Concerning unit priced contracting by cities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Pike, Assistant Ranking Minority Member and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Ranking Minority Member.

Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

Referred to Committee on Rules for second reading.

February 22, 2018

February 22, 2018

SB 6168 Prime Sponsor, Senator Kuderer: Concerning school composting and recycling. Reported by Committee on Education

SB 6197 Prime Sponsor, Senator Keiser: Regarding an employer's payment of indebtedness upon the death of an employee. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele and Valdez.

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Doglio; Frame and Manweller.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier and Stokesbary.

Referred to Committee on Rules for second reading.

February 22, 2018

MINORITY recommendation: Without recommendation. Signed by Representatives Harris, Ranking Minority Member; Hargrove and McCaslin.

ESSB 6223 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning equitable educational outcomes for vulnerable children and youth. Reported by Committee on Education

Referred to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended.

February 21, 2018

SB 6180 Prime Sponsor, Senator Hobbs: Defining the planting and harvest dates for purposes of exemptions for agricultural transporters. Reported by Committee on Transportation

Strike everything after the enacting clause and insert the following:

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

"NEW SECTION. Sec. 1. The legislature intends with this act to powerfully leverage current collaboration and investments to align services, outcome measures, accountability, and resources to facilitate educational equity by 2027 for children and youth in foster care and children and youth experiencing homelessness. The goal of this effort is that children and youth in foster care and children and youth experiencing homelessness achieve educational outcomes at the same rate as their general student population peers throughout the educational continuum from preschool to postsecondary education.

MINORITY recommendation: Do not pass. Signed by Representative Kloba.

Referred to Committee on Rules for second reading.

NEW SECTION. Sec. 2. (1) For the purposes of this section, "children and youth in foster care" means children and youth under the placement and care authority of the department of children, youth, and families, a federally recognized tribe, or another child-placing agency; and children and youth who have experienced foster care and have achieved permanency.

February 22, 2018

SB 6188 Prime Sponsor, Senator Dhingra: Encouraging fairness in disciplinary actions of peace officers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Pike, Assistant

(2) The department of children, youth, and families, the office of the superintendent of public instruction, the department of commerce office of homeless youth prevention and protection programs, and the student achievement council must convene a work group with aligned nongovernmental agencies and representatives from the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136, to create a plan for children and youth in foster care and children and youth experiencing homelessness to facilitate educational equity with their general student population peers and to close the disparities between racial and ethnic groups by 2027. The work group must:

(a) Review the educational outcomes of children and youth in foster care and children and youth experiencing homelessness, including:

(i) Kindergarten readiness, early grade reading, school stability, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) Disaggregated data by race and ethnicity;

(b) Consider the outcomes, needs, and services for children and youth in foster care and children and youth experiencing homelessness, and the specific needs of children and youth of color and those with special education needs;

(c) Map current education support services, including eligibility, service levels, service providers, outcomes, service coordination, data sharing, and overall successes and challenges;

(d) Engage stakeholders in participating in the analysis and development of recommendations, including foster youth and children and youth experiencing homelessness, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary education advocates, and federally recognized tribes;

(e) Make recommendations for an optimal continuum of education support services to foster and homeless children and youth from preschool to postsecondary education that would provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(i) Align indicators and outcomes across organizations and programs;

(ii) Improve racial and ethnic equity in educational outcomes;

(iii) Ensure access to consistent and accurate annual educational outcomes data;

(iv) Address system barriers such as data sharing;

(v) Detail options for governance and oversight to ensure educational services are continually available to foster and homeless children and youth regardless of status;

(vi) Detail a support structure that will ensure that educational records, educational needs, individualized education programs, credits, and other records will follow children and youth when they transition from district to district or another educational program or facility;

(vii) Explore the option of creating a specific statewide school district that supports the needs of and tracks the educational progress of children and youth in foster care and children and youth experiencing homelessness; and

(viii) Identify where opportunities exist to align policy, practices, and supports for students experiencing homelessness and foster students; and

(f) Outline which recommendations can be implemented using existing resources and regulations and which require policy, administrative, and resource adjustments.

(3) The work group should seek to develop an optimal continuum of services using research-based program strategies and to provide for prevention, early intervention, and seamless transitions.

(4) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as allowed under federal and state law.

(5) By December 17, 2018, the work group must provide a report to the legislature on its analysis as described under this section, the recommended plan, and any legislative and administrative

changes needed to facilitate educational equity for children and youth in foster care and children and youth experiencing homelessness with their general student population peers by 2027.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2018.

NEW SECTION. **Sec. 4.** This act expires December 31, 2018."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove and McCaslin.

Referred to Committee on Rules for second reading.

February 22, 2018

ESSB 6226 Prime Sponsor, Committee on Labor & Commerce: Improving health outcomes for injured workers by facilitating better access to medical records and telemedicine. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.36.070 and 2001 c 152 s 2 are each amended to read as follows:

(1) Whenever the director or the self-insurer deems it necessary in order to resolve any medical issue, a worker shall submit to examination by a physician or physicians selected by the director, with the rendition of a report to the person ordering the examination. The department or self-insurer shall provide the physician performing an examination with all relevant medical records from the worker's claim file. The director, in his or her discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the worker of reasonable expenses connected therewith.

(2) The self-insured employer shall ensure that all relevant medical records of the injured worker scheduled for an independent medical exam are provided as electronic medical records to the independent medical exam physician or physicians, and, if electronic medical records are not possible, paper records must be delivered to the independent medical exam physician or physicians at least ten business days prior to the scheduled exam. If the independent medical exam is scheduled to occur before ten business days or if a medical record only becomes available to the employer during the ten business days, then the paper records must be delivered to the independent medical exam physician as soon as possible before the exam occurs.

NEW SECTION. **Sec. 2.** The collaborative for the advancement of telemedicine established under section 2, chapter 68, Laws of 2016, in consultation with the department of labor and industries, shall conduct a study of the feasibility of telemedicine for independent medical examinations under Title 51 RCW. The collaborative shall submit a report on its findings and any recommendations to the appropriate committees of the legislature by December 1, 2018."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Doglio; Frame and Manweller.

MINORITY recommendation: Do not pass. Signed by Representative Pike, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6201 Prime Sponsor, Senator Liias: Making the open educational resources project permanent. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

February 22, 2018

2SSB 6236 Prime Sponsor, Committee on Ways & Means: Establishing the Washington state economic growth commission. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 2, line 11, after "year." insert the following:

"(6) Administrative support for the commission must be provided by the department of commerce."

On page 2, beginning on line 15, after "with" strike "the state's manufacturing extension partnership" and insert "a statewide non-profit organization"

Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Hudgins; Manweller; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Steele and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Fey and Harmsworth.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6240 Prime Sponsor, Senator Sheldon: Regarding miniature hobby boilers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6264 Prime Sponsor, Senator Ranker: Regulating contracts by institutions of higher education with private entities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 50.44 RCW to read as follows:

(1) An institution of higher education, as defined in RCW 28B.10.016, may not contract with a private entity to: Respond on behalf of the institution of higher education to written requests by the department for information relating to an individual's claim or claims; file appeals and petitions for review on behalf of the institution of higher education regarding an individual's right to benefits; or represent the institution of higher education before the appeal tribunal and the commissioner in appeals involving an individual's right to benefits.

(2) Nothing in this section prohibits an institution of higher education from contracting with a private entity, including a third-party payer or professional employer organization, for any services other than the services prohibited by subsection (1) of this section.

Sec. 2. RCW 50.44.037 and 1977 ex.s. c 292 s 16 are each amended to read as follows:

For the purposes of this chapter, except for section 1 of this act, the term "institution of higher education" means an educational institution in this state which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member and Manweller.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6292 Prime Sponsor, Senator Wilson: Concerning electronic monitoring of domestic violence perpetrators. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.99.040 and 2015 c 287 s 9 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or

arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring (~~as defined in RCW 9.94A.030~~), which may include real-time global positioning system monitoring with victim notification. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4) (a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 26.50.110.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model

policy to assist the courts in implementing the requirements of this subsection.

(8) The state and its employees and local governments and their subdivisions and employees are immune from civil liability for damages arising from incidents involving persons who are placed on electronic monitoring under this section, except upon a showing of gross negligence or bad faith.

Sec. 2. RCW 10.99.020 and 2004 c 18 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(2) "Association" means the Washington association of sheriffs and police chiefs.

(3) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(4) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

~~((4))~~ (5) "Dating relationship" has the same meaning as in RCW 26.50.010.

~~((5))~~ (6) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree (RCW 9A.36.011);

(b) Assault in the second degree (RCW 9A.36.021);

- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Drive-by shooting (RCW 9A.36.045);
- (f) Reckless endangerment (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);
- (r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
- (s) Rape in the first degree (RCW 9A.44.040);
- (t) Rape in the second degree (RCW 9A.44.050);
- (u) Residential burglary (RCW 9A.52.025);
- (v) Stalking (RCW 9A.46.110); and
- (w) Interference with the reporting of domestic violence (RCW 9A.36.150).

~~((6))~~ (7) "Employee" means any person currently employed with an agency.

~~((7))~~ (8) "Sworn employee" means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under chapter 36.28 RCW.

~~((8))~~ (9) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 3. RCW 26.50.060 and 2010 c 274 s 304 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's

children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(j) Require the respondent to submit to electronic monitoring, which may include real-time global positioning system monitoring with victim notification. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(k) Consider the provisions of RCW 9.41.800;

(l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; and

(m) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief,

if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court

costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

(8) The state and its employees and local governments and their subdivisions and employees are immune from civil liability for damages arising from incidents involving persons who are placed on electronic monitoring under this section, except upon a showing of gross negligence or bad faith.

NEW SECTION. Sec. 4. A new section is added to chapter 2.56 RCW to read as follows:

Subject to the availability of amounts appropriated for this purpose, the administrative office of the courts must provide funding to counties to cover the cost of electronic monitoring with victim notification technology when a respondent is unable to pay for the cost of electronic monitoring."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

February 22, 2018

SSB 6294 Prime Sponsor, Committee on Local Government: Exempting impact fees for low-income housing development. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.02.060 and 2012 c 200 s 1 are each amended to read as follows:

(1) The local ordinance by which impact fees are imposed:

~~((1) Shall))~~ (a) Must include a schedule of impact fees ~~((which shall be))~~ that are adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule ~~((shall))~~ must be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees ~~((shall))~~ must incorporate, among other things, the following:

~~((a))~~ (i) The cost of public facilities necessitated by new development;

~~((b))~~ (ii) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;

~~((c))~~ (iii) The availability of other means of funding public facility improvements;

~~((d))~~ (iv) The cost of existing public facilities improvements; and

~~((e))~~ (v) The methods by which public facilities improvements were financed;

~~((2))~~ (b) May provide an exemption for ~~((low-income housing, and other))~~ development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity ~~((shall be))~~ are paid from public funds other than impact fee accounts;

~~((3))~~ (c) May provide an exemption from impact fees for low-income housing. Local governments that grant exemptions for low-income housing under this subsection ~~((3))~~ (1)(c) may either: Grant a partial exemption of not more than eighty percent of impact fees, in which case there is no explicit requirement to pay the exempted portion of the fee from public funds other than impact fee accounts; or provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts. An exemption for low-income housing granted under (b) of this subsection ~~((2) of this section))~~ or this subsection ~~((3))~~ (1)(c) must be conditioned upon requiring the developer to record a covenant that, except as provided otherwise by this subsection, prohibits using the property for any purpose other than for low-income housing. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion. Covenants required by this subsection must be recorded with the applicable county auditor or recording officer. A local government granting an exemption under ~~((subsection (2) of this section or))~~ this subsection ~~((3))~~ (1)(c) for low-income housing may not collect revenue lost through granting an exemption by increasing impact fees unrelated to the exemption. A school district who receives school impact fees must approve any exemption under ~~((subsection (2) of this section or))~~ this subsection ~~((3))~~ (1)(c);

~~((4) Shall))~~ (d) Must provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital

facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

~~((5) Shall))~~ (e) Must allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

~~((6) Shall))~~ (f) Must include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

~~((7) Shall))~~ (g) Must establish one or more reasonable service areas within which it ~~((shall))~~ calculates and imposes impact fees for various land use categories per unit of development; and

~~((8))~~ (h) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee ~~((shall))~~ may not be imposed to make up for any system improvement deficiencies.

(2) For purposes of this section, "low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

Sec. 2. RCW 82.02.090 and 2010 c 86 s 1 are each reenacted and amended to read as follows:

~~((Unless the context clearly requires otherwise, the following definitions shall apply in RCW 82.02.050 through 82.02.090:))~~ The definitions in this section apply throughout RCW 82.02.050 through 82.02.090 unless the context clearly requires otherwise.

(1) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities. "Development activity" does not include:

(a) Buildings or structures constructed by a regional transit authority; or

(b) Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

(2) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

(4) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser (~~shall be~~) is considered the owner of the real property if the contract is recorded.

(5) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. (~~Not~~) An improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town (~~shall be~~) is not considered a project improvement.

(6) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(7) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities.

(8) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas (~~shall~~) must be designated on the basis of sound planning or engineering principles.

(9) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2018."

Correct the title.

Signed by Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6309 Prime Sponsor, Committee on Ways & Means: Extending the timeline for completing a family assessment response. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6313 Prime Sponsor, Committee on Labor & Commerce: Concerning an employee's right to publicly file a complaint or cause of action for discrimination in employment contracts and agreements. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW to read as follows:

A provision of an employment contract or agreement is against public policy and is void and unenforceable if it requires an employee to waive the employee's right to publicly pursue a cause of action arising under chapter 49.60 RCW or federal antidiscrimination laws or to publicly file a complaint with the appropriate state or federal agencies, or if it requires an employee to resolve claims of discrimination in a dispute resolution process that is confidential."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6343 Prime Sponsor, Committee on Labor & Commerce: Establishing the healthy energy workers task force. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; McCabe, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Doglio; Frame and Manweller.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6361 Prime Sponsor, Committee on Economic Development & International Trade: Authorizing certain cities to establish a limited tax expenditure from local property taxes for the value of new construction to encourage redevelopment of vacant lands in urban areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member and Taylor.

Referred to Committee on Rules for second reading.

February 22, 2018

ESB 6379 Prime Sponsor, Senator Fain: Requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government. (REVISED FOR ENGROSSED: Requiring a public hearing before a local government may remove, vacate, or extinguish certain covenants from land it owns.) Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Pike, Assistant Ranking Minority Member and Taylor.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6388 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning paraeducators. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PARAEDUCATOR REQUIREMENTS

Sec. 1. RCW 28A.413.040 and 2017 c 237 s 5 are each amended to read as follows:

~~((Effective September 1, 2018,))~~

(1) (a) A person working as a paraeducator for a school district before or during the 2017-18 school year must meet the requirements of subsection (2) of this section by the date of hire for the 2019-20 school year or any subsequent school year.

(b) A person who has not previously worked as a paraeducator for a school district must meet the requirements of subsection (2) of this section by the date of hire for the 2018-19 school year or any subsequent school year.

(2) The minimum employment requirements for paraeducators are as provided in this subsection. ((The)) A paraeducator must:

~~((1))~~ (a) Be at least eighteen years of age and hold a high school diploma or its equivalent; and

~~((2)(a))~~ (b)(i) Have received a passing grade on the education testing service paraeducator assessment; or

~~((b))~~ (ii) Hold an associate of arts degree; or

~~((c))~~ (iii) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

~~((d))~~ (iv) Have completed a registered apprenticeship program.

NEW SECTION. Sec. 2. By October 1, 2018, a school district that does not receive funding under Title I of the federal elementary and secondary education act of 1965 must report to the paraeducator board with the following information about paraeducators hired by the school district for the 2018-19 school year, as of September 1, 2018: The total number of paraeducators and the number who meet the minimum employment requirements provided in RCW 28A.413.040.

Sec. 3. RCW 28A.413.060 and 2017 c 237 s 7 are each amended to read as follows:

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019,))~~ School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection ~~((2))~~ (3) of this section.

~~((2))~~ (3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection ~~((1))~~ (2) of this section ~~((as follows))~~ by the

deadlines provided in (a) of this subsection:

(a)(i) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and

~~((b))~~ (ii) For paraeducators hired after September 1st:

~~((1))~~ (A) For districts with ten thousand or more students, within four months of the date of hire; and

~~((1))~~ (B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

~~((3))~~ (b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

Sec. 4. RCW 28A.413.070 and 2017 c 237 s 8 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2)(a) Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study, as required under RCW 28A.413.060, and an additional ten days of general courses, as defined by the board, on the state paraeducator standards of practice, described in RCW 28A.413.050.

(b) Paraeducators are not required to meet the general paraeducator certificate requirements under this subsection ~~((1))~~ (2) unless ~~((amounts are appropriated for the specific purposes of subsection (2) of this section and RCW 28A.413.060))~~ the courses necessary to meet the requirements are funded by the state in accordance with subsection (1) of this section and RCW 28A.413.060(1).

~~((2))~~ Subject to the availability of amounts appropriated for this specific

~~purpose,))~~ (3) Beginning September 1, 2019, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general certification requirements of this section within three years of completing the four-day fundamental course of study.

~~((3))~~ (4) The general paraeducator certificate does not expire."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 6434 Prime Sponsor, Committee on Transportation: Concerning electric-assisted bicycles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6452 Prime Sponsor, Committee on Ways & Means: Expanding the activities of the children's mental health services consultation program. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The health care authority and the office of the insurance commissioner shall consult with the University of Washington, Seattle children's hospital, medicaid managed care organizations, and health insurance carriers as defined in RCW 48.44.010 to develop an alternative funding model for the partnership access line. By December 1, 2018, the authority must provide a report to the appropriate committees of the legislature, and the children's mental health work group created in chapter . . . , Laws of 2018 (Engrossed Second Substitute House Bill No. 2779), if chapter . . . , Laws of 2018 (Engrossed Second Substitute House Bill No. 2779) is enacted by the effective date of this section. The funding model must identify potential sources to support:

(a) Current partnership access line services for primary care providers;

(b) An expansion of partnership access line services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and

(c) An expansion of partnership access line services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(2) In the development of the alternative funding model, the authority and office of the insurance commissioner must:

(a) Consider a mechanism that determines the annual cost of operating the partnership access line and collects a proportional share of the program cost from each health insurance carrier;

(b) Differentiate between partnership access line activities eligible for medicaid funding from other nonmedicaid eligible activities; and

(c) Ensure that the expanded services identified in this subsection do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(3) This section expires December 30, 2018.

Sec. 2. RCW 71.24.061 and 2014 c 225 s 35 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to behavioral health organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, behavioral health organization contracts shall authorize behavioral health organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, ~~((children's hospital and regional medical center))~~ Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure

fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the ~~((department))~~ health care authority in collaboration with the ~~((evidence-based practice institute))~~ University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(a) Implement a ~~((pilot))~~ program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(b) Beginning January 1, 2019, implement a two-year pilot program called the partnership access line for moms and kids to:

(i) Support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through

same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(ii) Facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(c) The program activities described in (a) and (b)(i) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The health care authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the health care authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The health care authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 22, 2018

2SSB 6453 Prime Sponsor, Committee on Ways & Means: Concerning legal support for kinship caregivers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6474 Prime Sponsor, Committee on Early Learning & K-12 Education: Creating a pilot project for tribal compact schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.715 RCW to read as follows:

(1) A pilot project is established for one or more schools that are the subject of a state-tribal education compact, schools also known as "tribal compact schools," to consider and implement modifications to requirements governing school attendance, calendar requirements, and assessments for the purpose of:

(a) Accommodating cultural, fisheries, and agricultural events; and

(b) Replacing statewide student assessments with culturally relevant and community-based standards.

(2) Schools participating in the pilot project may:

(a) Request a waiver, in accordance with section 2 of this act, to the requirement for a one hundred eighty-day school year established in RCW 28A.150.220;

(b) Develop curricula that links student learning with engagement in cultural, fisheries, and agricultural programs and aligns with the Washington state learning standards;

(c) Request authorization to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5);

(d) Categorize, subject to the requirements of section 3 or 4 of this act, the participation in cultural or agricultural events as an excused absence under RCW 28A.225.010;

(e) Explore ways that cultural and agricultural events are or can be reflected in data concerning absenteeism;

(f) Replace statewide student assessments required for earning a certificate of academic achievement with culturally relevant and community-based standards; and

(g) Consider and implement other modifications to requirements as determined by each participating school.

(3) The office of native education within the office of the superintendent of public instruction must collaborate with each tribal compact school participating in the pilot project and review any terms of the compact that relate to the school's pilot project.

(4) If appropriate, the superintendent of public instruction shall convene a government-to-government meeting with the tribal compact school for the purpose of revising the compact to reflect the terms of the pilot project.

(5) Nothing contained in this section may be construed to limit the amount of funding allocated to tribal compact schools participating in the pilot project.

(6) Each tribal compact school participating in the pilot shall submit a report every two years to the appropriate committees of the house of representatives, the senate, and the office of the superintendent of public instruction. The final report of each school must include a recommendation of whether the pilot project should be modified, continued, expanded, or discontinued. Reports submitted to the house of representatives and the senate in accordance with this subsection must comply with RCW 43.01.036.

(7) The pilot project expires August 1, 2023.

(8) This section expires September 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction may, upon receipt of an application from a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act:

(a) Grant a waiver from the requirements for a one hundred eighty-day school year under RCW 28A.150.220; and

(b) Authorize the school to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5).

(2) This section expires September 1, 2023.

Sec. 3. RCW 28A.225.010 and 2014 c 168 s 3 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220;

(e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW

28A.150.250 and 28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; (~~or~~)

(f) The child is participating in cultural or agricultural events in accordance with the pilot project established in section 1 of this act, for up to two days per school year without any penalty; or

(g) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410

RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

Sec. 4. RCW 28A.225.010 and 2017 3rd sp.s. c 6 s 630 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services or the department of children, youth, and families, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220;

(e) The child is excused from school subject to approval by the student's parent for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, for up to two days per school year without any penalty. Such absences may not mandate school closures. Students excused for such temporary absences may be claimed as full-time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and may not affect school district compliance with the provisions of RCW 28A.150.220; (~~or~~)

(f) Until August 1, 2023, the child is participating in cultural or agricultural events in accordance with the pilot project established in section 1 of this act, for up to two days per school year without any penalty; or

(g) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has

completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Steele; Stokesbary and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Hargrove and McCaslin.

Referred to Committee on Rules for second reading.

February 21, 2018

SSB 6519 Prime Sponsor, Committee on Transportation: Revising the establishment of marine pilotage tariffs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 88.16 RCW to read as follows:

(1) The utilities and transportation commission shall under sections 7 through 12 of this act periodically, but not more frequently than annually, establish the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the utilities and transportation commission may establish extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where

Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the commission: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the utilities and transportation commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(2) By December 1, 2018, the utilities and transportation commission shall submit to the transportation committees of the legislature any additional statutory changes necessary to implement this act.

(3) By July 1, 2020, the utilities and transportation commission shall provide a report to the governor and the transportation committees of the legislature regarding matters pertaining to establishing tariffs under this section that includes a comparison of the process and outcomes in relation to the recommendations made in the January 2018 joint transportation committee Washington state pilotage final report and recommendations.

Sec. 2. RCW 53.08.390 and 2010 c 8 s 16003 are each amended to read as follows:

A countywide port district located in part or in whole within the Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may commence pilotage service with the following powers and subject to the conditions contained in this section.

(1) Persons employed to perform the pilotage service of a port district must be licensed under chapter 88.16 RCW to provide pilotage.

(2) Before establishing pilotage service, a port district shall give at least sixty days' written notice to the chair of the board of pilotage commissioners to provide pilotage.

(3) A port district providing pilotage service under this section requiring additional pilots may petition the board of pilotage commissioners to qualify and license as a pilot a person who has passed the examination and is on the

waiting list for the training program for the district. If there are no persons on the waiting list, the board shall solicit applicants and offer the examination.

(4) In addition to the power to employ or contract with pilots, a port district providing pilotage services under this section has such other powers as are reasonably necessary to accomplish the purpose of this section including, but not limited to, providing through ownership or contract pilots launches, dispatcher services, or ancillary tug services required for operations or safety.

(5) (a) A port district providing pilotage services under this section may recommend to the utilities and transportation commission tariffs for pilotage services provided under chapter 88.16 RCW, and may recommend to the board of pilotage commissioners rules of service governing its pilotage services for consideration and adoption consistent with RCW 88.16.035. The rules of service, rates, and tariffs ((governing its pilotage services for consideration and adoption pursuant to RCW 88.16.035. The rules, rates, and tariffs)) recommended by the port district must have been approved in open meetings of the port district ((ten)) thirty or more days after published notice in a newspaper of general circulation and after mailing a copy of the notice to: (i) The utilities and transportation commission for rate and tariff consideration, or (ii) the chair of the board of pilotage commissioners for rules of service consideration. The port district shall release its pilotage budget, including the five year capital spending plan, prior year pilotage financial statement, and the proposed pilotage tariff, no later than thirty days prior to a public hearing. The port district shall receive public comments for thirty days before the port district commission may approve and recommend the pilotage tariff, rates, or rules of service.

(b) The port district must include a charge in its tariff until such time as the pilot retirement agreement expenses for Grays Harbor pilotage district pilots employed prior to October 1, 2001, are no longer owed. The port district shall determine the charge owed as pilot retirement agreement expenses. The charge must be sufficient to cover costs associated with the pilot retirement

agreement expenses for Grays Harbor pilots employed prior to October 1, 2001. The revenue collected from the charge must be deposited into an account maintained by the port district solely for the pilot retirement agreement expenses of the Grays Harbor pilots employed prior to October 1, 2001. Under no circumstances shall the port district be obligated to fund or pay for any portion of the retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001.

(6) A pilot providing pilotage services under this section must comply with all requirements of the pilotage act, chapter 88.16 RCW, and all rules adopted thereunder.

Sec. 3. RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

~~(e) ((Annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in~~

~~direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots)) Provide assistance to the utilities and transportation commission, as requested by the utilities and transportation commission, in its performance of pilotage tariff setting functions under sections 7 through 12 of this act;~~

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the

district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

Sec. 4. RCW 88.16.070 and 2017 c 88 s 1 are each amended to read as follows:

Every vessel not exempt under this section that operates in the waters of the Puget Sound pilotage district or Grays Harbor pilotage district is subject to compulsory pilotage under this chapter.

(1) A United States vessel on a voyage in which it is operating exclusively on its coastwise endorsement, its fishery endorsement (including catching and processing its own catch outside United States waters and economic zone for delivery in the United States), and/or its recreational (or pleasure)

endorsement, and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter or established under sections 7 through 12 of this act shall apply.

(2) The board may, upon the written petition of any interested party, and upon notice and opportunity for hearing, grant an exemption from the provisions of this chapter to any vessel that the board finds is (a) a small passenger vessel that is not more than one thousand three hundred gross tons (international), does not exceed two hundred feet in overall length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and is operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or (b) a yacht that is not more than one thousand three hundred gross tons (international) and does not exceed two hundred feet in overall length. Such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. Such petition shall set out the general description of the vessel, the contemplated use of same, the proposed area of operation, and the name and address of the vessel's owner. The board shall annually, or at any other time when in the public interest, review any exemptions granted to this specified class of small vessels to insure that each exempted vessel remains in compliance with the original exemption. The board shall have the authority to revoke such exemption where there is not continued compliance with the requirements for exemption. The board shall maintain a file which shall include all petitions for exemption, a roster of vessels granted exemption, and the board's written decisions which shall set forth the findings for grants of exemption. Each applicant for exemption

or annual renewal shall pay a fee, payable to the pilotage account. Fees for initial applications and for renewals shall be established by rule, and shall not exceed one thousand five hundred dollars. The board shall report annually to the legislature on such exemptions.

(3) Every vessel not exempt under subsection (1) or (2) of this section shall, while navigating the Puget Sound and Grays Harbor pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter or under sections 7 through 12 of this act: PROVIDED, That any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

Sec. 5. RCW 88.16.120 and 1987 c 485 s 4 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any

greater, less or different amount, directly or indirectly, than the rates or charges herein established or (~~which may be hereafter fixed~~) subsequently established by the utilities and transportation commission under sections 7 through 12 of this act and by the board (~~pursuant to~~) under this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 6. RCW 88.16.130 and 2013 c 23 s 533 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates (~~payable under the provisions of this chapter~~) established by the utilities and transportation commission under sections 7 through 12 of this act. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he or she is so convicted until said fine and the costs of his or her prosecution are paid.

NEW SECTION. Sec. 7. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of pilotage commissioners.

(2) "Commission" means the utilities and transportation commission.

(3) "Person with a substantial interest" means: (a) A pilot or group of pilots licensed under chapter 88.16 RCW; (b) a vessel operator or other person utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing such vessel operators or persons; and (c) any other person or business that can show that the requested tariff changes would be likely

to have a substantial economic impact on its operations.

NEW SECTION. Sec. 8. (1) The commission shall establish in tariffs the rates for pilotage services provided under chapter 88.16 RCW.

(2) The commission shall maintain a list of persons who have indicated to the commission a desire to be notified of any potential change in pilotage tariffs and in any proposed rules regarding the setting of pilotage tariffs.

(3) The commission shall ensure that the tariffs provide rates that are fair, just, reasonable, and sufficient for the provision of pilotage services.

(4) In setting tariffs, the commission may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board. In setting tariffs, the commission must include a tariff surcharge to fund the stipend the board of pilotage commissioners is authorized to pay to pilot trainees and to use in its pilot training program under RCW 88.16.035. As an element of the Puget Sound pilotage district tariff, the commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(5) In exercising duties under this section, the commission may:

(a) Request assistance from the board;

(b) Assign an administrative law judge to handle the proceeding and prepare an initial order, which the commission may review pursuant to RCW 34.05.464, or assign an administrative law judge as a facilitator for settlement purposes; and

(c) Adopt rules or issue orders to implement the provisions of this act.

NEW SECTION. Sec. 9. (1) Any person with a substantial interest may file with the commission a revised tariff with an effective date no earlier than thirty days from the date of filing and no earlier than one year following the

effective date the tariffs in effect at the time of filing were established.

(2) The proposed tariff must be accompanied by:

(a) The names and contact information of the person or persons requesting the tariff revision;

(b) A description of why the existing tariffs are not fair, just, reasonable, and sufficient, along with financial information to demonstrate a need for the tariff revision and information addressing the criteria for approval of tariff revisions set forth in section 8(3) of this act;

(c) If the petitioner proposes a tariff with an annual or periodic adjustment mechanism, information justifying such a mechanism; and

(d) Any other information required by the commission by rule or by order.

(3) After receipt of a proper petition, the commission shall give notice of the petition to interested persons that have stated a desire to be notified pursuant to section 8(2) of this act. Any person with a substantial interest in the proposed tariff revision may submit comments in support or opposition of the petition within twenty days of the notice.

(4) The filed tariff shall take effect on its stated effective date unless, within thirty days of filing of the tariff, the commission suspends it. The commission may suspend the tariff for a period not exceeding ten months from the time the change would otherwise go into effect. During that time, the commission may set the matter for a hearing pursuant to chapter 34.05 RCW or set the matter for consideration at a subsequent open public meeting.

(5) The burden of proof to show that the tariff rates are not fair, just, reasonable, and sufficient is upon the person with a substantial interest that files the revised tariff.

NEW SECTION. Sec. 10. The commission shall encourage alternative forms of dispute resolution to resolve disputes between an association or group of pilots and any other person regarding matters covered by this chapter.

NEW SECTION. Sec. 11. The tariffs established by the board prior to the effective date of this section shall

remain in effect and be deemed pilotage tariffs set by the commission until such time as they are changed by the commission pursuant to this chapter.

NEW SECTION. Sec. 12. The commission may include as part of the tariff for pilotage services provided under chapter 88.16 RCW reasonable costs for the setting of tariff rates under this chapter. The costs of the commission included as part of the tariff must be appropriated from the pilotage account in RCW 88.16.061.

Sec. 13. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

~~((The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".))~~

The pilotage account is ~~((hereby redesignated as a nonappropriated account, and is therefore))~~ created in the ~~((custody of the))~~ state ~~((treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account))~~ treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter ~~((Only the board or the board's designee may authorize expenditures from the account))~~ and by the utilities and transportation commission for purposes related to pilotage tariff rate setting. The account is subject to allotment procedures under chapter 43.88 RCW ~~((but an appropriation is not required for expenditures)).~~

NEW SECTION. Sec. 14. Sections 7 through 12 of this act constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 15. To ensure that this act is implemented in a timely manner, the utilities and transportation commission may adopt rules under section 8 of this act prior to July 1, 2019, and may accept tariff filings from a person with a substantial interest beginning thirty days after the effective date of these adopted rules. The utilities and transportation commission must suspend a tariff filing made before July 1, 2019, within thirty days of receipt of the filing. Any tariff filings made under this section may not take effect until after June 30, 2019.

NEW SECTION. Sec. 16. Except for section 15 of this act, this act takes effect July 1, 2019."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 21, 2018

ESSB 6550 Prime Sponsor, Committee on Human Services & Corrections: Concerning diversion of juvenile offenses. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Frame; Goodman; Kilduff; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading.

2nd SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 22, 2018

SSB 5064 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning freedom of expression rights of students at public schools and institutions of higher education. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First Amendment to the United States Constitution and by Article

I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to encourage students to become educated, informed, and responsible members of society.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

- (a) Is libelous or slanderous;
- (b) Is an unwarranted invasion of privacy;
- (c) Violates federal or state laws, rules, or regulations;
- (d) Incites students to violate federal or state laws, rules, or regulations;
- (e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;
- (f) Inciting of students so as to create a clear and present danger of:

(i) The commission of unlawful acts on school premises;

(ii) The violation of lawful school district policy or procedure; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Students at institutions of higher education have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities, or are produced in conjunction with a class. All school-sponsored media produced primarily by students at an institution of higher education are public forums for expression by the student journalists and student editors at the particular institution. Student media, whether school-sponsored or nonschool sponsored, are not subject to mandatory prior review by school officials.

(2) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected free expression rights of student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

- (a) Is libelous or slanderous;
- (b) Constitutes an unwarranted invasion of privacy;
- (c) Violates the federal communications act or any rule or regulation of the federal communications commission; or
- (d) So incites students as to create a clear and present danger of:
 - (i) The commission of unlawful acts on school premises;
 - (ii) The violation of lawful school regulations, policies, or procedures; or
 - (iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and

not on undifferentiated fear or apprehension.

(4) Any student enrolled in an institution of higher education may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for a violation of subsection (1) of this section by the institution of higher education. Upon a motion, a court may award reasonable attorneys' fees to a prevailing plaintiff in a civil action brought under this section.

(5) Expression made by students in school-sponsored media is not the expression of school policy. Neither a school official nor the governing board of any institution of higher education may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media unless school officials or the governing board have interfered with or altered the content of the student expression.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

- (a) Is libelous or slanderous;
- (b) Is an unwarranted invasion of privacy;
- (c) Violates federal or state laws, rules, or regulations;
- (d) Incites students to violate federal or state laws, rules, or regulations;
- (e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;
- (f) Inciting of students so as to create a clear and present danger of:
 - (i) The commission of unlawful acts on school premises;
 - (ii) The violation of lawful school district policy or procedure; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Students at institutions of higher education have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities, or are produced in conjunction with a class. All school-sponsored media produced primarily by students at an institution of higher education are public forums for expression by the student journalists and student editors at the particular institution. Student media, whether school-sponsored or nonschool sponsored, are not subject to mandatory prior review by school officials.

(2) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected free expression rights of student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

- (a) Is libelous or slanderous;
- (b) Constitutes an unwarranted invasion of privacy;
- (c) Violates the federal communications act or any rule or regulation of the federal communications commission; or
- (d) So incites students as to create a clear and present danger of:
 - (i) The commission of unlawful acts on school premises;
 - (ii) The violation of lawful school regulations, policies, or procedures; or
 - (iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and

not on undifferentiated fear or apprehension.

(4) Any student enrolled in an institution of higher education may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for a violation of subsection (1) of this section by the institution of higher education. Upon a motion, a court may award reasonable attorneys' fees to a prevailing plaintiff in a civil action brought under this section.

(5) Expression made by students in school-sponsored media is not the expression of school policy. Neither a school official nor the governing board of any institution of higher education may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media unless school officials or the governing board have interfered with or altered the content of the student expression.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Graves, Ranking Minority Member; Haler; Klippert; Muri; Rodne and Shea.

Referred to Committee on Rules for second reading.

February 22, 2018

ESSB 5143 Prime Sponsor, Committee on Ways & Means: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2016 c 217 s 1 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference contained in this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to encourage and expand the ability of nonprofit low-income housing developers to provide homeownership opportunities for low-income households. It is the legislature's intent to exempt from taxation real property owned by a nonprofit entity for the purpose of building residences to be sold, or, in the case of land, to be leased for life or ninety-nine years, to low-income households in order to enhance the ability of nonprofit low-income housing developers to purchase and hold land for future affordable housing development.

(4)(a) To measure the effectiveness of the tax preference provided in section 2

of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two years prior to the expiration of the tax preference: (i) The annual growth in the percentage of revenues dedicated to the development of affordable housing, for each nonprofit claiming the preference, for the period that the preference has been claimed; and (ii) the annual changes in both the total number of parcels qualifying for the exemption and the total number of parcels for which owner occupancy notifications have been submitted to the department of revenue, from June 9, 2016, through the most recent year of available data prior to the committee's review.

(b) If the review by the joint legislative audit and review committee finds that for most of the nonprofits claiming the exemption, program spending, program expenses, or another ratio representing the percentage of the nonprofit entity's revenues dedicated to the development of affordable housing has increased for the period during which the exemption was claimed, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Owner occupancy notices reported to the department of revenue under section 2 of this act;

(c) Annual financial statements for a nonprofit entity claiming this tax preference, as defined in section 2 of this act, and provided by nonprofit entities claiming this preference; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

Sec. 2. RCW 84.36.049 and 2016 c 217 s 2 are each amended to read as follows:

(1) All real property owned by a nonprofit entity for the purpose of developing or redeveloping on the real property one or more residences to be sold to low-income households including land to be leased as provided in

subsection (8) (d) (ii) of this section, is exempt from state and local property taxes.

(2) The exemption provided in this section expires on or at the earlier of:

(a) The date on which the nonprofit entity transfers title to the (~~real property~~) single-family dwelling unit;

(b) The date on which the nonprofit entity executes a lease of land described in subsection (8) (d) (ii) of this section;

(c) The end of the seventh consecutive property tax year for which the property is granted an exemption under this section or, if the nonprofit entity has claimed an extension under subsection (3) of this section, the end of the tenth consecutive property tax year for which the property is granted an exemption under this section; or

~~((e))~~ (d) The property is no longer held for the purpose for which the exemption was granted.

(3) If the nonprofit entity believes that title to the (~~real property~~) single-family dwelling unit will not be transferred by the end of the sixth consecutive property tax year, the nonprofit entity may claim a three-year extension of the exemption period by:

(a) Filing a notice of extension with the department on or before March 31st of the sixth consecutive property tax year; and

(b) Providing a filing fee equal to the greater of two hundred dollars or one-tenth of one percent of the real market value of the property as of the most recent assessment date with the notice of extension. The filing fee must be deposited into the state general fund.

(4) (a) If the nonprofit entity has not transferred title to the (~~real property~~) single-family dwelling unit to a low-income household within the applicable period described in subsection (2) (c) of this section, or if the nonprofit entity has converted the property to a purpose other than the purpose for which the exemption was granted, the property is disqualified from the exemption.

(b) Upon disqualification, the county treasurer must collect an additional tax equal to all taxes that would have been paid on the property but for the existence of the exemption, plus interest

at the same rate and computed in the same way as that upon delinquent property taxes.

(c) The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes and interest are due in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax and interest is a lien on the property. The lien for additional tax and interest has priority to and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. If a nonprofit entity sells or transfers real property subject to a lien for additional taxes under this subsection, such unpaid additional taxes must be paid by the nonprofit entity at the time of sale or transfer. The county auditor may not accept an instrument of conveyance unless the additional tax has been paid. The nonprofit entity or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(5) Nonprofit entities receiving an exemption under this section must immediately notify the department when the exempt real property becomes occupied. The notice of occupancy made to the department must include a certification by the nonprofit entity that the occupants are a low-income household and a date when the title to the (~~real property~~) single-family dwelling unit was or is anticipated to be transferred. The department of revenue must make the notices of occupancy available to the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference in this section.

(6) Upon cessation of the exemption, the value of new construction and improvements to the property, not previously considered as new construction, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW. The assessed value of the property as it was valued prior to the beginning of the exemption may not be considered as new

construction upon cessation of the exemption.

(7) Nonprofit entities receiving an exemption under this section must provide annual financial statements to the joint legislative audit and review committee, upon request by the committee, for the years that the exemption has been claimed. The nonprofit entity must identify the line or lines on the financial statements that comprise the percentage of revenues dedicated to the development of affordable housing.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Financial statements" means an audited annual financial statement and a completed United States treasury internal revenue service return form 990 for organizations exempt from income tax.

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the property is located.

(c) "Nonprofit entity" means a nonprofit as defined in RCW 84.36.800 that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c) (3) of the federal internal revenue code of 1986, as amended.

(d) "Residence" means:

(i) A single-family dwelling unit whether such unit be separate or part of a multiunit dwelling (~~, including the land on which such dwelling stands~~); and

(ii) The land on which a dwelling unit described in (d)(i) of this subsection (8) stands, whether to be sold, or to be leased for life or ninety-nine years, to the low-income household owning such dwelling unit.

(9) The department may not accept applications for the initial exemption in this section after December 31, 2027. The exemption in this section may not be approved for and does not apply to taxes due in 2038 and thereafter.

(10) This section expires January 1, 2038.

NEW SECTION. Sec. 3. This act applies to taxes levied for collection in 2019 and thereafter."

Correct the title.

Signed by Representatives Lytton, Chair; Frame, Vice Chair; Orcutt, Ranking Minority Member; Condotta; Dolan; Nealey; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 5213 Prime Sponsor, Senator Wilson: Concerning the award of fees for limited license legal technicians in certain domestic violence cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

ESB 5288 Prime Sponsor, Senator Hunt: Authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey and Stokesbary.

Referred to Committee on Rules for second reading.

February 22, 2018

ESSB 5307 Prime Sponsor, Committee on Human Services & Corrections: Creating alternatives to total confinement for certain qualifying offenders with minor children. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2016 c 81 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang

and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial

obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) (~~"Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.~~

~~(33))~~ "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v) (i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1) (c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1) (c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((34))~~ (33) "Nonviolent offense" means an offense which is not a violent offense.

~~((35))~~ (34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant

to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

((~~36~~)) (35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

((~~37~~)) (36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

((~~38~~)) (37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection,

been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b) (i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (~~(+38)~~) (37) (b) (i); and

(ii) Has, before the commission of the offense under (b) (i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b) (i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b) (i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b) (i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b) (i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~(+39)~~ (38) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the

relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

~~(+40)~~ (39) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~(+41)~~ (40) "Public school" has the same meaning as in RCW 28A.150.010.

~~(+42)~~ (41) "Repetitive domestic violence offense" means any:

(a) (i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as

a repetitive domestic violence offense under (a) of this subsection.

~~((43))~~ (42) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((44))~~ (43) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((45))~~ (44) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((46))~~ (45) "Serious violent offense" is a subcategory of violent offense and means:

- (a) (i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((47))~~ (46) "Sex offense" means:

(a) (i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((48))~~ (47) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((49))~~ (48) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((50))~~ (49) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((51))~~ (50) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((52))~~ (51) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government

for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((53))~~ (52) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((54))~~ (53) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((55))~~ (54) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((56))~~ (55) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((57))~~ (56) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((58))~~ (57) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 2. RCW 9.94A.655 and 2010 c 224 s 2 are each amended to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) (i) The current conviction is not a violent offense, and the offender has no prior or current conviction for a felony that is a sex offense; or

(ii) Where the current conviction is a violent offense, the current offense is not a class A felony, the offender is assessed at a low risk to reoffend, and the offender has no prior or current conviction of a felony that is a sex offense;

(c) The offender is a lawful resident of the United States and has not been found by the United States attorney general to be subject to a deportation detainer or order ~~((and does not become subject to a deportation order during the period of the sentence))~~;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender:

(i) Has physical or legal custody of his or her biological or adopted minor child ~~((or))~~;

(ii) Is a legal guardian or custodian ~~((with physical custody of a child under the age of eighteen))~~ of a minor child;

(iii) Is an expectant parent; or

(iv) Is a biological parent, adoptive parent, or stepparent, who has a proven, established, ongoing, and substantial relationship with the minor child that existed at the time of the current offense.

(2) To assist the court in making its determination, the court may order the department to complete ~~((either))~~ a risk assessment report, family impact statement, or a chemical dependency screening report as provided in RCW 9.94A.500, ~~((or both reports))~~ prior to sentencing.

(3) If the court is considering this alternative, the court shall request that the department contact the ~~((children's administration of the Washington state))~~ department of ~~((social and health services))~~ children, youth, and families to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case, the department will provide the release of information waiver and request that the ~~((children's administration))~~ department of children, youth, and families or the tribal child welfare agency provide a report to the court. The ~~((children's administration))~~ department of children, youth, and families shall provide a report within seven business days of the request that includes, at the minimum, the following:

(i) Legal status of the child welfare case;

(ii) Length of time the ~~((children's administration))~~ department of children,

youth, and families has been involved with the offender;

(iii) Legal status of the case and permanent plan;

(iv) Any special needs of the child;

(v) Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and

(vi) If the offender has been convicted of a crime against a child.

(b) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what is required for the report provided by the ~~((children's administration))~~ department of children, youth, and families in a timely manner.

(c) If the offender does not have an open child welfare case with the ~~((children's administration))~~ department of children, youth, and families or with a tribal child welfare agency but has prior involvement, the department will obtain information from the children's administration on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the ~~((children's administration))~~ department of children, youth, and families has never had any substantiated referrals or an open case with the offender, the department will inform the court.

(d) The existence of pending dependency proceedings or other evidence of involvement with a child welfare agency does not, in and of itself, disqualify the offender from applying or participating in the parenting alternative program.

(4) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate.

(5) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

- (i) Parenting classes;
- (ii) Chemical dependency treatment;
- (iii) Mental health treatment;
- (iv) Vocational training;
- (v) Offender change programs;
- (vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

(6) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the ~~((children's administration))~~ department of children, youth, and families.

(7)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served in confinement under this section.

(8) For the purposes of this section, the following definitions apply:

(a) "Expectant parent" means a pregnant or other biological parent awaiting the birth of his or her child or an adoptive parent in the process of a final adoption.

(b) "Minor child" means a child under the age of eighteen at the time of the offender's current offense.

Sec. 3. RCW 9.94A.6551 and 2010 c 224 s 8 are each amended to read as follows:

For offenders not sentenced under RCW 9.94A.655, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) (i) The offender has no current conviction for a felony that is a sex offense or a violent offense; or

(ii) Where the current conviction is a violent offense, the current offense is not a class A felony or a sex offense, and the offender is assessed at a low risk to reoffend;

(c) The offender is a lawful resident of the United States and has not been found by the United States attorney general to be subject to a deportation detainer or order ((and does not become subject to a deportation order during the period of the sentence));

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

(e) The offender:

(i) Has physical or legal custody of ((a) his or her biological or adopted minor child;

(ii) Is a biological or adoptive parent or stepparent, who has a proven, established, ongoing, and substantial relationship with ((his or her)) the minor child that existed ((prior to the

~~commission)) at the time of the current offense; ((or))~~

(iii) Is a legal guardian or custodian of a minor child ~~((that was under the age of eighteen at the time of the current offense))~~; or

(iv) Is an expectant parent; and

(f) The department determines that such a placement is in the best interests of the child.

(2) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the individual and the ~~((children's administration with the Washington state department of social and health services))~~ department of children, youth, and families whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender. If the ~~((children's administration))~~ department of children, youth, and families or a tribal jurisdiction has an open child welfare case, the department will seek input from the ~~((children's administration))~~ department of children, youth, and families or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the offender and services required of the department and the court governing the individual's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(3) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.

(4) While in the community on home detention as part of the parenting program, the department shall:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department determines is needed;

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial

confinement and programming requirements; and

(d) If the offender has an open child welfare case with the ~~((children's administration))~~ department of children, youth, and families, collaborate and communicate with the identified social worker in the provision of services.

(5) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.

(6) For the purposes of this section, the following definitions apply:

(a) "Expectant parent" means a pregnant or other biological parent awaiting the birth of his or her child or an adoptive parent in the process of a final adoption.

(b) "Minor child" means a child under the age of eighteen at the time of the offender's current offense.

NEW SECTION. Sec. 4. The department of corrections must assist courts in determining whether an offender applying for the parenting sentencing alternative under RCW 9.94A.655 who has a current conviction for a felony that is a sex offense or a violent offense may be assessed at low risk to offend using the most current instrument available capable of yielding this determination, which may include a risk instrument in use prior to December 15, 2017."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Appleton; Chapman; Orwall and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Griffey; Holy and Van Werven.

Referred to Committee on Appropriations.

February 23, 2018

ESSB 5397

Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Concerning disclosure in initiatives, referenda, and recall petitions. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Johnson and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representatives Irwin and McDonald.

MINORITY recommendation: Without recommendation. Signed by Representative Kraft, Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 23, 2018

SB 5525 Prime Sponsor, Senator Wilson: Concerning veterans' mental health services at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

The department of veteran affairs shall consult with an entity within the University of Washington school of social work that has expertise in suicide prevention to gather data on the number of veterans attending each four-year institution of higher education and the mental health resources available to those veterans in order to identify gaps in mental health services for veterans at each of the four-year institutions of higher education. Based on the data and identified gaps, the department of veterans affairs shall coordinate with the state universities, regional universities, and the state college to ensure each institution has a licensed mental health counselor with training in posttraumatic stress disorder available to work exclusively with student, faculty, and staff veterans, as well as their spouses and dependents, through each institution's veteran resource center. The licensed mental health counselor may be employed by the institution and receive training in posttraumatic stress disorder from the department of veterans affairs or may be a counselor contracted through the department of veterans affairs. The department of veterans affairs shall leverage private, local, and federal

dollars when possible to implement this section."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

February 22, 2018

SB 5598 Prime Sponsor, Senator Pedersen: Granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Parent" means a legal parent whose rights have not been terminated, relinquished, or declared not to exist.

"(2) (a) "Relative" means:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the biological and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), or (iii) of this subsection, of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of an Indian child's tribe or, in the absence of such

law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(b) "Relative" does not include a person whose parental rights have been terminated, relinquished, or determined not to exist with respect to a child who is the subject of a petition under this chapter.

NEW SECTION. Sec. 2. (1) A person who is not the parent of the child may petition for visitation with the child if:

(a) The petitioner has an ongoing and substantial relationship with the child;

(b) The petitioner is a relative of the child or a parent of the child; and

(c) The child is likely to suffer harm or a substantial risk of harm if visitation is denied.

(2) A person has established an ongoing and substantial relationship with a child if the person and the child have had a relationship formed and sustained through interaction, companionship, and mutuality of interest and affection, without expectation of financial compensation, with substantial continuity for at least two years unless the child is under the age of two years, in which case there must be substantial continuity for at least half of the child's life, and with a shared expectation of and desire for an ongoing relationship.

NEW SECTION. Sec. 3. (1) If a court has jurisdiction over the child pursuant to chapter 26.27 RCW, a petition for visitation under section 2 of this act must be filed with that court.

(2) Except as otherwise provided in subsection (1) of this section, if a court has exclusive original jurisdiction over the child under RCW 13.04.030(1) (a) through (d), (h), or (j), a petition for visitation under section 2 of this act must be filed with that court. Granting of a petition for visitation under this chapter does not entitle the petitioner to party status in a child custody proceeding under Title 13 RCW.

(3) Except as otherwise provided in subsections (1) and (2) of this section, a petition for visitation under section 2 of this act must be filed in the county where the child primarily resides.

(4) The petitioner may not file a petition for visitation more than once.

(5) The petitioner must file with the petition an affidavit alleging that:

(a) A relationship with the child that satisfies the requirements of section 2 of this act exists or existed before action by the respondent; and

(b) The child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and child was not granted.

(6) The petitioner shall set forth facts in the affidavit supporting the petitioner's requested order for visitation.

(7) The petitioner shall serve notice of the filing to each person having legal custody of, or court-ordered residential time with, the child. A person having legal custody or residential time with the child may file an opposing affidavit.

(8) If, based on the petition and affidavits, the court finds that it is more likely than not that visitation will be granted, the court shall hold a hearing.

(9) The court may not enter any temporary orders to establish, enforce, or modify visitation under this section.

NEW SECTION. Sec. 4. (1)(a) At a hearing pursuant to section 3(8) of this act, the court shall enter an order granting visitation if it finds that the child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and the child is not granted and that granting visitation between the child and the petitioner is in the best interest of the child.

(b) An order granting visitation does not confer upon the petitioner the rights and duties of a parent.

(2) In making its determination, the court shall consider the respondent's reasons for denying visitation. It is presumed that a fit parent's decision to deny visitation is in the best interest of the child and does not create a likelihood of harm or a substantial risk of harm to the child.

(3) To rebut the presumption in subsection (2) of this section, the petitioner must prove by clear and convincing evidence that the child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and the child were not granted.

(4) If the court finds that the petitioner has met the standard for rebutting the presumption in subsection (2) of this section, or if there is no presumption because no parent has custody of the child, the court shall consider whether it is in the best interest of the child to enter an order granting visitation. The petitioner must prove by clear and convincing evidence that visitation is in the child's best interest. In determining whether it is in the best interest of the child, the court shall consider the following, nonexclusive factors:

(a) The love, affection, and strength of the current relationship between the child and the petitioner and how the relationship is beneficial to the child;

(b) The length and quality of the prior relationship between the child and the petitioner before the respondent denied visitation, including the role performed by the petitioner and the emotional ties that existed between the child and the petitioner;

(c) The relationship between the petitioner and the respondent;

(d) The love, affection, and strength of the current relationship between the child and the respondent;

(e) The nature and reason for the respondent's objection to granting the petitioner visitation;

(f) The effect that granting visitation will have on the relationship between the child and the respondent;

(g) The residential time-sharing arrangements between the parties having residential time with the child;

(h) The good faith of the petitioner and respondent;

(i) Any history of physical, emotional, or sexual abuse or neglect by the petitioner, or any history of physical, emotional, or sexual abuse or neglect by a person residing with the petitioner if visitation would involve

contact between the child and the person with such history;

(j) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(k) Any other factor relevant to the child's best interest; and

(l) The fact that the respondent has not lost his or her parental rights by being adjudicated as an unfit parent.

NEW SECTION. Sec. 5. (1)(a) For the purposes of sections 2 through 4 of this act, the court shall, on motion of the respondent, order the petitioner to pay a reasonable amount for costs and reasonable attorneys' fees to the respondent in advance and prior to any hearing, unless the court finds, considering the financial resources of all parties, that it would be unjust to do so.

(b) Regardless of the financial resources of the parties, if the court finds that a petition for visitation was brought in bad faith or without reasonable basis in light of the requirements of sections 2 through 4 of this act, the court shall order the petitioner to pay a reasonable amount for costs and reasonable attorneys' fees to the respondent.

(2) If visitation is granted, the court shall order the petitioner to pay all transportation costs associated with visitation.

NEW SECTION. Sec. 6. (1) A court may not modify or terminate an order granting visitation under section 4 of this act unless it finds, on the basis of facts that have arisen since the entry of the order or were unknown to the court at the time it entered the order, that a substantial change of circumstances has occurred in the circumstances of the child or nonmoving party and that modification or termination of the order is necessary for the best interest of the child.

(2)(a) If a court has jurisdiction over the child pursuant to chapter 26.27 RCW, a petition for modification or termination under this section must be filed with that court.

(b) Except as otherwise provided in (a) of this subsection, if a court has exclusive original jurisdiction over the child under RCW 13.04.030(1) (a) through (d), (h), or (j), a petition for

modification or termination under this section must be filed with that court.

(c) Except as otherwise provided in (a) or (b) of this subsection, a petition for modification or termination under this section must be filed in the county where the child primarily resides.

(3) The petitioner must file with the petition an affidavit alleging that, on the basis of facts that have arisen since the entry of the order or were unknown to the court at the time it entered the order, there is a substantial change of circumstances of the child or nonmoving party and that modification or termination of the order is necessary for the best interest of the child. The petitioner shall set forth facts in the affidavit supporting the petitioner's requested order.

(4) The petitioner shall serve notice of the petition to each person having legal custody of, or court-ordered residential time or court-ordered visitation with, the child. A person having legal custody or residential or visitation time with the child may file an opposing affidavit.

(5) If, based on the petition and affidavits, the court finds that it is more likely than not that a modification or termination will be granted, the court shall hold a hearing.

(6) The court may award reasonable attorneys' fees and costs to either party.

Sec. 7. RCW 26.10.160 and 2011 c 89 s 7 are each amended to read as follows:

(1) A parent not granted custody of the child is entitled to reasonable visitation rights except as provided in subsection (2) of this section.

(2)(a) Visitation with the child shall be limited if it is found that the parent seeking visitation has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(~~((1))~~) (3) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's visitation with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(~~((1))~~) (3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises visitation in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense

analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting visitation, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting visitation, (A) contact

between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have visitation with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the

supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have visitation with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such visitation. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised visitation has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of visitation between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex

offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised visitation has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of visitation between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting visitation. If the court expressly finds based on the evidence

that limitations on visitation with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting visitation, the court shall restrain the person seeking visitation from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits visitation under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the

court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

~~(3) ((Any person may petition the court for visitation rights at any time including, but not limited to, custody proceedings. The court may order visitation rights for any person when visitation may serve the best interest of the child whether or not there has been any change of circumstances.~~

~~(4))~~ The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Modification of a parent's visitation rights shall be subject to the requirements of subsection (2) of this section.

~~((5))~~ (4) For the purposes of this section:

(a) "A parent's child" means that parent's natural child, adopted child, or stepchild; and

(b) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

NEW SECTION. Sec. 8. RCW 26.09.240 (Visitation rights—Person other than parent—Grandparents' visitation rights) and 1996 c 177 s 1, 1989 c 375 s 13, 1987 c 460 s 18, 1977 ex.s. c 271 s 1, & 1973 1st ex.s. c 157 s 24 are each repealed.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 26 RCW."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Muri; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Kirby; Klippert; Rodne and Shea.

Referred to Committee on Appropriations.

February 22, 2018

2SSB 5610 Prime Sponsor, Committee on Ways & Means: Concerning the sentencing of persons under the age of twenty-one years at the time of the commission of a crime. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least

twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the

portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of

conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony

offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15) Regardless of the provisions of this section, if an offender is being sentenced in adult court for a crime committed as a minor, the court has complete discretion to impose a sentence below the standard range and to reduce any applicable sentencing enhancement under this section based on a consideration of mitigating circumstances associated with youth. For the purposes of this

subsection, "minor" means a person under the age of eighteen years.

Sec. 2. RCW 9.94A.535 and 2016 c 6 s 2 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a

complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The defendant was making a good faith effort to obtain or provide medical assistance for someone who is experiencing a drug-related overdose.

(j) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(k) The defendant was convicted of vehicular homicide, by the operation of a vehicle in a reckless manner and has committed no other previous serious traffic offenses as defined in RCW 9.94A.030, and the sentence is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(1) The defendant's age, sophistication, and role in the crime, if the defendant is under adult court jurisdiction for a crime committed as a minor. For the purposes of this subsection, "minor" means a person under the age of eighteen years.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without

a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years

manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z) (i) (A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street

gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

(bb) The current offense involved paying to view, over the internet in violation of RCW 9.68A.075, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

(cc) The offense was intentionally committed because the defendant perceived the victim to be homeless, as defined in RCW 9.94A.030.

(dd) The current offense involved a felony crime against persons, except for assault in the third degree pursuant to RCW 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This subsection shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted in compliance with RCW 2.28.200 at the time of the offense.

(ee) During the commission of the current offense, the defendant was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

February 23, 2018

ESSB 5700 Prime Sponsor, Committee on Health & Long Term Care: Requiring training for long-term care providers on the needs of the LGBTQ population. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 18.88A RCW to read as follows:

Beginning December 31, 2020, the secretary shall require any applicant for certification under RCW 18.88A.085 or 18.88A.087 to have completed inclusiveness and cultural competency training on issues relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population, based upon a curriculum approved by the commission, before issuing a certification.

Sec. 2. RCW 74.39A.074 and 2017 c 216 s 1 are each amended to read as follows:

(1)(a) Except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a), all persons hired as long-term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired.

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy-five hours of entry-level training approved by the department. A long-term care worker must successfully complete five of these seventy-five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy-five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long-term care basic training, including training related to:

(A) Core competencies; (~~and~~)

(B) Population specific competencies, including identification of individuals with potential hearing loss and how to seek assistance if hearing loss is suspected; and

(C) Beginning December 31, 2020, inclusiveness and cultural competency training on issues relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population.

(2) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(3) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(4) The department shall adopt rules to implement this section.

Sec. 3. RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ~~((This requirement applies beginning July 1, 2012.))~~

(2) Of the twelve hours of continuing education training required by subsection (1) of this section, time must be allocated, as established by the department in rule, to provide inclusiveness and cultural competency training on issues relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population as follows:

(a) Long-term care workers, including certified nursing assistants who meet the definition of a long-term care worker, who completed their certification or training requirements before December 31, 2020, must complete the one-time training by their next continuing education due date after December 31, 2020;

(b) Long-term care workers, whether they completed the inclusiveness and cultural competency training on issues related to the LGBTQ population pursuant to section 1 of this act, long-term care

basic training, or as continuing education training under this subsection (2), are not required to take the one-time training again until the department approves changes to the curriculum. If there are approved changes in the curriculum based upon revised department competencies, all long-term care workers must take the new curriculum as set forth in rule.

(3) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

~~((3))~~ (4) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~(c) ((Before January 1, 2016, a long-term care worker employed by a community residential service business;~~

~~(d))~~ A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

~~((e))~~ (d) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

~~((4))~~ (5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; ~~((and))~~

(b) Requires comprehensive instruction by qualified instructors; and

(c) For the one-time training described in subsection (2) of this section, contributes to an evidence and outcome-based approach, and meets the training's learning objectives that will be defined in rule.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) The department of health shall adopt rules to implement subsection (1) of this section.

~~((7))~~ (8) The department shall adopt rules to implement subsections (2) and (3) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.128 RCW to read as follows:

(1) Adult family home providers and resident managers must complete a one-time department-approved inclusiveness and cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form that adult family home providers and resident managers may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Adult family home providers and resident managers of adult family homes that are licensed on the effective date of this section must complete the one-time training by the facility's next license renewal after December 31, 2020;

(b) Adult family home providers and resident managers of adult family homes that are licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Adult family home providers who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, adult family home providers and resident managers are not required to take the training again until the department approves changes to the learning objectives as established in rule. If there are approved changes to the learning objectives, adult family home providers and resident managers must take a new training as set forth in rule.

(3) By July 1, 2019, adult family home providers must have written inclusiveness and cultural competency policies related to the LGBTQ population. The policies shall be made available in writing to residents and prospective residents, as well as their representatives, to the same extent that

disclosure forms are made available under RCW 70.128.280. Adult family home providers must make the policies available to the department upon request. Adult family home providers must post the policies in accordance with department guidelines. The department shall adopt guidance for adult family home providers that contains elements that must be addressed in inclusiveness and cultural competency policies and instructions for posting the policy.

NEW SECTION. Sec. 5. A new section is added to chapter 18.20 RCW to read as follows:

(1) Assisted living facility licensees or administrators must complete a one-time department-approved inclusiveness and cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form that facility licensees or administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Licensees or administrators of assisted living facilities that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2020;

(b) Licensees or administrators of assisted living facilities that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) After completing the one-time training, assisted living facility licensees or administrators are not required to take the training again until the department approves changes to the learning objectives as established in rule. If there are approved changes to the learning objectives, assisted living facility licensees or administrators must take a new training as set forth in rule.

(3) By July 1, 2019, assisted living facility licensees must have written inclusiveness and cultural competency policies related to the LGBTQ population. The policies shall be made available in

writing to residents and prospective residents, as well as their representatives, to the same extent that disclosure forms are made available under RCW 18.20.300. Assisted living facility licensees must make the policies available to the department upon request. Assisted living facility licensees must post the policies in accordance with department guidelines. The department shall adopt guidance for assisted living facility licensees that contains elements that must be addressed in inclusiveness and cultural competency policies and instructions for posting the policy.

NEW SECTION. **Sec. 6.** A new section is added to chapter 18.51 RCW to read as follows:

(1) Nursing home licensees or administrators must complete a one-time department-approved inclusiveness and cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form that nursing home licensees or administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Licensees or administrators of nursing homes that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2020;

(b) Licensees or administrators of nursing homes that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) After completing the one-time training, nursing home licensees or administrators are not required to take the training again until the department approves changes to the learning objectives as established in rule. If there are approved changes to the learning objectives, all nursing home licensees or administrators must take a new training as set forth in rule.

(3) By July 1, 2019, nursing home licensees must have written inclusiveness and cultural competency policies related to the LGBTQ population.

The policies shall be made available in writing to residents and prospective residents, as well as their representatives, according to department guidance. Nursing home licensees must make the policies available to the department upon request. Nursing home licensees must post the policies in accordance with department guidelines. The department shall adopt guidance for nursing home licensees that contains elements that must be addressed in inclusiveness and cultural competency policies and instructions for posting the policy and making it available."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier; Clibborn; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; DeBolt; Harris; MacEwen; Maycumber and Rodne.

Referred to Committee on Appropriations.

February 23, 2018

SSB 5746

Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Concerning the association of Washington generals. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.15.030 and 2005 c 69 s 1 are each amended to read as follows:

(1) The association of Washington generals is organized as a private, nonprofit, nonpartisan((~~7~~)) corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the association of Washington generals is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state; (~~and~~)

(b) Bring together those individuals to serve the state as ambassadors of

trade, tourism, and international goodwill; and

(c) Expand educational and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The association of Washington generals may conduct activities in support of their mission, including but not limited to:

(a) Establishing selection criteria for selecting Washington generals;

(b) Operating a statewide (~~essay competition~~) study abroad and college readiness fellowship called the Washington world fellows program;

(c) Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and

(d) Promoting Washington generals as ambassadors of the state of Washington.

(4) The association of Washington generals is governed by a board of directors. The board is composed of the governor, lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the association of Washington generals designates.

(5) Members of the board are compensated in accordance with RCW 43.03.220 and are reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The board shall:

(a) Review nominations for and be responsible for the selection of Washington generals; and

(b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington.

~~((5))~~ (7) The lieutenant governor's office may provide technical and financial assistance for the association of Washington generals.

~~((6))~~ (8) The legislature may make appropriations in support of the Washington generals subject to the availability of funds.

(9) The office of the lieutenant governor must post on its web site detailed information on all funds received by the association of Washington

generals and all expenditures by the association of Washington generals.

Sec. 2. RCW 46.68.420 and 2017 c 25 s 3 and 2017 c 11 s 4 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
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4-H programs	Support Washington 4-H programs
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Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
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Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
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Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language
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	or speech development		encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) <u>up to twenty-five percent, to the association of Washington generals, to create equity focused educational opportunities, including the Washington world fellows program</u>
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers		
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents	Seattle Sounders FC	Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of
Music matters awareness	Promote music education in schools throughout Washington		
Seattle Seahawks	Provide funds to InvestED <u>and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) <u>Seventy-five percent, to InvestED, to</u></u>		

	Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington		their families, and others deemed in need
		Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state
		Washington state aviation	Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state
Seattle University	Fund scholarships for students attending or planning to attend Seattle University		
Share the road	Promote bicycle safety and awareness education in communities throughout Washington	<u>Washington state council of firefighters benevolent fund</u>	<u>Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need</u>
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs	Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons	((Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need)
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters,	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible

for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016

Washington's national park fund

Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to

Washington's national parks

We love our pets Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1)."

Correct the title.

Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton; Gregerson; Irwin and Pellicciotti.

MINORITY recommendation: Do not pass. Signed by Representative Johnson.

MINORITY recommendation: Without recommendation. Signed by Representatives Kraft, Ranking Minority Member and McDonald.

Referred to Committee on Transportation.

February 22, 2018

SSB 5766 Prime Sponsor, Committee on Early Learning & K-12 Education: Preventing harassment, intimidation, bullying, and discrimination in public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to address discrimination, harassment, intimidation, and bullying of all students, including protected classes of students, such as transgender students, by:

(1) Building and strengthening a safe, welcoming, open, respectful, and positive school environment and culture in which every student can learn and succeed;

(2) Addressing the root causes of discrimination, harassment, intimidation, and bullying in schools;

(3) Requiring that school district primary contacts for policies and procedures related to transgender students, and antiharassment, intimidation, and bullying track the resolution of formal and informal complaints;

(4) Requiring training of school district employees on policies and procedures related to nondiscrimination; transgender students; and antiharassment, intimidation, and bullying; and

(5) Requiring regular updating of model policies and procedures related to nondiscrimination; transgender students; and antiharassment, intimidation, and bullying.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one

shown to be motivated by any characteristic in RCW 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(A) Physically harms a student or damages the student's property;

(B) Has the effect of substantially interfering with a student's education;

(C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Subsection (b)(i) of this section does not require the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(2)(a) By September 1, 2018, each school district must adopt a policy and procedure that prohibits the harassment, intimidation, or bullying of any student and that, at a minimum, incorporates the model policy and procedure described in subsection (3) of this section. Each school district must update the policy and procedure at least every three years, and within a reasonable time following any substantive changes to the model policy and procedures. School districts are encouraged to adopt and update the policy and procedure through a process that includes representatives of students, students' families, volunteers, school district employees, and community representatives.

(b) School districts must share the antiharassment, intimidation, and bullying policy and procedure with students, students' families, volunteers, and school district employees in accordance with rules adopted by the superintendent of public instruction under this section.

(c) Each school district must designate one administrator in the district as the primary contact regarding the antiharassment, intimidation, and bullying policy and procedure. In addition to other duties required by law and the school district, the primary contact must: Ensure the implementation of the policy and procedure; receive copies of formal and informal harassment, intimidation, or bullying complaints;

communicate with the school district employees responsible for monitoring district compliance with chapter 28A.642 RCW, prohibiting discrimination in public schools, and section 3 of this act, related to transgender student policies and procedure; and serve as the primary contact on the policy and procedure between the school district, the office of the education ombuds, and the office of the superintendent of public instruction.

(d) Beginning July 1, 2019, school districts must collect data on harassment, intimidation, or bullying complaints and actions taken to resolve these complaints and record this information in the statewide student data system, based on the data collection standards established by the office of the superintendent of public instruction and the K-12 data governance group. The information must be made available to the public, but public release of the data may not include personally identifiable information, for example a student's social security number, name, or address.

(e) As required by the superintendent of public instruction, school districts must provide to the office of the superintendent of public instruction district materials related to antiharassment, intimidation, and bullying, for example the policy and procedure, primary contact information, programs, partnerships, vendors, educational materials, training materials, and web site links;

(3) By July 1, 2018, and by July 1st every three years thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop or update a model policy and procedure that prohibits harassment, intimidation, or bullying of any student. The model policy and procedure must, at a minimum, prohibit acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day; and require that materials meant to educate students and students' families about the seriousness of harassment, intimidation, and bullying, including cyberbullying, be disseminated to students' families or maintained on the school district's web site. The procedure may emphasize positive character traits and values, such as the civil and

respectful speech and conduct, and the responsibility of students to comply with the district's policy and procedure. The association must consult with representatives of students, students' families, volunteers, school district employees, and community representatives on the content of the model policy and procedure;

(4) By July 1, 2018, and by July 1st every three years thereafter, the office of the superintendent of public instruction must:

(a) Collaborate with the Washington state school directors' association to develop or update sample materials to educate students and students' families about the seriousness of harassment, intimidation, and bullying, including cyberbullying. These materials must include information on responsible and safe digital technology and media use; the options available to a student who is being bullied via electronic means, such as reporting threats to local law enforcement; and when to involve school officials, or digital technology or media providers in possible incidents of cyberbullying. The office must consult with representatives of students, students' families, volunteers, school district employees, and community representatives on the content of the; and

(b) Adopt, or review previously adopted, rules necessary to implement this section.

(4) The office of the superintendent of public instruction and the Washington state school directors' association shall maintain the model policy and procedure and sample materials developed and updated as required under subsection (3) of this section on the agency's web site at no cost to school districts.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.642 RCW to read as follows:

(1) For the purposes of this section, "transgender" refers to a person whose gender expression or identity differs from what is typically associated with the sex they were assigned at birth. The term "gender expression or identity" has the meaning provided in RCW 49.60.040.

(2)(a) By September 1, 2018, each school district must adopt a transgender student policy and procedure that, at a minimum, incorporates the model policy

and procedure described in subsection (3) of this section. Each school district must update the policy and procedure at least every three years, and within a reasonable time following any substantive changes to the model policy and procedures. School districts are encouraged to adopt and update the policy and procedure through a process that includes representatives of students, students' families, volunteers, school district employees, and community representatives.

(b) School districts must share the transgender student policy and procedure with students, students' families, volunteers, and school district employees in accordance with rules adopted by the superintendent of public instruction under this section.

(c) Each school district must designate one administrator in the district as the primary contact regarding the transgender student policy and procedure. In addition to other duties required by law and the school district, the primary contact must: Ensure the implementation of the policy and procedure; receive copies of formal and informal complaints of violation of the transgender student policy or procedure; communicate with school district employees responsible for monitoring district compliance with this chapter, prohibiting discrimination in public schools, and under section 2 of this act, establishing antiharassment, intimidation, and bullying policies and procedures; and serve as the primary contact on the policy and procedure between the school district, the office of the education ombuds, and the office of the superintendent of public instruction.

(d) As required by the superintendent of public instruction, school districts must provide to the office of the superintendent of public instruction district materials related to transgender students, for example the district's policy and procedure, primary contact information, programs, partnerships, vendors, educational materials, training materials, and web site links.

(3) By July 1, 2018, and by July 1st every three years thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to develop, or update, a

model transgender student policy and procedure. The model policy and procedure must, at a minimum, incorporate the office of the superintendent of public instruction rules and guidelines developed under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression; address the unique challenges and needs faced by transgender students in public schools; and describe the application of the model antiharassment, intimidation, and bullying policy, required under section 2 of this act, to transgender students. The association must consult with representatives of students, students' families, volunteers, school district employees, and community representatives on the content of the model policy and procedure required under this subsection.

(4) By July 1, 2018, and by July 1st every three years thereafter, the office of the superintendent of public instruction must adopt, or review previously adopted, rules necessary to implement this section.

(5) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure developed and updated as required under subsection (3) of this section on the agency's web site at no cost to school districts.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.415 RCW to read as follows:

(1)(a) By September 1, 2018, the office of the superintendent of public instruction must maintain a training program to support the implementation of school district policies and procedures prohibiting discrimination, harassment, intimidation, and bullying on the agency's web site at no cost to school districts. The training program must incorporate or adopt existing training or curricula related to discrimination, harassment, intimidation, or bullying of students. The training program must, at a minimum: Be based on the model policies and procedures described under sections 2 and 3 of this act; cover the rules and guidelines developed by the superintendent of public instruction under RCW 28A.642.020 to eliminate discrimination in Washington public schools; describe the role of school district primary contacts for monitoring

district compliance with chapter 28A.642 RCW prohibiting discrimination in public schools, section 2 of this act related to antiharassment, intimidation, and bullying policies and procedures, and section 3 of this act related to transgender student policies and procedures; review example scenarios as appropriate; and include best practices for: Building and strengthening a safe, welcoming, open, respectful, and positive school environment and culture; addressing the root causes of discrimination, harassment, intimidation, and bullying in schools; and requiring prompt reporting and resolution of harassment, intimidation, and bullying events and discriminatory actions.

(b) The training program required under this subsection (1) must be developed, and updated every three years, in collaboration with the Washington state school directors' association, educators, the educational opportunity gap oversight and accountability committee, representatives from diverse communities, and community-based organizations that have an expertise in safe schools.

(2) A school district must provide the training program described under subsection (1) of this section to all school district employees annually. The training program may be combined with other employee trainings.

NEW SECTION. **Sec. 5.** The office of the superintendent of public instruction, in collaboration with other agencies as appropriate, must review and align the questions in the healthy youth survey with the model transgender student policy and procedure, developed under section 3 of this act, each time that these questions are reviewed by the agencies."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Bergquist; Kilduff; Lovick; Ortiz-Self; Senn; Slatter and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Calder; Hargrove; Johnson; McCaslin; Steele and Stokesbary.

Referred to Committee on Rules for second reading.

February 23, 2018

ESB 5917

Prime Sponsor, Senator Mullet: Requiring a systemwide credit policy regarding international baccalaureate exams. (REVISED FOR ENGROSSED: Requiring a systemwide credit policy regarding international baccalaureate and Cambridge international exams.) Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that international baccalaureate and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have successfully completed international baccalaureate and Cambridge international exams and clearly communicate credit awarding policies and course equivalencies to students. This policy is intended to be similar to the credit policy adopted during the 2017 legislative session for AP examinations. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for international baccalaureate exam scores and Cambridge international exam grades.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The institutions of higher education must establish coordinated evidence-based policies for granting as many undergraduate college credits as possible and appropriate for general education requirements or the equivalent to students who have successfully completed international baccalaureate (IB) or Cambridge international courses and demonstrated mastery of college-level curriculum, as shown by the students' examination scores or grades for those programs. The institutions shall take into account the evidence for student success and the relevance of the

IB or Cambridge international curriculum and test scores or grades in consideration of granting college credit or waiving course requirements, with appropriate consideration of the institutions' degree distribution requirements or curriculum for specific degree programs. Policies may consider, for example:

(a) Whether a four on a standard-level or higher-level IB examination and whether a grade of E on a Cambridge international examination indicates that the student has mastered college-level coursework for which undergraduate college credits may be granted; and

(b) What test score or grade for specific subjects indicates if graduation distribution requirements or prerequisite courses may be waived, while preserving the integrity of the institutions' faculty process for determining degree and major curriculum requirements.

(2) The credit policies regarding IB and Cambridge international examinations must be posted on campus web sites effective for the fall 2018 academic term. The institutions of higher education must conduct biennial reviews of their IB and Cambridge international credit policies and report noncompliance to the appropriate committees of the legislature by November 1st of each year, beginning November 1, 2020.

Correct the title.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. The legislature finds that international baccalaureate and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

Therefore, the legislature intends to establish a policy for granting as many undergraduate course credits as possible to students who have successfully completed international baccalaureate and Cambridge international exams and clearly communicate credit awarding policies and course equivalencies to students. This policy is intended to be

similar to the credit policy adopted during the 2017 legislative session for AP examinations. The goal of the policy is to award course credit in all appropriate instances and maximize the number of college students given college credit for international baccalaureate exam scores and Cambridge international exam grades.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The institutions of higher education must establish coordinated evidence-based policies for granting as many undergraduate college credits as possible and appropriate for general education requirements or the equivalent to students who have successfully completed international baccalaureate (IB) or Cambridge international courses and demonstrated mastery of college-level curriculum, as shown by the students' examination scores or grades for those programs. The institutions shall take into account the evidence for student success and the relevance of the IB or Cambridge international curriculum and test scores or grades in consideration of granting college credit or waiving course requirements, with appropriate consideration of the institutions' degree distribution requirements or curriculum for specific degree programs. Policies may consider, for example:

(a) Whether a four on a standard-level or higher-level IB examination and whether a grade of E on a Cambridge international examination indicates that the student has mastered college-level coursework for which undergraduate college credits may be granted; and

(b) What test score or grade for specific subjects indicates if graduation distribution requirements or prerequisite courses may be waived, while preserving the integrity of the institutions' faculty process for determining degree and major curriculum requirements.

(2) The credit policies regarding IB and Cambridge international examinations must be posted on campus web sites effective for the fall 2018 academic term."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Rules for second reading.

February 22, 2018

2SSB 5970 Prime Sponsor, Committee on Ways & Means: Establishing the mental health field response teams program. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall develop and implement a mental health field response grant program. The purpose of the program is to assist local law enforcement agencies to establish and expand mental health field response capabilities, by utilizing mental health professionals to professionally, humanely, and safely respond to crises involving persons with behavioral health issues. The primary goals of mental health field response are treatment, diversion, and reduced incarceration time for those experiencing crisis. A portion of the grant funds may also be used to develop data management capability to support the program.

(2) (a) Grants must be awarded to local law enforcement agencies based on locally developed proposals to incorporate mental health professionals into the agencies' mental health field response planning and response. Two or more agencies may submit a joint grant proposal to develop their mental health field response proposals. Proposals must provide a plan for improving mental health field response and diversion from incarceration through modifying or expanding upon law enforcement practices in partnership with mental health professionals. A peer review panel appointed by the Washington association of sheriffs and police chiefs in consultation with integrated managed care organizations and behavioral health organizations must review the grant applications.

(b) Once the Washington association of sheriffs and police chiefs certifies that the application satisfies the proposal criteria, the grant funds will be distributed. To the extent possible, at least one grant recipient agency should be from the east side of the state and one from the west side of the state with the crest of the Cascades being the dividing line. The Washington association of sheriffs and police chiefs may prioritize grant applications that include local matching funds.

(c) Grant recipients must be selected and receiving funds no later than October 1, 2018.

(3) Grant recipients must include at least one mental health professional who will perform professional services under the plan. A mental health professional may assist patrolling officers in the field or in an on-call capacity, provide preventative, follow-up, training on mental health field response best practices, or other services at the direction of the local law enforcement agency. Nothing in this subsection (3) limits the mental health professional's participation in field patrol. Grant recipients are encouraged to coordinate with local public safety answering points to maximize the goals of the program.

(4) Within existing resources, the Washington association of sheriffs and police chiefs shall:

(a) Consult with the department of social and health services research and data analysis unit to establish data collection and reporting guidelines for grant recipients. The data will be used to study and evaluate whether the use of mental health field response programs improve outcomes of interactions with persons experiencing behavioral health crises, including reducing rates of violence and harm, reduced arrests, and jail or emergency room usage;

(b) Consult with the department of social and health services behavioral health administration and the managed care system to develop requirements for participating mental health professionals; and

(c) Coordinate with public safety answering points, behavioral health organizations, and the department of social and health services to develop and incorporate telephone triage criteria and dispatch protocols to assist with mental health, law enforcement, and

emergency medical responses involving mental health situations.

(5) The Washington association of sheriffs and police chiefs shall submit an annual report to the governor and appropriate committees of the legislature on the program. The report must include information on grant recipients, use of funds, participation of mental health professionals, and feedback from the grant recipients by December 1st of each year the program is funded.

(6) Grant recipients shall develop and provide or arrange for training necessary for mental health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide the professionals with a working knowledge of law enforcement procedures and tools sufficient to provide for the safety of the professionals, partnered law enforcement officers, and members of the public.

(7) Nothing in this section prohibits the Washington association of sheriffs and police chiefs from soliciting or accepting private funds to support the program in this section."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 5989 Prime Sponsor, Committee on Law & Justice: Concerning small claims court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 12.40.010 and 2008 c 227 s 2 are each amended to read as follows:

(1) In every district court there shall be created and organized by the court a department to be known as the "small claims department of the district court." The small claims department shall

have jurisdiction, but not exclusive, in cases for the recovery of money only if the amount claimed does not exceed:

(a) Ten thousand dollars in cases brought by a natural person; or

(b) Five thousand dollars in all other cases.

(2) For the purposes of this section, "natural person" means a human being."

Correct the title.

Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Graves, Ranking Minority Member; Haler; Klippert; Muri; Rodne and Shea.

Referred to Committee on Rules for second reading.

February 23, 2018

SSB 6013 Prime Sponsor, Committee on Ways & Means: Concerning behavioral rehabilitation services. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

February 22, 2018

SB 6027 Prime Sponsor, Senator Kuderer: Concerning the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 23, 2018

E2SSB 6029 Prime Sponsor, Committee on Ways & Means: Establishing a student loan bill of

rights. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

February 22, 2018

ESSB 6034 Prime Sponsor, Committee on Energy, Environment & Technology: Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means high-speed internet access and other advanced telecommunications services.

(b) "Broadband network" means networks of deployed telecommunications equipment and technologies necessary to provide broadband.

(c) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(d) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(f) "Retail internet service" means the provision of broadband to end users.

(g) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide retail internet service on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations or adjustments to, a business case plan developed in accordance with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide retail internet service on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service

providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district

board of commissioners in an open meeting.

(8) (a) Except as provided in subsection (8) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (8) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public

utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area who may apply therefor and be reasonably entitled thereto proper facilities and connections for retail internet service as demanded.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

NEW SECTION. Sec. 2. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

Sec. 3. RCW 54.28.010 and 1977 ex.s. c 366 s 1 are each amended to read as follows:

((As used in this chapter)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Operating property" means all of the property utilized by a public utility district in the operation of a plant or system for the generation, transmission, or distribution of electric energy for sale((+)).

(2) "Taxing districts" means counties, cities, towns, school districts, and road districts((+)).

(3) "Distributes to consumers" means the sale of electric energy to ultimate consumers thereof, and does not include

sales of electric energy for resale by the purchaser((+)).

(4) "Wholesale value" means all costs of a public utility district associated with the generation and transmission of energy from its own generation and transmission system to the point or points of inter-connection with a distribution system owned and used by a district to distribute such energy to consumers, or in the event a distribution system owned by a district is not used to distribute such energy, then the term means the gross revenues derived by a district from the sale of such energy to consumers((+)).

(5) "Thermal electric generating facility" means a steam-powered electrical energy producing facility utilizing nuclear or fossil fuels((+)).

(6) "Placed in operation" means delivery of energy into a transmission or distribution system for use or sale in such a manner as to establish a value accruing to the power plant operator, except operation incidental to testing or start-up adjustments((+)).

(7) "Impacted area" for a thermal electric generating facility on a federal reservation means that area in the state lying within thirty-five statute miles of the most commonly used entrance of the federal reservation and which is south of the southern boundary of township fifteen north.

(8) "Retail internet service" has the same meaning as defined in section 1 of this act.

(9) "Broadband network" has the same meaning as defined in section 1 of this act.

Sec. 4. RCW 54.28.011 and 2010 1st sp.s. c 23 s 1001 are each amended to read as follows:

"Gross revenue" means the amount received from the sale of electric energy or retail internet service, which also includes any regularly recurring charge billed to consumers as a condition of receiving electric energy or retail internet service, and excluding any tax levied by a municipal corporation upon the district pursuant to RCW 54.28.070.

NEW SECTION. **Sec. 5.** A new section is added to chapter 54.28 RCW to read as follows:

(1) There is levied and collected from every district a tax for the act or privilege of engaging within this state in the business of operating a broadband network for the purpose of selling retail internet service. With respect to each such district, such tax must be two percent of the gross revenues derived from the sale of retail internet services.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 6. RCW 54.28.040 and 2017 c 323 s 103 are each amended to read as follows:

(1) Before May 1st of each calendar year through calendar year 2018, the department of revenue must compute the tax imposed by this chapter for the last preceding calendar year and notify the district of the amount thereof, which shall be payable on or before the following June 1st.

(2) For tax reporting periods beginning on or after January 1, 2018, taxpayers must report the taxes due under RCW 54.28.020 ~~((and)),~~ 54.28.025, and section 5(1) of this act on returns as prescribed by the department of revenue. Except as otherwise provided in this subsection (2), taxes imposed in RCW 54.28.020 ~~((and)),~~ 54.28.025, and section 5(1) of this act are due for a taxpayer at the same time as the taxpayer's payment of taxes imposed under chapters 82.04 and 82.16 RCW. The department of revenue may allow taxpayers to report and pay the taxes due under RCW 54.28.020 ~~((and)),~~ 54.28.025, and section 5(1) of this act on an annual basis, even if they report taxes imposed under chapters 82.04 and 82.16 RCW more frequently than annually. In such cases, the taxes imposed in RCW 54.28.020 ~~((and)),~~ 54.28.025, and section 5(1) of this act are due at the same time as the taxes under chapters 82.04 and 82.16 RCW for the taxpayer's final reporting period for the calendar year.

(3) The department of revenue may require persons to report such information as needed by the department to administer this chapter.

(4) Upon receipt of the amount of each tax imposed the department of revenue shall deposit the same with the state treasurer, who must deposit four percent of the revenues received under RCW 54.28.020(1) ~~((and)),~~ 54.28.025(1), and section 5(1) of this act and all revenues received under RCW 54.28.020(2) ~~((and)),~~ 54.28.025(2), and section 5(2) of this act in the general fund of the state and must distribute the remainder in the manner hereinafter set forth. The state treasurer must send a duplicate copy of each transmittal to the department of revenue.

Sec. 7. RCW 54.28.050 and 2017 c 323 s 104 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department of revenue must instruct the state treasurer, after placing thirty-seven and six-tenths percent of the taxes collected under RCW 54.28.020(1) in the state general fund to be dedicated for the benefit of the public schools, to distribute the balance as follows:

(a) For amounts collected under RCW 54.28.020(1)(a), the balance must be distributed to each county in proportion to the gross revenue from sales made within each county; ~~((and to distribute the balance))~~

(b) For amounts collected under section 5(1) of this act, if the broadband network is located in only one county, the balance must be distributed to the county in which the broadband network is located. If the broadband network is located in more than one county, the balance must be distributed on a pro rata manner to each applicable county based on the cost of the broadband network; and

(c) For amounts collected under RCW 54.28.020(1) (b) and (c) the balance must be distributed as follows:

~~((a))~~ (i) If the entire generating facility, including reservoir, if any, is in a single county then all of the balance to the county where such generating facility is located;

~~((b))~~ (ii) If any reservoir is in more than one county, then to each county in which the reservoir or any portion thereof is located a percentage equal to the percentage determined by dividing the total cost of the generating facilities,

including adjacent switching facilities, into twice the cost of land and land rights acquired for any reservoir within each county, land and land rights to be defined the same as used by the federal energy regulatory commission;

~~((e))~~ (iii) If the powerhouse and dam, if any, in connection with such reservoir are in more than one county, the balance must be divided sixty percent to the county in which the owning district is located and forty percent to the other county or counties or if the powerhouse and dam, if any, are owned by a joint operating agency organized under chapter 43.52 RCW, or by more than one district or are outside the county of the owning district, then to be divided equally between the counties in which such facilities are located. If all of the powerhouse and dam, if any, are in one county, then the balance must be distributed to the county in which the facilities are located.

(2) The department of revenue must instruct the state treasurer to adjust distributions under this section, in whole or in part, to account for each county's proportionate share of amounts previously distributed under this section and subsequently refunded to a public utility district under RCW 82.32.060.

(3) The provisions of this section do not apply to the distribution of taxes collected under RCW 54.28.025.

Sec. 8. RCW 54.28.070 and 1941 c 245 s 3 are each amended to read as follows:

Any city or town in which a public utility district operates works, plants, or facilities for the distribution and sale of electricity, or a broadband network for the sale of retail internet service, shall have the power to levy and collect from such district a tax under this section. With respect to the distribution and sale of electricity, a tax may be imposed on the gross revenues derived by such district from the sale of electricity within the city or town, exclusive of the revenues derived from the sale of electricity for purposes of resale. ~~((Such))~~ With respect to the sale of retail internet service, a tax may be imposed under the applicable authority in chapter 35.21 RCW. The tax when levied shall be a debt of the district, and may be collected as such. Any such district shall have the power to add the amount of

such tax to the rates or charges it makes for electricity ~~((or))~~ or retail internet service sold within the limits of such city or town.

Sec. 9. RCW 54.28.120 and 1957 c 278 s 14 are each amended to read as follows:

In the event any district hereafter purchases or otherwise acquires electric utility properties comprising all or a portion of an electric generation and/or distribution system, or a broadband network for the purpose of providing retail internet service, from a public service company, as defined in RCW 80.04.010, the total amount of privilege taxes imposed under ~~((chapter 278, Laws of 1957))~~ this chapter to be paid by the district annually on the combined operating property within each county where such utility property is located, irrespective of any other basis of levy contained in this chapter, will be not less than the combined total of the ad valorem taxes, based on regular levies, last levied against the electric utility property constituting the system so purchased or acquired, or the broadband network purchased or acquired, plus the taxes paid by the district for the same year on the revenues of other operating property in the same county under terms of this chapter. If all or any portion of the property so acquired is subsequently sold, or if rates charged to purchasers of electric energy, or retail internet service are reduced, the amount of privilege tax required under this section shall be proportionately reduced.

Sec. 10. RCW 82.02.030 and 1993 sp.s. c 25 s 107 are each amended to read as follows:

The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), section 5(2) of this act, 66.24.210(2), 82.16.020(2), 82.27.020(5), and 82.29A.030(2) shall be seven percent."

Correct the title.

Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Manweller; Santos; Slatter; Steele; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth and Nealey.

Referred to Committee on Finance.

February 22, 2018

ESSB 6037 Prime Sponsor, Committee on Law & Justice: Concerning the uniform parentage act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert; Muri; Rodne and Shea.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6038 Prime Sponsor, Committee on Law & Justice: Concerning limited cooperative associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART 1

GENERAL PROVISIONS

NEW SECTION. Sec. 101. SHORT TITLE. This chapter may be cited as the Washington limited cooperative association act.

NEW SECTION. Sec. 102. DEFINITIONS. (1) In this chapter, except for sections 1301 through 1320 of this act:

(a) "Articles of organization" means the articles of organization of a limited cooperative association required by section 201 of this act. The term includes the articles as amended or restated.

(b) "Board of directors" means the board of directors of a limited cooperative association.

(c) "Bylaws" means the bylaws of a limited cooperative association. The term includes the bylaws as amended or restated.

(d) "Consumer cooperative" means a cooperative engaged in the retail sale, to its members and other consumers, of goods or services of a type that are generally for personal, living, or family use.

(e) "Contribution," except as used in section 807(3) of this act, means a benefit that a person provides to a limited cooperative association to become or remain a member or in the person's capacity as a member.

(f) "Cooperative" means a limited cooperative association or an entity organized under any cooperative law of any jurisdiction.

(g) "Director" means a director of a limited cooperative association.

(h) "Distribution," except as used in section 806(1) of this act, means a transfer of money or other property from a limited cooperative association to a member because of the member's financial rights or to a transferee of a member's financial rights.

(i) "Financial rights" means the right to participate in allocations and distributions as provided in sections 801 through 809 and 1001 through 1013 of this act but does not include rights or obligations under a marketing contract.

(j) "Governance rights" means the right to participate in governance of a limited cooperative association.

(k) "Investor member" means a member that has made a contribution to a limited cooperative association and:

(i) Is not required by the organic rules to conduct patronage with the association in the member's capacity as an investor member in order to receive the member's interest; or

(ii) Is not permitted by the organic rules to conduct patronage with the association in the member's capacity as an investor member in order to receive the member's interest.

(l) "Limited cooperative association" means an association formed under this chapter or that becomes subject to this chapter under sections 1301 through 1320 of this act.

(m) "Member" means a person that is admitted as a patron member or investor member, or both, in a limited cooperative association. The term does not include a person that has dissociated as a member.

(n) "Member's interest" means the interest of a patron member or investor member under section 501 of this act.

(o) "Members meeting" means an annual members meeting or special meeting of members.

(p) "Organic rules" means the articles of organization and bylaws of a limited cooperative association.

(q) "Organizer" means an individual who executes the initial articles of organization.

(r) "Patron member" means a member that has made a contribution to a limited cooperative association and:

(i) Is required by the organic rules to conduct patronage with the association in the member's capacity as a patron member in order to receive the member's interest; or

(ii) Is permitted by the organic rules to conduct patronage with the association in the member's capacity as a patron member in order to receive the member's interest.

(s) "Patronage" means business transactions between a limited cooperative association and a person which entitles the person to receive financial rights based on the value or quantity of business done between the association and the person.

(t) "Required information" means the information a limited cooperative association is required to maintain under section 110 of this act.

(u) "Voting group" means any combination of one or more voting members in one or more districts or classes that under the organic rules or chapter 23.95 RCW or this chapter are entitled to vote and can be counted together collectively on a matter at a members meeting.

(v) "Voting member" means a member that, under the organic law or organic rules, has a right to vote on matters subject to vote by members under the organic law or organic rules.

(w) "Voting power" means the total current power of members to vote on a particular matter for which a vote may or is to be taken.

(2) The following definitions from RCW 23.95.105 apply to this chapter: "Entity," "execute," "executes," and "executed," "foreign," "jurisdiction,"

"jurisdiction of formation," "organic law," "organic rules," "person," "principal office," "property," "receipt," "record," "registered agent," "state," and "transfer."

NEW SECTION. **Sec. 103.** NATURE OF LIMITED COOPERATIVE ASSOCIATION. (1) A limited cooperative association organized under this chapter is an autonomous, unincorporated association of persons united to meet their mutual interests through a jointly owned enterprise primarily controlled by those persons, which permits combining:

(a) Ownership, financing, and receipt of benefits by the members for whose interests the association is formed; and

(b) Separate investments in the association by members who may receive returns on their investments and a share of control.

(2) The fact that a limited cooperative association does not have one or more of the characteristics described in subsection (1) of this section does not alone prevent the association from being formed under and governed by this chapter nor does it alone provide a basis for an action against the association.

NEW SECTION. **Sec. 104.** PURPOSE AND DURATION OF LIMITED COOPERATIVE ASSOCIATION. (1) A limited cooperative association is an entity distinct from its members.

(2) A limited cooperative association may be organized for any lawful purpose, regardless of whether for profit, except that a limited cooperative association may not be organized for the purpose of generating, purchasing, selling, marketing, transmitting, or distributing electric energy.

(3) Unless the articles of organization state a term for a limited cooperative association's existence, the association has perpetual duration.

NEW SECTION. **Sec. 105.** POWERS. Unless its articles of organization provide otherwise, a limited cooperative association has the capacity to sue and be sued in its own name and has the power to do all things necessary or convenient to carry on its activities and affairs. An association may maintain an action

against a member for harm caused to the association by the member's violation of a duty to the association or of the organic law or organic rules.

NEW SECTION. Sec. 106. GOVERNING LAW. The law of this state governs:

(1) The internal affairs of a limited cooperative association; and

(2) The liability of a member as a member and a director as a director for the debts, obligations, or other liabilities of a limited cooperative association.

NEW SECTION. Sec. 107. REQUIREMENTS OF OTHER LAWS. (1) This chapter does not alter or amend any law that governs the licensing and regulation of an individual or entity in carrying on a specific business or profession even if that law permits the business or profession to be conducted by a limited cooperative association, a foreign cooperative, or members of either.

(2) A limited cooperative association may not conduct an activity that, under law of this state other than this chapter, may be conducted only by an entity that meets specific requirements for the internal affairs of that entity unless the organic rules of the association conform to those requirements.

NEW SECTION. Sec. 108. RELATION TO RESTRAINT OF TRADE AND ANTITRUST LAWS. To the extent a limited cooperative association or activities conducted by the association in this state meet the material requirements for other cooperatives entitled to an exemption from or immunity under any provision of RCW 19.86.030 through 19.86.050, the association and its activities are entitled to the exemption or immunity. This section does not create any new exemption or immunity for an association or affect any exemption or immunity provided to a cooperative organized under any law other than this chapter.

NEW SECTION. Sec. 109. EFFECT OF ORGANIC RULES. (1) The relations between a limited cooperative association and its members are consensual. Unless required, limited, or prohibited by this chapter,

the organic rules may provide for any matter concerning the relations among the members of the association and between the members and the association, the activities of the association, and the conduct of its activities.

(2) The matters referred to in (a) through (k) of this subsection may be varied only in the articles of organization. The articles may:

(a) State a term of existence for the association under section 104(3) of this act;

(b) Limit or eliminate the acceptance of new or additional members by the initial board of directors under section 202(2) of this act;

(c) Vary the limitations on the obligations and liability of members for association obligations under section 404 of this act;

(d) Require a notice of an annual members meeting to state a purpose of the meeting under section 408(2) of this act;

(e) Vary the board of directors meeting quorum under section 615(1) of this act;

(f) Vary the matters the board of directors may consider in making a decision under section 620 of this act;

(g) Specify causes of dissolution under section 1002(1) of this act;

(h) Delegate amendment of the bylaws to the board of directors pursuant to section 305(6) of this act;

(i) Provide for member approval of asset dispositions under section 1201 of this act;

(j) Subject to section 620 of this act, provide for the elimination or limitation of liability of a director to the association or its members for money damages pursuant to section 618 of this act;

(k) Provide for permitting or making obligatory indemnification under section 701(1) of this act; and

(l) Provide for any matters that may be contained in the organic rules, including those under subsection (3) of this section.

(3) The matters referred to in (a) through (y) of this subsection may be varied only in the organic rules. The organic rules may:

(a) Require more information to be maintained under section 110 of this act or provided to members under section 405(10) of this act;

(b) Provide restrictions on transactions between a member and an association under section 111 of this act;

(c) Provide for the percentage and manner of voting on amendments to the organic rules by district, class, or voting group under section 304(1) of this act;

(d) Provide for the percentage vote required to amend the bylaws concerning the admission of new members under section 305(5) (e) of this act;

(e) Provide for terms and conditions to become a member under section 402 of this act;

(f) Restrict the manner of conducting members meetings under sections 406(3) and 407(5) of this act;

(g) Designate the presiding officer of members meetings under sections 406(5) and 407(7) of this act;

(h) Require a statement of purposes in the annual meeting notice under section 408(2) of this act;

(i) Increase quorum requirements for members meetings under section 410 of this act and board of directors meetings under section 615 of this act;

(j) Allocate voting power among members, including patron members and investor members, and provide for the manner of member voting and action as permitted by sections 411 through 417 of this act;

(k) Authorize investor members and expand or restrict the transferability of members' interests to the extent provided in sections 502 and 503 of this act;

(l) Provide for enforcement of a marketing contract;

(m) Provide for qualification, election, terms, removal, filling vacancies, and member approval for compensation of directors in accordance with sections 603 through 605, 607, 609, and 610 of this act;

(n) Restrict the manner of conducting board meetings and taking action without a meeting under sections 611 and 612 of this act;

(o) Provide for frequency, location, notice, and waivers of notice for board meetings under sections 613 and 614 of this act;

(p) Increase the percentage of votes necessary for board action under section 616(2) of this act;

(q) Provide for the creation of committees of the board of directors and matters related to the committees in accordance with section 617 of this act;

(r) Provide for officers and their appointment, designation, and authority under section 622 of this act;

(s) Provide for forms and values of contributions under section 802 of this act;

(t) Provide for remedies for failure to make a contribution;

(u) Provide for the allocation of profits and losses of the association, distributions, and the redemption or repurchase of distributed property other than money in accordance with sections 803 through 806 of this act;

(v) Specify when a member's dissociation is wrongful and the liability incurred by the dissociating member for damage to the association under section 901 (2) and (3) of this act;

(w) Provide the personal representative or other legal representative of a deceased member or a member adjudged incompetent with additional rights under section 903 of this act;

(x) Increase the percentage of votes required for board of director approval of:

(i) A resolution to dissolve under section 1005(1)(a) of this act;

(ii) A proposed amendment to the organic rules under section 302(1)(a) of this act;

(iii) A proposed disposition of assets under section 1203(1) of this act; and

(iv) A plan of merger or plan of conversion under sections 1301 through 1320 of this act; and

(y) Vary the percentage of votes required for members approval of:

(i) A resolution to dissolve under section 1005 of this act;

(ii) An amendment to the organic rules under section 305 of this act;

(iii) A disposition of assets under section 1204 of this act; and

(iv) A plan of merger or plan of conversion under sections 1301 through 1320 of this act.

(4) The organic rules must address members' contributions pursuant to section 801 of this act.

NEW SECTION. **Sec. 110.** REQUIRED INFORMATION. (1) Subject to subsection (2) of this section, a limited cooperative association shall maintain in a record available at its principal office:

(a) A list containing the name, last known street address and, if different, mailing address, and term of office of each director and officer;

(b) The initial articles of organization and all amendments to and restatements of the articles, together with an executed copy of any power of attorney under which any article, amendment, or restatement has been executed;

(c) The initial bylaws and all amendments to and restatements of the bylaws;

(d) All filed articles of merger and conversion;

(e) All financial statements of the association for the three most recent years;

(f) The most recent annual report delivered by the association to the secretary of state;

(g) The minutes of members meetings for the period of the association's existence;

(h) Evidence of all actions taken by members without a meeting for the period of the association's existence;

(i) A list containing:

(i) The name, in alphabetical order, and last known street address and, if different, mailing address of each patron member and each investor member; and

(ii) If the association has districts or classes of members, information from which each current member in a district or class may be identified;

(j) The federal income tax returns, any state and local income tax returns, and any tax reports of the association for the three most recent years;

(k) Accounting records maintained by the association in the ordinary course of its operations for the three most recent years;

(l) The minutes of directors meetings for the period of the association's existence;

(m) Evidence of all actions taken by directors without a meeting for the period of the association's existence;

(n) The amount of money contributed and agreed to be contributed by each member;

(o) A description and statement of the agreed value of contributions or benefits other than money made or provided and agreed to be made or provided by each member;

(p) The times at which, or events on the happening of which, any additional contribution is to be made by each member;

(q) For each member, a description and statement of the member's interest or information from which the description and statement can be derived; and

(r) All communications concerning the association made in a record to all members, or to all members in a district or class, for the three most recent years.

(2) If a limited cooperative association has existed for less than the period for which records must be maintained under subsection (1) of this section, the period records must be kept is the period of the association's existence.

(3) The organic rules may require that more information be maintained.

NEW SECTION. **Sec. 111.** BUSINESS TRANSACTIONS OF MEMBER WITH LIMITED COOPERATIVE ASSOCIATION. Subject to sections 618 and 619 of this act and except as otherwise provided in the organic rules or a specific contract relating to a transaction, a member may lend money to and transact other business with a limited cooperative association in the same manner as a person that is not a member.

NEW SECTION. **Sec. 112.** DUAL CAPACITY. A person may have a patron member's interest and an investor member's interest. When such person acts as a patron member, the person is subject to this chapter and the organic rules governing patron members. When such person acts as an investor member, the person is subject to this chapter and the organic rules governing investor members.

NEW SECTION. **Sec. 113.** USE OF THE TERM "COOPERATIVE" IN NAME. Use of the term "cooperative" or its abbreviation under this chapter is not a violation of the provisions restricting the use of the term under RCW 23.86.030.

NEW SECTION. **Sec. 114.** SUBJECTS COVERED OUTSIDE CHAPTER. The following subjects are covered in whole or in part outside this chapter:

- (1) Delivery of record: RCW 23.95.110.
- (2) Filing with secretary of state: RCW 23.95.200 through 23.95.265.
- (3) Name of entity: RCW 23.95.300 through 23.95.315.
- (4) Registered agent of entity: RCW 23.95.400 through 23.95.460.
- (5) Foreign entities: RCW 23.95.500 through 23.95.555.
- (6) Administrative dissolution: RCW 23.95.600 through 23.95.625.
- (7) Miscellaneous provisions, including supplemental principles of law and reservation of power to amend or repeal: RCW 23.95.700 through 23.95.715.

PART 2

ORGANIZATION OF LIMITED COOPERATIVE ASSOCIATION

NEW SECTION. **Sec. 201.** FORMATION OF LIMITED COOPERATIVE ASSOCIATION—ARTICLES OF ORGANIZATION. (1) One or more persons may act as organizers to form a limited cooperative association by delivering to the secretary of state for filing articles of organization.

(2) The articles of organization must state:

(a) The name of the limited cooperative association, which must

comply with RCW 23.95.300 and 23.95.305(5);

(b) The purposes for which the association is formed;

(c) The street and mailing addresses in this state of the initial registered agent;

(d) The street and mailing addresses of the initial principal office;

(e) The name and street and mailing addresses of each organizer; and

(f) The term for which the association is to exist if other than perpetual.

(3) Subject to section 109 of this act, articles of organization may contain any other provisions in addition to those required by subsection (1) of this section.

(4) A limited cooperative association is formed after articles of organization that substantially comply with subsection (1) of this section are delivered to the secretary of state, are filed, and become effective under RCW 23.95.210.

NEW SECTION. **Sec. 202.** ORGANIZATION OF LIMITED COOPERATIVE ASSOCIATION. (1) After a limited cooperative association is formed:

(a) If initial directors are named in the articles of organization, the initial directors shall hold an organizational meeting to adopt initial bylaws and carry on any other business necessary or proper to complete the organization of the association; or

(b) If initial directors are not named in the articles of organization, the organizers shall designate the initial directors and call a meeting of the initial directors to adopt initial bylaws and carry on any other business necessary or proper to complete the organization of the association.

(2) Unless the articles of organization otherwise provide, the initial directors may cause the limited cooperative association to accept members, including those necessary for the association to begin business.

(3) Initial directors need not be members.

(4) An initial director serves until a successor is elected and qualified at a

members meeting or the director is removed, resigns, is adjudged incompetent, or dies.

NEW SECTION. Sec. 203. BYLAWS. (1) Bylaws must be in a record and, if not stated in the articles of organization, must include:

(a) A statement of the capital structure of the limited cooperative association, including:

(i) The classes or other types of members' interests and relative rights, preferences, and restrictions granted to or imposed upon each class or other type of member's interest; and

(ii) The rights to share in profits or distributions of the association;

(b) A statement of the method for admission of members;

(c) A statement designating voting and other governance rights, including which members have voting power and any restriction on voting power;

(d) A statement that a member's interest is transferable if it is to be transferable and a statement of the conditions upon which it may be transferred;

(e) A statement concerning the manner in which profits and losses are allocated and distributions are made among patron members and, if investor members are authorized, the manner in which profits and losses are allocated and how distributions are made among investor members and between patron members and investor members;

(f) A statement concerning:

(i) Whether persons that are not members but conduct business with the association may be permitted to share in allocations of profits and losses and receive distributions; and

(ii) The manner in which profits and losses are allocated and distributions are made with respect to those persons; and

(g) A statement of the number and terms of directors or the method by which the number and terms are determined.

(2) Subject to section 109(3) of this act and the articles of organization, bylaws may contain any other provision

for managing and regulating the affairs of the association.

(3) In addition to amendments permitted under sections 301 through 307 of this act, the initial board of directors may amend the bylaws by a majority vote of the directors at any time before the admission of members.

NEW SECTION. Sec. 204. EXECUTING OF RECORDS TO BE DELIVERED FOR FILING TO SECRETARY OF STATE. A record delivered to the secretary of state for filing pursuant to chapter 23.95 RCW and this chapter must be executed as follows:

(1) A limited cooperative association's initial articles of organization must be executed by at least one person acting as an organizer.

(2) A statement of withdrawal under RCW 23.95.215 must be executed as provided in that section.

(3) Except as otherwise provided in subsection (4) of this section, a record executed by an existing association must be executed by an officer.

(4) A record filed on behalf of a dissolved association must be executed by a person winding up activities under section 1006(2) of this act or a person appointed under section 1006(3) of this act to wind up those activities.

(5) Any other record delivered on behalf of a person to the secretary of state for filing must be executed by that person.

PART 3

AMENDMENT OF ORGANIC RULES OF LIMITED COOPERATIVE ASSOCIATION

NEW SECTION. Sec. 301. AUTHORITY TO AMEND ORGANIC RULES. (1) A limited cooperative association may amend its organic rules under this chapter for any lawful purpose. In addition, the initial board of directors may amend the bylaws of an association under section 203 of this act.

(2) Unless the organic rules otherwise provide, a member does not have a vested property right resulting from any provision in the organic rules, including a provision relating to the management, control, capital structure,

distribution, entitlement, purpose, or duration of the limited cooperative association.

NEW SECTION. **Sec. 302.** NOTICE AND ACTION ON AMENDMENT OF ORGANIC RULES.

(1) Except as provided in sections 301(1) and 305(6) of this act, the organic rules of a limited cooperative association may be amended only at a members meeting. An amendment may be proposed by either:

(a) A majority of the board of directors, or a greater percentage if required by the organic rules; or

(b) One or more petitions executed by at least ten percent of the patron members or at least ten percent of the investor members.

(2)(a) The board of directors shall call a members meeting to consider an amendment proposed pursuant to subsection (1) of this section.

(b) Subject to sections 408 and 419 of this act, not later than thirty days following the proposal of the amendment by the board or receipt of a petition, the board must mail or otherwise transmit or deliver in a record to each member:

(i) The proposed amendment, or a summary of the proposed amendment and a statement of the manner in which a copy of the amendment in a record may be reasonably obtained by a member;

(ii) A recommendation that the members approve the amendment, or if the board determines that because of conflict of interest or other special circumstances it should not make a favorable recommendation, the basis for that determination;

(iii) A statement of any condition of the board's submission of the amendment to the members; and

(iv) Notice of the meeting at which the proposed amendment will be considered, which must be given in the same manner as notice for a special meeting of members.

(c) The meeting must be held at least ten and not more than one hundred twenty days after providing the notice required by (b) of this subsection.

NEW SECTION. **Sec. 303.** METHOD OF VOTING ON AMENDMENT OF ORGANIC RULES.

(1) A substantive change to a proposed

amendment of the organic rules may not be made at the members meeting at which a vote on the amendment occurs.

(2) A nonsubstantive change to a proposed amendment of the organic rules may be made at the members meeting at which the vote on the amendment occurs and need not be separately voted upon by the board of directors.

(3) A vote to adopt a nonsubstantive change to a proposed amendment to the organic rules must be by the same percentage of votes required to pass a proposed amendment.

NEW SECTION. **Sec. 304.** VOTING BY DISTRICT, CLASS, OR VOTING GROUP.

(1) This section applies if the organic rules provide for voting by district or class, or if there is one or more identifiable voting groups that a proposed amendment to the organic rules would affect differently from other members with respect to matters identified in section 305(5) (a) through (e) of this act. Approval of the amendment requires the same percentage of votes of the members of that district, class, or voting group required in sections 305 and 414 of this act.

(2) If a proposed amendment to the organic rules would affect members in two or more districts or classes entitled to vote separately under subsection (1) of this section in the same or a substantially similar way, the districts or classes affected must vote as a single voting group unless the organic rules otherwise provide for separate voting.

NEW SECTION. **Sec. 305.** APPROVAL OF AMENDMENT.

(1) Subject to section 304 of this act and subsections (3) and (4) of this section, an amendment to the articles of organization must be approved by:

(a) At least two-thirds of the voting power of members present at a members meeting called under section 302 of this act; and

(b) If the limited cooperative association has investor members, at least a majority of the votes cast by patron members, unless the organic rules require a greater percentage vote by patron members.

(2) Subject to section 304 of this act and subsections (3) through (6) of this

section, an amendment to the bylaws must be approved by:

(a) At least a majority vote of the voting power of all members present at a members meeting called under section 302 of this act, unless the organic rules require a greater percentage; and

(b) If a limited cooperative association has investor members, a majority of the votes cast by patron members, unless the organic rules require a larger affirmative vote by patron members.

(3) The organic rules may require that the percentage of votes under subsection (1)(a) or (2)(a) of this section be:

(a) A different percentage that is not less than a majority of members voting at the meeting;

(b) Measured against the voting power of all members; or

(c) A combination of (a) and (b) of this subsection.

(4) Consent in a record by a member must be delivered to a limited cooperative association before delivery of an amendment to the articles of organization or restated articles of organization for filing pursuant to section 307 of this act, if as a result of the amendment the member will have:

(a) Personal liability for an obligation of the association; or

(b) An obligation or liability for an additional contribution.

(5) The vote required to amend bylaws must satisfy the requirements of subsection (1) of this section if the proposed amendment modifies:

(a) The equity capital structure of the limited cooperative association, including the rights of the association's members to share in profits or distributions, or the relative rights, preferences, and restrictions granted to or imposed upon one or more districts, classes, or voting groups of similarly situated members;

(b) The transferability of a member's interest;

(c) The manner or method of allocation of profits or losses among members;

(d) The quorum for a meeting and the rights of voting and governance; or

(e) Unless otherwise provided in the organic rules, the terms for admission of new members.

(6) Except for the matters described in subsection (5) of this section, the articles of organization may delegate amendment of all or a part of the bylaws to the board of directors without requiring member approval.

(7) If the articles of organization delegate amendment of bylaws to the board of directors, the board shall provide a description of any amendment of the bylaws made by the board to the members in a record not later than thirty days after the amendment, but the description may be provided at the next annual members meeting if the meeting is held within the thirty-day period.

NEW SECTION. **Sec. 306.** RESTATED ARTICLES OF ORGANIZATION. A limited cooperative association, by the affirmative vote of a majority of the board of directors taken at a meeting for which the purpose is stated in the notice of the meeting, may adopt restated articles of organization that contain the original articles as previously amended. Restated articles may contain amendments if the restated articles are adopted in the same manner and with the same vote as required for amendments to the articles under section 305(1) of this act. Upon filing, restated articles supersede the existing articles and all amendments.

NEW SECTION. **Sec. 307.** AMENDMENT OR RESTATEMENT OF ARTICLES OF ORGANIZATION—FILING. (1) To amend its articles of organization, a limited cooperative association must deliver to the secretary of state for filing an amendment of the articles, or restated articles of organization, which contain one or more amendments of the articles of organization, stating:

(a) The name of the association;

(b) The date of filing of the association's initial articles; and

(c) The text of the amendment.

(2) Before the beginning of the initial meeting of the board of directors, an organizer who knows that information in the filed articles of organization was inaccurate when the articles were filed or has become

inaccurate due to changed circumstances shall promptly:

(a) Cause the articles to be amended; or

(b) If appropriate, deliver an amendment to the secretary of state for filing pursuant to RCW 23.95.110(2).

(3) To restate its articles of organization, a limited cooperative association must deliver to the secretary of state for filing a restatement designated as such in its heading.

(4) Upon filing, an amendment of the articles of organization or other record containing an amendment of the articles which has been properly adopted by the members is effective as provided in RCW 23.95.210.

PART 4

MEMBERS

NEW SECTION. **Sec. 401.** MEMBERS. To begin business, a limited cooperative association must have at least two patron members unless the sole member is a cooperative.

NEW SECTION. **Sec. 402.** BECOMING A MEMBER. After formation of a limited cooperative association, a person becomes a member:

- (1) As provided in the organic rules;
- (2) As the result of a conversion or merger effective under sections 1301 through 1320 of this act; or
- (3) With the affirmative vote or consent of all the members.

NEW SECTION. **Sec. 403.** NO AGENCY POWER OF MEMBER AS MEMBER. (1) A member is not an agent of a limited cooperative association solely by reason of being a member.

(2) A person's status as a member does not prevent or restrict law other than this chapter from imposing liability on a limited cooperative association because of the person's conduct.

NEW SECTION. **Sec. 404.** LIABILITY OF MEMBERS AND DIRECTORS. (1) Unless the articles of organization provide otherwise, a debt, obligation, or other

liability of a limited cooperative association is solely the debt, obligation, or other liability of the association. A member or director is not personally liable, directly or indirectly, by way of contribution or otherwise, for a debt, obligation, or other liability of the association solely by reason of being or acting as a member or director of the association. This subsection applies regardless of the dissolution of the association.

(2) The failure of a limited cooperative association to observe formalities relating to the exercise of its powers or management of its activities and affairs is not grounds for imposing liability on any member or director for a debt, obligation, or other liability of the association.

NEW SECTION. **Sec. 405.** RIGHT OF MEMBERS AND DISSOCIATED MEMBERS TO INFORMATION. (1) On at least ten business days' demand made in a record received by a limited cooperative association, a member may inspect and copy during regular business hours, at the principal office or a reasonable location specified by the limited cooperative association, required information listed in sections 110(1) (a) through (h) of this act. A member need not have any particular purpose for seeking the information. The association is not required to provide the same information listed in section 110(1) (a) through (h) of this act to the same member more than once during a six-month period.

(2) Subject to subsection (3) of this section, on at least ten business days' demand made in a record received by a limited cooperative association, a member may inspect and copy during regular business hours, at the principal office or a reasonable location specified by the limited cooperative association, required information listed in section 110(1) (i), (j), (l), (m), (p), and (r) of this act, if:

- (a) The member seeks the information in good faith and for a proper purpose reasonably related to the member's interest;
- (b) The demand includes a description with reasonable particularity of the information sought and the purpose for seeking the information;

(c) The information sought is directly connected to the member's purpose; and

(d) The demand is reasonable.

(3) Not later than ten business days after receipt of a demand pursuant to subsection (2) of this section, a limited cooperative association shall provide, in a record, the following information to the member that made the demand:

(a) If the association agrees to provide the demanded information:

(i) What information the association will provide in response to the demand; and

(ii) A reasonable time and place at which the association will provide the information; or

(b) If the association declines to provide some or all of the demanded information, the association's reasons for declining.

(4) On at least ten business days' demand made in a record received by a limited cooperative association, a dissociated member may have access to information to which the person was entitled while a member if the information pertains to the period during which the person was a member, the person seeks the information in good faith, and the person satisfies the requirements imposed on a member by subsection (2) of this section. The association shall respond to a demand made pursuant to this subsection in the manner provided in subsection (3) of this section.

(5) Not later than ten business days after receipt by a limited cooperative association of a demand made by a member in a record, but not more often than once in a six-month period, the association shall deliver to the member a record stating the information with respect to the member required by section 110(1)(q) of this act.

(6) In addition to any restriction or condition stated in its organic rules, a limited cooperative association, as a matter within the ordinary course of its activities and affairs, may impose reasonable restrictions and conditions on access to and use of information to be furnished under this section, including designating information confidential and imposing nondisclosure and safeguarding obligations on the recipient. In a dispute concerning the reasonableness of a restriction under this subsection, the

association has the burden of proving reasonableness.

(7) A limited cooperative association may charge a person that makes a demand under this section reasonable costs of copying, limited to the costs of labor and material.

(8) A member or dissociated member may exercise rights under this section through an agent or, in the case of an individual under legal disability, a legal representative. Any restriction or condition imposed by the organic rules or under subsection (7) of this section applies both to the agent or legal representative and the member or dissociated member.

(9) The rights stated in this section do not extend to a person as transferee.

(10) The organic rules may require a limited cooperative association to provide more information than required by this section and may establish conditions and procedures for providing the information.

NEW SECTION. Sec. 406. ANNUAL MEETING OF MEMBERS. (1) Members shall meet annually at a time provided in the organic rules or set by the board of directors not inconsistent with the organic rules.

(2) An annual members meeting may be held inside or outside this state at the place stated in the organic rules or selected by the board of directors not inconsistent with the organic rules.

(3)(a) Unless the organic rules otherwise provide:

(i) If the board of directors or another person is authorized in the bylaws to determine the place of annual meetings, the board of directors or such other person may, in the sole discretion of the board of directors or such other person, determine that an annual meeting will not involve a physical assembly of members at a particular geographic location, but instead will be held solely by means of remote communication, in accordance with (b) of this subsection.

(ii) An association may permit any or all members to participate in an annual members meeting by means of, or conduct the meeting solely through the use of, remote communication. Subject to the provisions of (b) of this subsection,

participation by remote communication is to be subject to any guidelines and procedures adopted by or pursuant to the authority of the board of directors.

(b) If an association elects to permit participation by means of, or conduct a meeting solely through the use of, remote communication:

(i) The notice of the meeting must specify how a member may participate in the meeting by means of remote communication.

(ii) The association must implement reasonable measures to (A) verify that each person participating remotely as a member is a member, and (B) provide each person participating remotely as a member a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting substantially concurrently with those proceedings.

(iii) Participation in a meeting in accordance with this section constitutes presence in person at that meeting.

(iv) If the board of directors or another authorized person determines to hold an annual members meeting without a physical assembly of members in accordance with this subsection (3), all members entitled to vote at such meeting must have the opportunity to participate in the meeting by remote communication in accordance with this subsection (3).

(4) The board of directors shall report, or cause to be reported, at the association's annual members meeting the association's business and financial condition as of the close of the most recent fiscal year.

(5) Unless the organic rules otherwise provide, the board of directors shall designate the presiding officer of the association's annual members meeting.

(6) Failure to hold an annual members meeting does not affect the validity of any action by the limited cooperative association.

NEW SECTION. Sec. 407. SPECIAL MEETING OF MEMBERS. (1) A special meeting of members may be called only:

(a) As provided in the organic rules;

(b) By a majority vote of the board of directors on a proposal stating the purpose of the meeting;

(c) By demand in a record executed by members holding at least twenty percent of the voting power of the persons in any district or class entitled to vote on the matter that is the purpose of the meeting stated in the demand; or

(d) By demand in a record executed by members holding at least ten percent of the total voting power of all the persons entitled to vote on the matter that is the purpose of the meeting stated in the demand.

(2) A demand under subsection (1)(c) or (d) of this section must be submitted to the officer of the limited cooperative association charged with keeping its records.

(3) Any voting member may withdraw its demand under subsection (1)(c) or (d) of this section before receipt by the limited cooperative association of demands sufficient to require a special meeting of members.

(4) A special meeting of members may be held inside or outside this state at the place stated in the organic rules or selected by the board of directors not inconsistent with the organic rules.

(5) Unless the organic rules otherwise provide, the provisions of section 406(3) of this act apply to special meetings of members as though the special meeting of members were an annual meeting of members.

(6) Only business within the purpose or purposes stated in the notice of a special meeting of members may be conducted at the meeting.

(7) Unless the organic rules otherwise provide, the presiding officer of a special meeting of members shall be designated by the board of directors.

NEW SECTION. Sec. 408. NOTICE OF MEMBERS MEETING. (1) A limited cooperative association shall notify each member of the time, date, and place of a members meeting at least ten and not more than one hundred twenty days before the meeting.

(2) Unless the articles of organization otherwise provide, notice of an annual members meeting need not include any purpose of the meeting.

(3) Notice of a special meeting of members must include each purpose of the meeting as contained in the demand under section 407(1) (c) or (d) of this act or as voted upon by the board of directors under section 407(1) (b) of this act.

(4) Notice of a members meeting must be given in a record unless oral notice is reasonable under the circumstances.

NEW SECTION. **Sec. 409.** WAIVER OF MEMBERS MEETING NOTICE. (1) A member may waive notice of a members meeting before, during, or after the meeting.

(2) A member's participation in a members meeting is a waiver of notice of that meeting unless the member objects to the meeting at the beginning of the meeting or promptly upon the member's arrival at the meeting and does not thereafter vote for or assent to action taken at the meeting.

NEW SECTION. **Sec. 410.** QUORUM OF MEMBERS. Unless the organic rules otherwise require a greater number of members or percentage of the voting power, the voting member or members present at a members meeting constitute a quorum.

NEW SECTION. **Sec. 411.** VOTING BY PATRON MEMBERS. Except as provided by section 412(1) of this act, each patron member has one vote. The organic rules may allocate voting power among patron members as provided in section 412(1) of this act.

NEW SECTION. **Sec. 412.** ALLOCATION OF VOTING POWER OF PATRON MEMBER. (1) The organic rules may allocate voting power among patron members on the basis of one or a combination of the following:

- (a) One member, one vote;
- (b) Use or patronage; or

(c) If a patron member is a cooperative, the number of its patron members.

(2) The organic rules may provide for the allocation of patron member voting power by districts or class, or any combination thereof.

NEW SECTION. **Sec. 413.** VOTING BY INVESTOR MEMBERS. If the organic rules provide for investor members, each investor member has one vote, unless the organic rules otherwise provide. The organic rules may provide for the allocation of investor member voting power by class, classes, or any combination of classes.

NEW SECTION. **Sec. 414.** VOTING REQUIREMENTS FOR MEMBERS. If a limited cooperative association has both patron and investor members, the following rules apply:

(1) The total voting power of all patron members may not be less than a majority of the entire voting power entitled to vote.

(2) Action on any matter is approved only upon the affirmative vote of at least a majority of:

(a) All members voting at the meeting unless more than a majority is required by sections 301 through 307, 1001 through 1013, or 1201 through 1204 of this act or the organic rules; and

(b) Votes cast by patron members unless the organic rules require a larger affirmative vote by patron members.

(3) The organic rules may provide for the percentage of the affirmative votes that must be cast by investor members to approve the matter.

NEW SECTION. **Sec. 415.** MANNER OF VOTING. (1) Unless the organic rules otherwise provide, voting by a proxy at a members meeting is prohibited. This subsection does not prohibit delegate voting based on district or class.

(2) If voting by a proxy is permitted, a patron member may appoint only another patron member as a proxy and, if investor members are permitted, an investor member may appoint only another investor member as a proxy.

(3) The organic rules may provide for the manner of and provisions governing the appointment of a proxy.

(4) The organic rules may provide for voting on any question by ballot delivered by mail or voting by other means on questions that are subject to vote by members.

NEW SECTION. Sec. 416. ACTION WITHOUT A MEETING. (1) Unless the organic rules require that action be taken only at a members meeting, any action that may be taken by the members may be taken without a meeting if the action is approved by members entitled to vote on the action in the aggregate not less than the minimum number of votes that would be necessary to approve that action at a meeting of which all members entitled to vote on the action were present and voted. Action may be approved by members without a meeting or a vote by means of execution of a single consent or multiple consents in a record to the action.

(2) Consent under subsection (1) of this section may be withdrawn by a member in a record at any time before the limited cooperative association receives a consent from each member entitled to vote.

(3) Consent to any action may specify the effective date or time of the action.

NEW SECTION. Sec. 417. DISTRICTS AND DELEGATES—CLASSES OF MEMBERS. (1) The organic rules may provide for the formation of geographic districts of patron members and:

(a) For the conduct of patron member meetings by districts and the election of directors at the meetings; or

(b) That districts may elect district delegates to represent and vote for the district at members meetings.

(2) A delegate elected under subsection (1)(b) of this section has one vote unless voting power is otherwise allocated by the organic rules.

(3) The organic rules may provide for the establishment of classes of members, for the preferences, rights, and limitations of the classes, and:

(a) For the conduct of members meetings by classes and the election of directors at the meetings; or

(b) That classes may elect class delegates to represent and vote for the class in members meetings.

(4) A delegate elected under subsection (3)(b) of this section has one vote unless voting power is otherwise allocated by the organic rules.

NEW SECTION. Sec. 418. APPROVAL OF TRANSACTION UNDER PART 13. (1) For a limited cooperative association to approve a plan for a transaction under sections 1301 through 1320 of this act, the plan must be approved by a majority of the board of directors, or a greater vote if required by the organic rules, and the board shall call a members meeting to consider the plan, hold the meeting not later than ninety days after approval of the plan by the board, and, subject to section 419 of this act, mail or otherwise transmit or deliver in a record to each member:

(a) The plan, or a summary of the plan and a statement of the manner in which a copy of the plan in a record reasonably may be obtained by a member;

(b) A recommendation that the members approve the plan, or if the board determines that because of a conflict of interest or other circumstances it should not make a favorable recommendation, the basis for that determination;

(c) A statement of any condition of the board's submission of the plan to the members; and

(d) Notice of the meeting at which the plan will be considered, which must be given in the same manner as notice of a special meeting of members.

(2) Subject to subsections (3) and (4) of this section, a plan must be approved by:

(a) At least two-thirds of the voting power of members present at a members meeting called under subsection (1) of this section; and

(b) If the limited cooperative association has investor members, at least a majority of the votes cast by patron members, unless the organic rules require a greater percentage vote by patron members.

(3) The organic rules may provide that the required vote under subsection (2)(a) of this section be:

(a) A different fraction that is not less than a majority of members voting at the meeting;

(b) Measured against the voting power of all members; or

(c) A combination of (a) and (b) of this subsection.

(4) The vote required under subsections (2) and (3) of this section to approve a plan may not be less than the vote required for the members of the limited cooperative association to amend the articles of organization.

(5) A member's consent in a record to a plan must be delivered to the limited cooperative association before delivery to the secretary of state for filing of articles of merger or conversion if, as a result of the merger or conversion, the member will have interest holder liability for debts, obligations, or other liabilities that are incurred after the transaction becomes effective.

(6) The voting requirements for districts, classes, or voting groups under section 304 of this act apply to approval of a transaction under sections 1301 through 1320 of this act.

NEW SECTION. Sec. 419. NOTICE TO MEMBERS OF CONSUMER COOPERATIVE. (1) A consumer cooperative organized under this chapter may satisfy any provisions of this chapter requiring that certain information or materials must be set forth in a writing accompanying or contained in the notice of a meeting of its members, by:

(a) Posting the information or materials on an electronic network not less than thirty days prior to the meeting at which such information or materials will be considered by members; and

(b) Delivering to those members who are eligible to vote a notification, either in a meeting notice authorized under this chapter or in such other reasonable form as the board of directors may specify, setting forth the address of the electronic network at which and the date after which such information or materials will be posted and available for viewing by members eligible to vote, together with comprehensible instructions regarding how to obtain access to the information and materials posted on the electronic network.

(2) A consumer cooperative that elects to post information or materials required by this chapter on an electronic network shall, at its expense, provide a copy of such information or materials in a written or other tangible medium to any member who is eligible to vote and so requests.

PART 5

MEMBER'S INTEREST IN LIMITED COOPERATIVE ASSOCIATION

NEW SECTION. Sec. 501. MEMBER'S INTEREST. A member's interest:

(1) Is personal property;

(2) Consists of:

(a) Governance rights;

(b) Financial rights; and

(c) The right or obligation, if any, to do business with the limited cooperative association; and

(3) May be in certificated or uncertificated form.

NEW SECTION. Sec. 502. PATRON AND INVESTOR MEMBERS' INTERESTS. (1) Unless the organic rules establish investor members' interests, a member's interest is a patron member's interest.

(2) Unless the organic rules otherwise provide, if a limited cooperative association has investor members, while a person is a member of the association, the person:

(a) If admitted as a patron member, remains a patron member;

(b) If admitted as an investor member, remains an investor member; and

(c) If admitted as a patron member and investor member remains a patron and investor member if not dissociated in one of the capacities.

NEW SECTION. Sec. 503. TRANSFERABILITY OF MEMBER'S INTEREST. (1) The provisions of this chapter relating to the transferability of a member's interest are subject to Title 62A RCW.

(2) Unless the organic rules otherwise provide, a member's interest other than financial rights is not transferable.

(3) Unless a transfer is restricted or prohibited by the organic rules, a member may transfer its financial rights in the limited cooperative association.

(4) The terms of any restriction on transferability of financial rights must be:

(a) Set forth in the organic rules and the member records of the association; and

(b) Conspicuously noted on any certificates evidencing a member's interest.

(5) A transferee of a member's financial rights, to the extent the rights are transferred, has the right to share in the allocation of profits or losses and to receive the distributions to the member transferring the interest to the same extent as the transferring member.

(6) A transferee of a member's financial rights does not become a member upon transfer of the rights unless the transferee is admitted as a member by the limited cooperative association.

(7) A limited cooperative association need not give effect to a transfer under this section until the association has notice of the transfer.

(8) A transfer of a member's financial rights in violation of a restriction on transfer contained in the organic rules is ineffective if the intended transferee has notice of the restriction at the time of transfer.

PART 6

DIRECTORS AND OFFICERS

NEW SECTION. **Sec. 601.** BOARD OF DIRECTORS. (1) A limited cooperative association must have a board of directors of at least three individuals, unless the association has fewer than three members. If the association has fewer than three members, the number of directors may not be fewer than the number of members.

(2) The affairs of a limited cooperative association must be managed by, or under the direction of, the board of directors. The board may adopt policies and procedures that do not conflict with the organic rules or this chapter.

(3) An individual is not an agent for a limited cooperative association solely by being a director.

NEW SECTION. **Sec. 602.** NO LIABILITY AS DIRECTOR FOR LIMITED COOPERATIVE ASSOCIATION'S OBLIGATIONS. A debt,

obligation, or other liability of a limited cooperative association is solely that of the association and is not a debt, obligation, or other liability of a director solely by reason of being a director. An individual is not personally liable, directly or indirectly, for an obligation of an association solely by reason of being a director.

NEW SECTION. **Sec. 603.** QUALIFICATIONS OF DIRECTORS. (1) Unless the organic rules otherwise provide, and subject to subsection (3) of this section, each director of a limited cooperative association must be an individual who is a member of the association or an individual who is designated by a member that is not an individual for purposes of qualifying and serving as a director. Initial directors need not be members.

(2) Unless the organic rules otherwise provide, a director may be an officer or employee of the limited cooperative association.

(3) If the organic rules provide for nonmember directors, at least two-thirds of the directors must be members.

(4) The organic rules may provide qualifications for directors in addition to those in this section.

NEW SECTION. **Sec. 604.** ELECTION OF DIRECTORS AND COMPOSITION OF BOARD. (1) Unless the organic rules require a greater number:

(a) At least one-third of the directors must be patron members; and

(b) A majority of the board of directors must be elected exclusively by patron members.

(2) Unless the organic rules otherwise provide, if a limited cooperative association has investor members, the directors who are not elected exclusively by patron members are elected by the investor members.

(3) Subject to subsection (1) of this section, the organic rules may provide for the election of all or a specified number of directors by one or more districts or classes of members.

(4) Subject to subsection (1) of this section, the organic rules may provide for the nomination or election of

directors by districts or classes, directly or by district delegates.

(5) If a class of members consists of a single member, the organic rules may provide for the member to appoint a director or directors.

(6) Unless the organic rules otherwise provide, cumulative voting for directors is prohibited.

(7) Except as otherwise provided by the organic rules, subsection (5) of this section, or sections 202, 416, 417, and 609 of this act, member directors must be elected at an annual members meeting.

NEW SECTION. Sec. 605. TERM OF DIRECTOR. (1) Unless the organic rules otherwise provide, and subject to subsections (3) and (4) of this section and section 202(4) of this act, the term of a director expires at the annual members meeting following the director's election or appointment. The term of a director may not exceed three years.

(2) Unless the organic rules otherwise provide, a director may be reelected.

(3) Except as otherwise provided in subsection (4) of this section, a director continues to serve until a successor director is elected or appointed and qualifies or the director is removed, resigns, is adjudged incompetent, or dies.

(4) Unless the organic rules otherwise provide, a director does not serve the remainder of the director's term if the director ceases to qualify to be a director.

NEW SECTION. Sec. 606. RESIGNATION OF DIRECTOR. A director may resign at any time by giving notice in a record to the limited cooperative association. Unless the notice states a later effective date, a resignation is effective when the notice is received by the association.

NEW SECTION. Sec. 607. REMOVAL OF DIRECTOR. Unless the organic rules otherwise provide, the following rules apply:

(1) Members may remove a director with or without cause.

(2) A member or members holding at least ten percent of the total voting power entitled to be voted in the election of a director may demand removal of the director by one or more executed petitions submitted to the officer of the limited cooperative association charged with keeping its records.

(3) Upon receipt of a petition for removal of a director, an officer of the association or the board of directors shall:

(a) Not later than thirty days following receipt of the petition by the association, mail or otherwise transmit or deliver in a record to the members entitled to vote on the removal, and to the director to be removed, notice of the meeting which complies with section 408 of this act; and

(b) Call a special meeting of members to be held at least ten and not more than one hundred twenty days after providing the notice required by (a) of this subsection.

(4) A director is removed if the votes in favor of removal are equal to or greater than the votes required to elect the director.

NEW SECTION. Sec. 608. SUSPENSION OF DIRECTOR BY BOARD. (1) A board of directors may suspend a director if, considering the director's course of conduct and the inadequacy of other available remedies, immediate suspension is necessary for the best interests of the association and the director is engaging, or has engaged, in:

(a) Fraudulent conduct with respect to the association or its members;

(b) Abuse of the position of director;

(c) Intentional or reckless infliction of harm on the association;

(d) Failure to substantially perform the duties of a director;

(e) Actions not in the best interests of the association;

(f) Behavior that is disruptive to the proceedings of the board of directors; or

(g) Any other behavior, act, or omission as provided by the organic rules.

(2) A suspension under this section is effective until the next meeting of members at which directors are elected.

(3) A director suspended under this section is, during the period of suspension, treated as though not a director.

(4) A suspension under this section requires concurrence of two-thirds of the full membership of the board of directors, excluding the director who is the subject of the vote to suspend.

NEW SECTION. Sec. 609. VACANCY ON BOARD. (1) Unless the organic rules otherwise provide, a vacancy on the board of directors must be filled within a reasonable time by majority vote of the remaining directors.

(2) Unless the organic rules otherwise provide, if a vacating director was elected or appointed by a class of members or a district:

(a) The new director must be of that class or district; and

(b) The selection of the director for the unexpired term must be conducted in the same manner as would the selection for that position without a vacancy.

(3) If a member appointed a vacating director, the organic rules may provide for that member to appoint a director to fill the vacancy.

NEW SECTION. Sec. 610. REMUNERATION OF DIRECTORS. Unless the organic rules otherwise provide, the board of directors may set the remuneration of directors and of nondirector committee members appointed under section 617(1) of this act.

NEW SECTION. Sec. 611. MEETINGS. (1) A board of directors shall meet at least annually and may hold meetings inside or outside this state.

(2) Unless the organic rules otherwise provide, a board of directors may permit directors to attend or conduct board meetings through the use of any means of communication, if all directors attending the meeting can communicate with each other during the meeting.

NEW SECTION. Sec. 612. ACTION WITHOUT MEETING. (1) Unless prohibited by the organic rules, any action that may be taken by a board of directors may be taken without a meeting if each director consents in a record to the action.

(2) Consent under subsection (1) of this section may be withdrawn by a director in a record at any time before the limited cooperative association receives consent from all directors.

(3) A record of consent for any action under subsection (1) of this section may specify the effective date or time of the action.

NEW SECTION. Sec. 613. MEETINGS AND NOTICE. (1) Unless the organic rules otherwise provide, a board of directors may establish a time, date, and place for regular board meetings, and notice of the time, date, place, or purpose of those meetings is not required.

(2) Unless the organic rules otherwise provide, notice of the time, date, and place of a special meeting of a board of directors must be given to all directors at least two days before the meeting.

(3) The organic rules may require that the notice under subsection (2) of this section contain a statement of the purpose of the meeting, and may additionally require that the meeting be limited to the matters contained in the statement.

NEW SECTION. Sec. 614. WAIVER OF NOTICE OF MEETING. (1) Unless the organic rules otherwise provide, a director may waive any required notice of a meeting of the board of directors in a record before, during, or after the meeting.

(2) Unless the organic rules otherwise provide, a director's participation in a meeting is a waiver of notice of that meeting unless the director objects to the meeting at the beginning of the meeting or promptly upon the director's arrival at the meeting and does not thereafter vote in favor of or otherwise assent to the action taken at the meeting.

NEW SECTION. Sec. 615. QUORUM. (1) Unless the articles of organization provide for a different number, a

majority of the total number of directors specified by the organic rules constitutes a quorum for a meeting of the directors. The articles of organization may not provide for a quorum that is less than one-third of the total number of directors specified by the organic rules.

(2) If a quorum of the board of directors is present at the beginning of a meeting, any action taken by the directors present is valid even if withdrawal of directors originally present results in the number of directors being fewer than the number required for a quorum.

(3) A director present at a meeting but objecting to notice under section 614(2) of this act does not count toward a quorum.

NEW SECTION. Sec. 616. VOTING. (1) Each director shall have one vote for purposes of decisions made by the board of directors.

(2) Unless the organic rules provide for a greater number, the affirmative vote of a majority of directors present at a meeting is required for action by the board of directors.

NEW SECTION. Sec. 617. COMMITTEES. (1) Unless the organic rules otherwise provide, a board of directors may create one or more committees and appoint one or more individuals to serve on a committee.

(2) Unless the organic rules otherwise provide, an individual appointed to serve on a committee of a limited cooperative association need not be a director or member.

(3) An individual who is not a director and is serving on a committee has the same rights, duties, and obligations as a director serving on the committee.

(4) Unless the organic rules otherwise provide, each committee of a limited cooperative association may exercise the powers delegated to it by the board of directors, but a committee may not:

(a) Approve allocations or distributions except according to a formula or method prescribed by the board of directors;

(b) Approve or propose to members action requiring approval of members; or

(c) Fill vacancies on the board of directors or any of its committees.

NEW SECTION. Sec. 618. STANDARDS OF CONDUCT AND LIABILITY. Except as otherwise provided in section 620 of this act:

(1) The discharge of the duties of a director or member of a committee of the board of directors is governed by the law applicable to directors of entities organized under Title 23B RCW; and

(2) The liability of a director or member of a committee of the board of directors is governed by the law applicable to directors of entities organized under Title 23B RCW.

NEW SECTION. Sec. 619. CONFLICT OF INTEREST. (1) The law applicable to conflicts of interest between a director of an entity organized under Title 23B RCW governs conflicts of interest between a limited cooperative association and a director or member of a committee of the board of directors.

(2) A director does not have a conflict of interest under chapter 23.95 RCW and this chapter or the organic rules solely because the director's conduct relating to the duties of the director may further the director's own interest.

NEW SECTION. Sec. 620. OTHER CONSIDERATIONS OF DIRECTORS. Unless the articles of organization otherwise provide, in considering the best interests of a limited cooperative association, a director of the association in discharging the duties of director, in conjunction with considering the long and short term interest of the association and its members, may consider any or all of:

(1) The interest of employees, customers, and suppliers of the association;

(2) The interest of the local, state, national, or world community in which the association operates;

(3) The environment; and

(4) Other cooperative principles and values that may be applied in the context of the decision.

NEW SECTION. **Sec. 621.** RIGHT OF DIRECTOR OR COMMITTEE MEMBER TO INFORMATION. A director or a member of a committee appointed under section 617 of this act may obtain, inspect, and copy all information regarding the state of activities and financial condition of the limited cooperative association and other information regarding the activities of the association if the information is reasonably related to the performance of the director's duties as director or the committee member's duties as a member of the committee. Information obtained in accordance with this section may not be used in any manner that would violate any duty of or to the association.

NEW SECTION. **Sec. 622.** APPOINTMENT AND AUTHORITY OF OFFICERS. (1) A limited cooperative association has the officers:

- (a) Provided in the organic rules; or
- (b) Established by the board of directors in a manner not inconsistent with the organic rules.

(2) The organic rules may designate or, if the organic rules do not designate, the board of directors shall designate, one of the association's officers for preparing all records required by section 110 of this act and for the authentication of records.

(3) Unless the organic rules otherwise provide, the board of directors shall appoint the officers of the limited cooperative association.

(4) Officers of a limited cooperative association shall perform the duties the organic rules prescribe or as authorized by the board of directors in a manner consistent with the organic rules.

(5) The election or appointment of an officer of a limited cooperative association does not of itself create a contract between the association and the officer.

(6) Unless the organic rules otherwise provide, an individual may simultaneously hold more than one office in a limited cooperative association.

NEW SECTION. **Sec. 623.** RESIGNATION AND REMOVAL OF OFFICERS. (1) The board of directors may remove an officer at any time with or without cause.

(2) An officer of a limited cooperative association may resign at any time by giving notice in a record to the association. Unless the notice specifies a later time, the resignation is effective when the notice is given.

PART 7
INDEMNIFICATION

NEW SECTION. **Sec. 701.** INDEMNIFICATION AND ADVANCEMENT OF EXPENSES—INSURANCE. (1) Indemnification and advancement of expenses of an individual who has incurred liability or is a party, or is threatened to be made a party, to litigation because of the performance of a duty to, or activity on behalf of, a limited cooperative association is governed by Title 23B RCW.

(2) A limited cooperative association may purchase and maintain insurance on behalf of any individual against liability asserted against or incurred by the individual to the same extent and subject to the same conditions as provided by Title 23B RCW.

PART 8
CONTRIBUTIONS, ALLOCATIONS, AND DISTRIBUTIONS

NEW SECTION. **Sec. 801.** MEMBERS' CONTRIBUTIONS. Unless the organic rules establish the amount, manner, or method of determining any contribution requirements for members, the board of directors may establish the amount, manner, or other method of determining any contribution requirements for members.

NEW SECTION. **Sec. 802.** CONTRIBUTION AND VALUATION. (1) Unless the organic rules otherwise provide, the contributions of a member to a limited cooperative association may consist of property transferred to, services performed for, or another benefit provided to the association or an agreement to transfer property to, perform services for, or provide another benefit to the association.

(2) The receipt and acceptance of contributions and the valuation of contributions must be reflected in a

limited cooperative association's records.

(3) Unless the organic rules otherwise provide, the board of directors shall determine the value of a member's contributions received or to be received and the determination by the board of directors of valuation is conclusive for purposes of determining whether the member's contribution obligation has been met.

NEW SECTION. Sec. 803. ALLOCATIONS OF PROFITS AND LOSSES. (1) The organic rules may provide for allocating profits of a limited cooperative association among members, among persons that are not members but conduct business with the association, to an unallocated account, or to any combination thereof. Unless the organic rules otherwise provide, losses of the association must be allocated in the same proportion as profits.

(2) Unless the organic rules otherwise provide, all profits and losses of a limited cooperative association must be allocated to patron members.

(3) If a limited cooperative association has investor members, the organic rules may not reduce the allocation to patron members to less than fifty percent of profits. For purposes of this subsection, the following rules apply:

(a) Amounts paid or due on contracts for the delivery to the association by patron members of products, goods, or services are not considered amounts allocated to patron members.

(b) Amounts paid, due, or allocated to investor members as a stated fixed return on equity are considered amounts allocated to investor members.

(4) Unless prohibited by the organic rules, in determining the profits for allocation under subsections (1) through (3) of this section, the board of directors may first deduct and set aside a part of the profits to create or accumulate:

(a) An unallocated capital reserve; and

(b) Reasonable unallocated reserves for specific purposes, including expansion and replacement of capital assets; education, training, and cooperative development; creation and

distribution of information concerning principles of cooperation; and community responsibility.

(5) Subject to subsections (2) and (6) of this section and the organic rules, the board of directors shall allocate the amount remaining after any deduction or setting aside of profits for unallocated reserves under subsection (4) of this section:

(a) To patron members in the ratio of each member's patronage to the total patronage of all patron members during the period for which allocations are to be made; and

(b) To investor members, if any, in the ratio of each investor member's contributions to the total contributions of all investor members.

(6) For purposes of allocation of profits and losses or specific items of profits or losses of a limited cooperative association to members, the organic rules may establish allocation units or methods based on separate classes of members or, for patron members, on class, function, division, district, department, allocation units, pooling arrangements, members' contributions, or other equitable methods.

NEW SECTION. Sec. 804. DISTRIBUTIONS. (1) Unless the organic rules otherwise provide and subject to section 806 of this act, the board of directors may authorize, and the limited cooperative association may make, distributions to members.

(2) Unless the organic rules otherwise provide, distributions to members may be made in any form, including money, capital credits, allocated patronage equities, revolving fund certificates, and the limited cooperative association's own or other securities.

NEW SECTION. Sec. 805. REDEMPTION OR REPURCHASE. Property distributed to a member by a limited cooperative association, other than money, may be redeemed or repurchased as provided in the organic rules but a redemption or repurchase may not be made without authorization by the board of directors. The board may withhold authorization for any reason in its sole discretion. A redemption or repurchase is treated as a

distribution for purposes of section 806 of this act.

NEW SECTION. Sec. 806. LIMITATIONS ON DISTRIBUTIONS. (1) In this section, "distribution" does not include reasonable compensation for present or past services or other payments made in the ordinary course of business for commodities or goods or under a bona fide retirement or other bona fide benefits program.

(2) A limited cooperative association may not make a distribution, including a distribution under section 1008 of this act, if after the distribution:

(a) The association would not be able to pay its debts as they become due in the ordinary course of the association's activities and affairs; or

(b) The association's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the association were to be dissolved and wound up at the time of the distribution, to satisfy the preferential rights upon dissolution and winding up of members whose preferential rights are superior to the rights of persons receiving the distribution.

(3) A limited cooperative association may base a determination that a distribution is not prohibited under subsection (2) of this section on:

(a) Financial statements prepared on the basis of accounting practices and principles that are reasonable under the circumstances; or

(b) A fair valuation or other method that is reasonable under the circumstances.

(4) Except as otherwise provided in subsection (5) of this section, the effect of a distribution allowed under subsection (2) of this section is measured:

(a) In the case of a distribution by purchase, redemption, or other acquisition of financial rights in the limited cooperative association, as of the earlier of:

(i) The date money or other property is transferred or debt is incurred by the association; or

(ii) The date the person entitled to the distribution ceases to own the

financial rights being acquired by the association in return for the distribution;

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed; and

(c) In all other cases, as of the date:

(i) The distribution is authorized, if the payment occurs not later than one hundred twenty days after that date; or

(ii) The payment is made, if the payment occurs more than one hundred twenty days after the distribution is authorized.

(5) A limited cooperative association's indebtedness incurred by reason of a distribution made in accordance with this section is at parity with the association's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

(6) A limited cooperative association's indebtedness, including indebtedness issued as a distribution, is not a liability for purposes of subsection (2) of this section if the terms of the indebtedness provide that payment of principal and interest is made only if and to the extent that payment of a distribution could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is made.

(7) In measuring the effect of a distribution under section 1008 of this act, the liabilities of a dissolved limited cooperative association do not include any claim that has been disposed of under sections 1009 through 1011 of this act.

NEW SECTION. Sec. 807. LIABILITY FOR IMPROPER DISTRIBUTIONS—LIMITATION OF ACTION. (1) A director of a limited cooperative association who votes for or assents to a distribution made in violation of section 806 of this act or the association's articles of organization is personally liable to the association for the amount of the distribution that exceeds the amount that could have been distributed without violating section 806 of this act or the articles of organization if it is established that the director did not perform the director's duties in

compliance with section 618 of this act. In any proceeding commenced under this section, a director has all of the defenses ordinarily available to a director.

(2) A director held liable under subsection (1) of this section for an unlawful distribution is entitled to contribution:

(a) From every other director who could be held liable under subsection (1) of this section for the unlawful distribution; and

(b) From each member for the amount the member accepted knowing the distribution was made in violation of section 806 of this act or the articles of organization.

(3) A member who accepts a distribution made in violation of section 806 of this act or the articles of organization is personally liable to the corporation for the amount of any distribution received by the member to the extent it exceeds the amount that could have been distributed to the member without violating section 806 of this act or the articles of organization, if it is established that the member accepted the distribution knowing that it was made in violation of section 806 of this act or the articles of organization.

(4) A member held liable under subsection (3) of this section for an unlawful distribution is entitled to contribution from every other member who could be held liable under subsection (3) of this section for the unlawful distribution.

(5) A proceeding under this section is barred unless it is commenced prior to the earlier of (a) the expiration of two years after the date on which the effect of the distribution was measured under section 806(4) of this act, or (b) the expiration of the period specified in section 1010(3) of this act.

NEW SECTION. **Sec. 808.** RELATION TO STATE SECURITIES LAW. A patron member's interest in a limited cooperative association has the same exemption as provided for substantially similar interests in cooperatives under RCW 21.20.320(16).

NEW SECTION. **Sec. 809.** ALTERNATIVE DISTRIBUTION OF UNCLAIMED PROPERTY,

DISTRIBUTIONS, REDEMPTIONS, OR PAYMENTS. A limited cooperative association may distribute unclaimed property, distributions, redemptions, or payments under chapter 23.86 RCW.

PART 9

DISSOCIATION

NEW SECTION. **Sec. 901.** MEMBER'S DISSOCIATION. (1) A person has the power to dissociate as a member at any time, rightfully or wrongfully, by express will.

(2) Unless the organic rules otherwise provide, a member's dissociation from a limited cooperative association is wrongful only if:

(a) It is in breach of an express provision of the organic rules; or

(b) It occurs before the termination of the limited cooperative association and:

(i) The person is expelled as a member under subsection (4)(c) or (d) of this section; or

(ii) In the case of a person that is not an individual, trust other than a business trust, or estate, the person is expelled or otherwise dissociated as a member because it dissolved or terminated in bad faith.

(3) Unless the organic rules otherwise provide, a person that wrongfully dissociates as a member is liable to the limited cooperative association and to the other members for damages caused by the dissociation. The liability is in addition to any other debt, obligation, or liability of the person to the association.

(4) A member is dissociated as a member when:

(a) The limited cooperative association receives notice in a record of the member's express will to dissociate as a member, or if the member specifies in the notice an effective date later than the date the association received notice, on that later date;

(b) An event stated in the organic rules as causing the person's dissociation occurs;

(c) The person's entire interest is transferred in a foreclosure sale;

(d) The person is expelled as a member under the organic rules;

(e) The person is expelled as a member by the board of directors if:

(i) It is unlawful to carry on the limited cooperative association's activities and affairs with the person as a member;

(ii) There has been a transfer of all the member's financial rights in the association, other than:

(A) A transfer for security purposes; or

(B) A charging order which has not been foreclosed;

(iii) The person is an unincorporated entity that has been dissolved and its activities and affairs are being wound up;

(iv) The person is a corporation or cooperative and:

(A) The person filed a certificate of dissolution or the equivalent, or the jurisdiction of formation revoked the person's charter or right to conduct business;

(B) The association sends a notice to the person that it will be expelled as a member for a reason described in (e)(iv)(A) of this subsection (4); and

(C) Not later than ninety days after the notice was sent under (e)(iv)(B) of this subsection (4), the person did not revoke its certificate of dissolution or the equivalent, or the jurisdiction of formation did not reinstate the person's charter or right to conduct business; or

(v) The member is an individual and is adjudged incompetent;

(f) In the case of an individual, the individual dies;

(g) In the case of a member that is a testamentary or inter vivos trust or is acting as a member by virtue of being a trustee of a trust, the trust's entire financial rights in the limited cooperative association are distributed;

(h) In the case of a person that is an estate or is acting as a member by virtue of being a personal representative of an estate, the estate's entire financial interest in the association is distributed;

(i) In the case of a person that is not an individual, partnership, limited liability company, cooperative, corporation, trust, or estate, the existence of the person terminates; or

(j) The association's participation in a merger under sections 1308 through 1313 of this act that causes the person to cease to be a member.

NEW SECTION. **Sec. 902.** EFFECT OF DISSOCIATION. (1) When a person is dissociated as a member:

(a) The person's right to participate as a member in the management and conduct of the limited cooperative association's activities and affairs terminates; and

(b) Subject to section 903 of this act, any financial rights owned by the person in the person's capacity as a member immediately before dissociation are owned by the person as a transferee.

(2) A person's dissociation as a member does not of itself discharge the person from any debt, obligation, or other liability to the limited cooperative association or the other members which the person incurred while a member.

NEW SECTION. **Sec. 903.** POWER OF LEGAL REPRESENTATIVE OF DECEASED MEMBER. If a member dies, the deceased member's legal representative may exercise for the purposes of settling the estate, the rights the deceased member had under section 405 of this act.

PART 10

DISSOLUTION

NEW SECTION. **Sec. 1001.** DISSOLUTION AND WINDING UP. A limited cooperative association is dissolved only as provided in this section and sections 1002 through 1013 of this act and upon dissolution winds up in accordance with this section and sections 1002 through 1013 of this act.

NEW SECTION. **Sec. 1002.** NONJUDICIAL DISSOLUTION. Except as otherwise provided in section 1003 of this act and RCW 23.95.615, a limited cooperative association is dissolved and its activities must be wound up:

(1) Upon the occurrence of an event or at a time specified in the articles of organization;

(2) Upon the action of the association's organizers, board of directors, or members under section 1004 or 1005 of this act; or

(3) Ninety days after the dissociation of a member, which results in the association having one patron member and no other members, unless the association:

(a) Has a sole member that is a cooperative; or

(b) Not later than the end of the ninety-day period, admits at least one member in accordance with the organic rules and has at least two members, at least one of which is a patron member.

NEW SECTION. **Sec. 1003.** JUDICIAL DISSOLUTION. A superior court may dissolve a limited cooperative association or order any action that under the circumstances is appropriate and equitable:

(1) In a proceeding initiated by the attorney general, if:

(a) The association obtained its articles of organization through fraud; or

(b) The association has continued to exceed or abuse the authority conferred upon it by law; or

(2) In a proceeding initiated by a member, if:

(a) The directors are deadlocked in the management of the association's affairs, the members are unable to break the deadlock, and irreparable injury to the association is occurring or is threatened because of the deadlock;

(b) The directors or those in control of the association have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent;

(c) The members are deadlocked in voting power and have failed to elect successors to directors whose terms have expired for two consecutive periods during which annual members meetings were held or were to be held; or

(d) The assets of the association are being misapplied or wasted.

NEW SECTION. **Sec. 1004.** VOLUNTARY DISSOLUTION BEFORE COMMENCEMENT OF ACTIVITY. A majority of the organizers or initial directors of a limited cooperative association that has not yet begun business activity or the conduct of its affairs may dissolve the association.

NEW SECTION. **Sec. 1005.** VOLUNTARY DISSOLUTION BY THE BOARD AND MEMBERS. (1) Except as otherwise provided in section 1004 of this act, for a limited cooperative association to voluntarily dissolve:

(a) A resolution to dissolve must be approved by a majority vote of the board of directors unless a greater percentage is required by the organic rules;

(b) The board of directors must call a members meeting to consider the resolution, to be held not later than ninety days after adoption of the resolution; and

(c) Subject to section 419 of this act, the board of directors must mail or otherwise transmit or deliver to each member in a record that complies with section 408 of this act:

(i) The resolution required by (a) of this subsection;

(ii) A recommendation that the members vote in favor of the resolution or, if the board determines that because of conflict of interest or other special circumstances it should not make a favorable recommendation, the basis of that determination; and

(iii) Notice of the members meeting, which must be given in the same manner as notice of a special meeting of members.

(2) Subject to subsection (3) of this section, a resolution to dissolve must be approved by:

(a) At least two-thirds of the voting power of members present at a members meeting called under subsection (1) (b) of this section; and

(b) If the limited cooperative association has investor members, at least a majority of the votes cast by patron members, unless the organic rules require a greater percentage.

(3) The organic rules may require that the percentage of votes under subsection (2) (a) of this section is:

(a) A different percentage that is not less than a majority of members voting at the meeting;

(b) Measured against the voting power of all members; or

(c) A combination of (a) and (b) of this subsection.

NEW SECTION. **Sec. 1006.** WINDING UP.

(1) A dissolved limited cooperative association shall wind up its activities and affairs, and except as provided in section 1007 of this act, the association continues after dissolution only for the purpose of winding up.

(2) In winding up its activities and affairs, the board of directors:

(a) Shall discharge the association's debts, obligations, or other liabilities, settle and close the association's activities, and marshal and distribute the assets of the association; and

(b) May:

(i) Deliver to the secretary of state for filing a statement of dissolution stating the name of the association and that the association is dissolved;

(ii) Preserve the association's activities, affairs, and property as a going concern for a reasonable time;

(iii) Prosecute and defend actions and proceedings, whether civil, criminal, or administrative;

(iv) Transfer the association's property;

(v) Settle disputes by mediation or arbitration;

(vi) Deliver to the secretary of state for filing a statement of termination stating the name of the company and that the company is terminated; and

(vii) Perform other acts necessary or appropriate to the winding up.

(3) After dissolution and upon application of a limited cooperative association, a member, or a holder of financial rights, a superior court may order judicial supervision of the winding up of the association, including the appointment of a person to wind up the association's activities, if:

(a) After a reasonable time, the association has not wound up its activities; or

(b) The applicant establishes other good cause.

(4) If a person is appointed pursuant to subsection (3) of this section to wind up the activities of a limited cooperative association, the association shall promptly deliver to the secretary of state for filing an amendment to the articles of organization to reflect the appointment.

NEW SECTION. **Sec. 1007.** RESCINDING DISSOLUTION.

(1) A limited cooperative association may rescind its dissolution, unless a statement of termination applicable to the association is effective, a superior court has entered an order under section 1003 of this act dissolving the association, or the secretary of state has dissolved the association under RCW 23.95.610.

(2) Rescinding dissolution under this section requires:

(a) The affirmative vote or consent of each member;

(b) If a statement of dissolution applicable to the limited cooperative association has been filed by the secretary of state but has not become effective, the delivery to the secretary of state for filing of a statement of withdrawal applicable to the statement of dissolution; and

(c) If a statement of dissolution applicable to the limited cooperative association is effective, the delivery to the secretary of state for filing of a statement of rescission stating the name of the association and that dissolution has been rescinded under this section.

(3) If a limited cooperative association rescinds its dissolution:

(a) The association resumes carrying on its activities and affairs as if dissolution had never occurred;

(b) Subject to (c) of this subsection, any liability incurred by the association after the dissolution and before the rescission is effective is determined as if dissolution had never occurred; and

(c) The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew

or had notice of the rescission may not be adversely affected.

NEW SECTION. Sec. 1008. DISTRIBUTION OF ASSETS IN WINDING UP. (1) In winding up its activities and affairs, the limited cooperative association shall apply its assets to discharge its obligations to creditors, including members that are creditors. The association shall apply any remaining assets to pay in money the net amount distributable to members in accordance with their right to distributions under subsection (2) of this section.

(2) Unless the organic rules otherwise provide, in this subsection "financial interests" means the amounts recorded in the names of members in the records of a limited cooperative association at the time a distribution is made, including amounts paid to become a member, amounts allocated but not distributed to members, and amounts of distributions authorized but not yet paid to members. Unless the organic rules otherwise provide, each member is entitled to a distribution from the association of any remaining assets in the proportion of the member's financial interests to the total financial interests of the members after all other obligations are satisfied.

NEW SECTION. Sec. 1009. KNOWN CLAIMS AGAINST DISSOLVED LIMITED COOPERATIVE ASSOCIATION. (1) Except as otherwise provided in subsection (4) of this section, a dissolved limited cooperative association may give notice of a known claim under subsection (2) of this section, which has the effect provided in subsection (3) of this section.

(2) A dissolved limited cooperative association in a record may notify its known claimants of the dissolution. The notice must:

(a) Specify the information required to be included in a claim;

(b) State that a claim must be in writing and provide a mailing address to which the claim is to be sent;

(c) State the deadline for receipt of a claim, which may not be less than one hundred twenty days after the date the notice is received by the claimant; and

(d) State that the claim will be barred if not received by the deadline.

(3) A claim against a dissolved limited cooperative association is barred if the requirements of subsection (2) of this section are met, and:

(a) The claim is not received by the specified deadline; or

(b) If the claim is timely received but rejected by the association:

(i) The association causes the claimant to receive a notice in a record stating that the claim is rejected and will be barred unless the claimant commences an action against the association to enforce the claim not later than ninety days after the claimant receives the notice; and

(ii) The claimant does not commence the required action not later than ninety days after the claimant receives the notice.

(4) This section does not apply to a claim based on an event occurring after the date of dissolution or a liability that on that date is contingent.

NEW SECTION. Sec. 1010. OTHER CLAIMS AGAINST DISSOLVED LIMITED COOPERATIVE ASSOCIATION. (1) A dissolved limited cooperative association may publish notice of its dissolution and request persons having claims against the association to present them in accordance with the notice.

(2) A notice authorized under subsection (1) of this section must:

(a) Be published at least once in a newspaper of general circulation in the county in this state in which the dissolved limited cooperative association's principal office is located or, if the principal office is not located in this state, in the county in which the office of the association's registered agent is or was last located;

(b) Describe the information required to be contained in a claim, state that the claim must be in writing, and provide a mailing address to which the claim is to be sent; and

(c) State that a claim against the association is barred unless an action to enforce the claim is commenced not later than three years after publication of the notice.

(3) If a dissolved limited cooperative association publishes a notice in

accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim against the association not later than three years after the publication date of the notice:

(a) A claimant that did not receive notice in a record under section 1009 of this act;

(b) A claimant whose claim was timely sent to the company but not acted on; and

(c) A claimant whose claim is contingent at, or based on an event occurring after, the effective date of dissolution.

(4) A claim not barred under this section or section 1009 of this act may be enforced:

(a) Against a dissolved limited cooperative association, to the extent of its undistributed assets; and

(b) Except as provided in section 1011 of this act, if the assets of the association have been distributed after dissolution, against a member or holder of financial rights to the extent of that person's proportionate share of the claim or the assets distributed to the person after dissolution, whichever is less, but a person's total liability for all claims under this subsection (4)(b) may not exceed the total amount of assets distributed to the person after dissolution.

NEW SECTION. Sec. 1011. COURT PROCEEDINGS. (1) A dissolved limited cooperative association that has published a notice under section 1010 of this act may file an application with the superior court in the county where the association's principal office is located or, if the principal office is not located in this state, where the office of its registered agent is or was last located, for a determination of the amount and form of security to be provided for payment of claims that are reasonably expected to arise after the date of dissolution based on facts known to the association and:

(a) At the time of the application:

(i) Are contingent; or

(ii) Have not been made known to the association; or

(b) Are based on an event occurring after the date of dissolution.

(2) Security is not required for a claim that is or is reasonably anticipated to be barred under section 1010 of this act.

(3) Not later than ten days after filing an application under subsection (1) of this section, the dissolved limited cooperative association shall give notice of the proceeding to each claimant holding a contingent claim known to the association.

(4) In a proceeding under this section, the court may appoint a guardian ad litem to represent all claimants whose identities are unknown. The reasonable fees and expenses of the guardian, including all reasonable expert witness fees, must be paid by the dissolved limited cooperative association.

(5) A dissolved limited cooperative association that provides security in the amount and form ordered by the court under subsection (1) of this section satisfies the association's obligations with respect to claims that are contingent, have not been made known to the association, or are based on an event occurring after the effective date of dissolution. Such claims may not be enforced against a member or holder of financial rights on account of assets received in liquidation.

NEW SECTION. Sec. 1012. STATEMENT OF DISSOLUTION. (1) A limited cooperative association that has dissolved or is about to dissolve may deliver to the secretary of state for filing a statement of dissolution that states:

(a) The name of the association;

(b) The date the association dissolved or will dissolve; and

(c) Any other information the association considers relevant.

(2) A person has notice of a limited cooperative association's dissolution on the later of:

(a) Ninety days after a statement of dissolution is filed; or

(b) The effective date stated in the statement of dissolution.

NEW SECTION. Sec. 1013. STATEMENT OF TERMINATION. (1) A dissolved limited cooperative association that has completed winding up may deliver to the secretary of state for filing a statement of termination that states:

- (a) The name of the association;
 - (b) The date of filing of its initial articles of organization; and
 - (c) That the association is terminated.
- (2) The filing of a statement of termination does not itself terminate the limited cooperative association.

PART 11

ACTIONS BY MEMBERS

NEW SECTION. Sec. 1101. DERIVATIVE ACTION. A member may maintain a derivative action against a cooperative in the same manner as a shareholder may maintain a derivative action against a corporation under Title 23B RCW.

PART 12

DISPOSITION OF ASSETS

NEW SECTION. Sec. 1201. DISPOSITION OF ASSETS NOT REQUIRING MEMBER APPROVAL. Unless the articles of organization otherwise provide, member approval under section 1202 of this act is not required for a limited cooperative association to:

- (1) Sell, lease, exchange, license, or otherwise dispose of all or any part of the assets of the association in the usual and regular course of business; or
- (2) Mortgage, pledge, dedicate to the repayment of indebtedness, or encumber in any way all or any part of the assets of the association whether or not in the usual and regular course of business.

NEW SECTION. Sec. 1202. MEMBER APPROVAL OF OTHER DISPOSITION OF ASSETS. A sale, lease, exchange, license, or other disposition of assets of a limited cooperative association, other than a disposition described in section 1201 of this act, requires approval of the association's members under sections 1203 and 1204 of this act if the disposition leaves the association

without significant continuing business activity.

NEW SECTION. Sec. 1203. NOTICE AND ACTION BY BOARD OF DIRECTORS ON DISPOSITION OF ASSETS REQUIRING MEMBER APPROVAL. For a limited cooperative association to dispose of assets under section 1202 of this act:

(1) A majority of the board of directors, or a greater percentage if required by the organic rules, must approve the proposed disposition; and

(2) The board of directors must call a members meeting to consider the proposed disposition and, subject to section 419 of this act, mail or otherwise transmit or deliver in a record to each member:

(a) The terms of the proposed disposition;

(b) A recommendation that the members approve the disposition, or if the board determines that because of conflict of interest or other special circumstances it should not make a favorable recommendation, the basis for that determination;

(c) A statement of any condition of the board's submission of the proposed disposition to the members; and

(d) Notice of the meeting at which the proposed disposition will be considered, which must be given in the same manner as notice of a special meeting of members.

NEW SECTION. Sec. 1204. MEMBER ACTION ON DISPOSITION OF ASSETS. (1) Subject to subsection (2) of this section, a disposition of assets under section 1202 of this act must be approved by:

(a) At least two-thirds of the voting power of members present at a members meeting called under section 1203(2) of this act; and

(b) If the limited cooperative association has investor members, at least a majority of the votes cast by patron members, unless the organic rules require a greater percentage vote by patron members.

(2) The organic rules may require that the percentage of votes under subsection (1)(a) of this section is:

(a) A different percentage that is not less than a majority of members voting at the meeting;

(b) Measured against the voting power of all members; or

(c) A combination of (a) and (b) of this subsection.

(3) Subject to any contractual obligations, after a disposition of assets is approved and at any time before the consummation of the disposition, a limited cooperative association may approve an amendment to the contract for disposition or the resolution authorizing the disposition or approve abandonment of the disposition:

(a) As provided in the contract or the resolution; and

(b) Except as prohibited by the resolution, with the same affirmative vote of the board of directors and of the members as was required to approve the disposition, except that approval of the members is not required to approve abandonment of the disposition.

(4) The voting requirements for districts, classes, or voting groups under section 304 of this act apply to approval of a disposition of assets under this section and sections 1201 through 1203 of this act.

PART 13

CONVERSION AND MERGER

NEW SECTION. **Sec. 1301.** DEFINITIONS.

(1) In this section and sections 1302 through 1320 of this act:

(a) "Approve" means, in the case of an entity, for its governors and interest holders to take whatever steps are necessary under the entity's organic rules, organic law, and other law to:

(i) Propose a conversion or merger subject to this subchapter;

(ii) Adopt and approve the terms and conditions of the conversion or merger; and

(iii) Conduct any required proceedings or otherwise obtain any required votes or consents of the governors or interest holders.

(b) "Conversion" means a transaction authorized by sections 1302 through 1307 of this act.

(c) "Converted entity" means the converting entity as it continues in existence after a conversion.

(d) "Converting entity" means the domestic entity that approves a plan of conversion pursuant to section 1303 of this act.

(e) "Interest holder liability" means:

(i) Personal liability for a liability of an entity which is imposed on a person:

(A) Solely by reason of the status of the person as an interest holder; or

(B) By the organic rules of the entity which make one or more specified interest holders or categories of interest holders liable in their capacity as interest holders for all or specified liabilities of the entity; or

(ii) An obligation of an interest holder under the organic rules of an entity to contribute to the entity.

(f) "Merger" means a transaction in which two or more merging entities are combined into a surviving entity pursuant to a record filed by the secretary of state.

(g) "Merging entity" means an entity that is a party to a merger and exists immediately before the merger becomes effective.

(h) "Plan" means a plan of merger or plan of conversion.

(i) "Plan of conversion" means a plan under section 1303 of this act.

(j) "Plan of merger" means a plan under section 1309 of this act.

(k) "Protected agreement" means:

(i) A record evidencing indebtedness and any related agreement in effect on the effective date of this section;

(ii) An agreement that is binding on an entity on the effective date of this section;

(iii) The organic rules of an entity in effect on the effective date of this section; or

(iv) An agreement that is binding on any of the governors or interest holders of an entity on the effective date of this section.

(1)(i) "Qualifying entity" means, except as provided in (1)(ii) of this subsection, a domestic entity:

(A) Organized under chapter 23.86 RCW; or

(B) Organized under chapter 24.06 RCW and taking the election provided in RCW 24.06.032(1).

(ii) "Qualifying entity" does not include an entity that is organized for the purpose of generating, purchasing, selling, marketing, transmitting, or distributing electric energy.

(m) "Statement of conversion" means a statement under section 1306 of this act.

(n) "Statement of merger" means a statement under section 1312 of this act.

(o) "This subchapter" means this section and sections 1302 through 1320 of this act.

(2) The following definitions from RCW 23.95.105 apply to this subchapter: "Domestic," "entity," "execute," "executes," and "executed," "foreign," "governor," "interest," "interest holder," "jurisdiction," "jurisdiction of formation," "organic law," "organic rules," "person," "private organic rules," "property," "public organic record," "receipt," "record," "state," "transfer," and "type of entity."

NEW SECTION. Sec. 1302. CONVERSION AUTHORIZED. By complying with this section and sections 1303 through 1307 of this act, a domestic qualifying entity may become a domestic limited cooperative association.

NEW SECTION. Sec. 1303. PLAN OF CONVERSION. (1) A qualifying entity may convert to a limited cooperative association under this subchapter by approving a plan of conversion. The plan must be in a record and contain:

(a) The name and type of entity of the converting entity;

(b) The name of the converted entity;

(c) The manner of converting the interests in the converting entity into interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing;

(d) The proposed public organic record of the converted entity if it will be a filing entity;

(e) The full text of the private organic rules of the converted entity which are proposed to be in a record;

(f) The other terms and conditions of the conversion; and

(g) Any other provision required by the law of this state or the organic rules of the converting entity.

(2) In addition to the requirements of subsection (1) of this section, a plan of conversion may contain any other provision not prohibited by law.

NEW SECTION. Sec. 1304. APPROVAL OF CONVERSION. A plan of conversion is not effective unless it has been approved:

(1) By a converting entity:

(a) In accordance with the requirements, if any, in its organic rules for approval of a conversion; or

(b) By all of the interest holders of the entity entitled to vote on or consent to any matter if neither the entity's organic law nor the entity's organic rules provide for approval of a conversion; and

(2) In a record, by each interest holder of a converting entity which will have interest holder liability for debts, obligations, and other liabilities that are incurred after the conversion becomes effective, unless, in the case of an entity that is not a business or nonprofit corporation:

(a) The organic rules of the entity provide in a record for the approval of a conversion in which some or all of its interest holders become subject to interest holder liability by the vote or consent of fewer than all the interest holders; and

(b) The interest holder voted for or consented in a record to that provision of the organic rules or became an interest holder after the adoption of that provision.

NEW SECTION. Sec. 1305. AMENDMENT OR ABANDONMENT OF PLAN OF CONVERSION. (1) A plan of conversion of a converting entity may be amended:

(a) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or

(b) By its governors or interest holders in the manner provided in the plan, but an interest holder that was entitled to vote on or consent to approval of the conversion is entitled to vote on or consent to any amendment of the plan that will change:

(i) The amount or kind of interests, securities, obligations, money, other property, rights to acquire interests or securities, or any combination of the foregoing, to be received by any of the interest holders of the converting entity under the plan;

(ii) The public organic record, if any, or private organic rules of the converted entity which will be in effect immediately after the conversion becomes effective, except for changes that do not require approval of the interest holders of the converted entity under its organic law or organic rules; or

(iii) Any other terms or conditions of the plan, if the change would adversely affect the interest holder in any material respect.

(2) After a plan of conversion has been approved and before a statement of conversion is effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a converting entity may abandon the plan in the same manner as the plan was approved.

(3) If a plan of conversion is abandoned after a statement of conversion has been delivered to the secretary of state for filing and before the statement is effective, a statement of abandonment, executed by the converting entity, must be delivered to the secretary of state for filing before the statement of conversion is effective. The statement of abandonment takes effect on filing, and the conversion is abandoned and does not become effective. The statement of abandonment must contain:

(a) The name of the converting entity;

(b) The date on which the statement of conversion was filed by the secretary of state; and

(c) A statement that the conversion has been abandoned in accordance with this section.

NEW SECTION. **Sec. 1306.** STATEMENT OF CONVERSION—EFFECTIVE DATE OF CONVERSION.

(1) A statement of conversion must be executed by the converting entity and delivered to the secretary of state for filing.

(2) A statement of conversion must contain:

(a) The name, jurisdiction of formation, and type of entity of the converting entity;

(b) The name of the converted entity;

(c) If the statement of conversion is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than ninety days after the date of filing;

(d) A statement that the plan of conversion was approved in accordance with this subchapter; and

(e) The public organic record of the converted entity, as an attachment.

(3) In addition to the requirements of subsection (2) of this section, a statement of conversion may contain any other provision not prohibited by law.

(4) The public organic record of the converted entity must satisfy the requirements of the law of this state, except that the public organic record does not need to be executed and may omit any provision that is not required to be included in a restatement of the public organic record.

(5) A plan of conversion that is executed by a converting entity and meets all the requirements of subsection (2) of this section may be delivered to the secretary of state for filing instead of a statement of conversion and on filing has the same effect. If a plan of conversion is filed as provided in this subsection, references in this subchapter to a statement of conversion refer to the plan of conversion filed under this subsection.

(6) A statement of conversion is effective on the date and time of filing or the later date and time specified in the statement of conversion.

(7) The conversion becomes effective when the statement of conversion is effective.

NEW SECTION. **Sec. 1307.** EFFECT OF CONVERSION. (1) When a conversion becomes effective:

- (a) The converted entity is:
- (i) Organized under and subject to the organic law of the converted entity; and
- (ii) The same entity without interruption as the converting entity;
- (b) All property of the converting entity continues to be vested in the converted entity without transfer, reversion, or impairment;
- (c) All debts, obligations, and other liabilities of the converting entity continue as debts, obligations, and other liabilities of the converted entity;
- (d) Except as otherwise provided by law or the plan of conversion, all the rights, privileges, immunities, powers, and purposes of the converting entity remain in the converted entity;
- (e) The name of the converted entity may be substituted for the name of the converting entity in any pending action or proceeding;
- (f) If a converted entity is a filing entity, its public organic record is effective;
- (g) The private organic rules of the converted entity which are to be in a record, if any, approved as part of the plan of conversion are effective; and
- (h) The interests in the converting entity are converted, and the interest holders of the converting entity are entitled only to the rights provided to them under the plan of conversion and to any appraisal rights they have under the converting entity's organic law.

(2) Except as otherwise provided in the organic law or organic rules of the converting entity, the conversion does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of the converting entity.

(3) When a conversion becomes effective, a person that did not have interest holder liability with respect to the converting entity and becomes subject to interest holder liability with respect to a domestic entity as a result of the conversion has interest holder liability only to the extent provided by the organic law of the entity and only for

those debts, obligations, and other liabilities that are incurred after the conversion becomes effective.

(4) When a conversion becomes effective, the interest holder liability of a person that ceases to hold an interest in a converting entity with respect to which the person had interest holder liability is subject to the following rules:

(a) The conversion does not discharge any interest holder liability under the organic law of the converting entity to the extent the interest holder liability was incurred before the conversion became effective.

(b) The person does not have interest holder liability under the organic law of the domestic entity for any debt, obligation, or other liability that is incurred after the conversion becomes effective.

(c) The organic law of the converting entity continues to apply to the release, collection, or discharge of any interest holder liability preserved under (a) of this subsection as if the conversion had not occurred.

(d) The person has whatever rights of contribution from any other person as are provided by other law or the organic rules of the converting entity with respect to any interest holder liability preserved under (a) of this subsection as if the conversion had not occurred.

(5) A conversion does not require the entity to wind up its affairs and does not constitute or cause the dissolution of the entity.

NEW SECTION. **Sec. 1308.** MERGER AUTHORIZED. (1) Except as otherwise provided in this section, by complying with this section and sections 1309 through 1313 of this act:

(a) One or more domestic limited cooperative associations may merge with one or more domestic cooperative associations organized under this chapter or chapter 23.86 or 24.06 RCW or with one or more foreign cooperative associations into a domestic surviving cooperative association or foreign surviving cooperative association; and

(b) Two or more foreign cooperative associations may merge into a domestic limited cooperative association.

(2) Except as otherwise provided in this section, by complying with the provisions of this section and sections 1309 through 1313 of this act applicable to foreign cooperative associations, a foreign cooperative association may be a party to a merger under this section and sections 1309 through 1313 of this act or may be the surviving entity in such a merger if the merger is authorized by the law of the foreign entity's jurisdiction of formation.

NEW SECTION. **Sec. 1309.** PLAN OF MERGER. (1) A domestic limited cooperative association may become a party to a merger under this section and sections 1308 and 1310 through 1313 of this act by approving a plan of merger. The plan must be in a record and contain:

(a) As to each merging cooperative association, its name, jurisdiction of formation, and type of cooperative association;

(b) If the surviving cooperative association is to be created in the merger, a statement to that effect and the association's name, jurisdiction of formation, and type of association;

(c) The manner of converting the interests in each party to the merger into interests, obligations, money, other property, rights to acquire interests, or any combination of the foregoing;

(d) If the surviving cooperative association exists before the merger, any proposed amendments to:

(i) Its public organic record, if any; and

(ii) Its private organic rules that are, or are proposed to be, in a record;

(e) If the surviving cooperative association is to be created in the merger:

(i) Its proposed public organic record, if any; and

(ii) The full text of its private organic rules that are proposed to be in a record;

(f) The other terms and conditions of the merger; and

(g) Any other provision required by the law of a merging cooperative association's jurisdiction of formation

or the organic rules of a merging cooperative association.

(2) In addition to the requirements of subsection (1) of this section, a plan of merger may contain any other provision not prohibited by law.

NEW SECTION. **Sec. 1310.** APPROVAL OF MERGER. (1) A plan of merger is not effective unless it has been approved by a domestic merging limited cooperative association as provided in section 418 of this act.

(2) A merger involving a domestic merging cooperative association that is not a limited cooperative association is not effective unless the merger is approved by that cooperative association in accordance with its organic law.

(3) A merger involving a foreign merging cooperative association is not effective unless the merger is approved by the foreign cooperative association in accordance with the law of the foreign cooperative association's jurisdiction of formation.

NEW SECTION. **Sec. 1311.** AMENDMENT OR ABANDONMENT OF PLAN OF MERGER. (1) A plan of merger may be amended only with the consent of each party to the plan, except as otherwise provided in the plan.

(2) A domestic merging limited cooperative association may approve an amendment of a plan of merger:

(a) In the same manner as the plan was approved, if the plan does not provide for the manner in which it may be amended; or

(b) By its directors or members in the manner provided in the plan, but a member that was entitled to vote on or consent to approval of the merger is entitled to vote on or consent to any amendment of the plan that will change:

(i) The amount or kind of interests, obligations, money, other property, rights to acquire interests, or any combination of the foregoing, to be received by the members of any party to the plan;

(ii) The public organic record, if any, or private organic rules of the surviving cooperative association that will be in effect immediately after the merger becomes effective, except for

changes that do not require approval of the interest holders of the surviving cooperative association under its organic law or organic rules; or

(iii) Any other terms or conditions of the plan, if the change would adversely affect the members in any material respect.

(3) After a plan of merger has been approved and before a statement of merger is effective, the plan may be abandoned as provided in the plan. Unless prohibited by the plan, a domestic merging limited cooperative association may abandon the plan in the same manner as the plan was approved.

(4) If a plan of merger is abandoned after a statement of merger has been delivered to the secretary of state for filing and before the statement is effective, a statement of abandonment, signed by a party to the plan, must be delivered to the secretary of state for filing before the statement of merger is effective. The statement of abandonment takes effect on filing, and the merger is abandoned and does not become effective. The statement of abandonment must contain:

(a) The name of each party to the plan of merger;

(b) The date on which the statement of merger was filed by the secretary of state; and

(c) A statement that the merger has been abandoned in accordance with this section.

NEW SECTION. Sec. 1312. STATEMENT OF MERGER—EFFECTIVE DATE OF MERGER. (1) A statement of merger must be signed by each merging entity and delivered to the secretary of state for filing.

(2) A statement of merger must contain:

(a) The name, jurisdiction of formation, and type of cooperative association of each merging cooperative association that is not the surviving entity;

(b) The name, jurisdiction of formation, and type of entity of the surviving cooperative association;

(c) If the statement of merger is not to be effective upon filing, the later date and time on which it will become

effective, which may not be more than ninety days after the date of filing;

(d) A statement that the merger was approved by each domestic merging cooperative association, if any, in accordance with this section and sections 1308 through 1311 and 1313 of this act and by each foreign merging entity, if any, in accordance with the law of its jurisdiction of formation;

(e) If the surviving cooperative association exists before the merger and is a domestic cooperative association, any amendment to its public organic record approved as part of the plan of merger;

(f) If the surviving entity is created by the merger and is a domestic cooperative association, its public organic record, as an attachment;

(g) If the surviving entity is a foreign cooperative association that is not a registered foreign cooperative association, a mailing address to which the secretary of state may send any process served on the secretary of state pursuant to section 1313(5) of this act.

(3) In addition to the requirements of subsection (2) of this section, a statement of merger may contain any other provision not prohibited by law.

(4) If the surviving entity is a domestic cooperative association, its public organic record, if any, must satisfy the requirements of the law of this state, except that the public organic record does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic record.

(5) A plan of merger that is signed by all the merging cooperative associations and meets all the requirements of subsection (2) of this section may be delivered to the secretary of state for filing instead of a statement of merger and on filing has the same effect. If a plan of merger is filed as provided in this subsection, references in this subchapter to a statement of merger refer to the plan of merger filed under this subsection.

(6) A statement of merger is effective on the date and time of filing or the later date and time specified in the statement of merger.

(7) If the surviving entity is a domestic limited cooperative

association, the merger becomes effective when the statement of merger is effective. If the surviving entity is a foreign cooperative association, the merger becomes effective on the later of:

(a) The date and time provided by the organic law of the surviving cooperative association; or

(b) When the statement is effective.

NEW SECTION. Sec. 1313. EFFECT OF MERGER. (1) When a merger under this section and sections 1308 through 1312 of this act becomes effective:

(a) The surviving cooperative association continues or comes into existence;

(b) Each merging cooperative association that is not the surviving cooperative association ceases to exist;

(c) All property of each merging cooperative association vests in the surviving cooperative association without transfer, reversion, or impairment;

(d) All debts, obligations, and other liabilities of each merging cooperative association are debts, obligations, and other liabilities of the surviving cooperative association;

(e) Except as otherwise provided by law or the plan of merger, all the rights, privileges, immunities, powers, and purposes of each merging cooperative association vest in the surviving cooperative association;

(f) If the surviving cooperative association exists before the merger:

(i) All its property continues to be vested in it without transfer, reversion, or impairment;

(ii) It remains subject to all its debts, obligations, and other liabilities; and

(iii) All its rights, privileges, immunities, powers, and purposes continue to be vested in it;

(g) The name of the surviving cooperative association may be substituted for the name of any merging cooperative association that is a party to any pending action or proceeding;

(h) If the surviving cooperative association exists before the merger:

(i) Its public organic record, if any, is amended to the extent provided in the statement of merger; and

(ii) Its private organic rules that are to be in a record, if any, are amended to the extent provided in the plan of merger;

(i) If the surviving cooperative association is created by the merger, its private organic rules are effective and its public organic record is effective; and

(j) The interests in each merging cooperative association which are to be converted in the merger are converted, and the interest holders of those interests are entitled only to the rights provided to them under the plan of merger and to any appraisal rights they have under the merging cooperative association's organic law.

(2) Except as otherwise provided in the organic law or organic rules of a merging cooperative association, a merger under this section and sections 1308 through 1312 of this act does not give rise to any rights that an interest holder, governor, or third party would have upon a dissolution, liquidation, or winding up of the merging entity.

(3) When a merger under this section and sections 1308 through 1312 of this act becomes effective, a person that did not have interest holder liability with respect to any of the merging cooperative associations and becomes subject to interest holder liability with respect to a domestic entity as a result of the merger has interest holder liability only to the extent provided by the organic law of that entity and only for those debts, obligations, and other liabilities that are incurred after the merger becomes effective.

(4) When a merger becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic merging limited cooperative association with respect to which the person had interest holder liability is subject to the following rules:

(a) The merger does not discharge any interest holder liability under the organic law of the domestic merging cooperative association to the extent the interest holder liability was incurred before the merger became effective.

(b) The person does not have interest holder liability under the organic law of the domestic merging cooperative association for any debt, obligation, or other liability that is incurred after the merger becomes effective.

(c) The organic law of the domestic merging cooperative association continues to apply to the release, collection, or discharge of any interest holder liability preserved under (a) of this subsection as if the merger had not occurred.

(d) The person has whatever rights of contribution from any other person as are provided by law other than this subchapter or the organic rules of the domestic merging limited cooperative association with respect to any interest holder liability preserved under (a) of this subsection as if the merger had not occurred.

(5) When a merger under this section and sections 1308 through 1312 of this act becomes effective, a foreign entity that is the surviving entity may be served with process in this state for the collection and enforcement of any debts, obligations, or other liabilities of a domestic merging limited cooperative association in accordance with applicable law.

(6) When a merger under this section and sections 1308 through 1312 of this act becomes effective, the registration to do business in this state of any foreign merging cooperative association that is not the surviving entity is canceled.

NEW SECTION. Sec. 1314. RELATIONSHIP OF PART TO OTHER LAWS. (1) This subchapter does not authorize an act prohibited by, and does not affect the application or requirements of, law other than this subchapter.

(2) A conversion effected under this subchapter may not create or impair a right, duty, or obligation of a person under the statutory law of this state relating to a change in control, takeover, business combination, control-share acquisition, or similar transaction involving a domestic merging, acquired, or converting cooperative association unless the approval of the plan is by a vote of the members or directors which would be sufficient to create or impair the right,

duty, or obligation directly under the law.

NEW SECTION. Sec. 1315. CHARITABLE ASSETS. Property held for a charitable purpose under the law of this state by a domestic or foreign cooperative association immediately before a conversion or merger under this subchapter becomes effective may not, as a result of the conversion or merger, be diverted from the objects for which it was donated, granted, devised, or otherwise transferred unless, to the extent required by or pursuant to the law of this state concerning cy pres or other law dealing with nondiversion of charitable assets, the entity obtains an appropriate order of the attorney general specifying the disposition of the property.

NEW SECTION. Sec. 1316. STATUS OF FILINGS. A filing under this subchapter executed by a domestic cooperative association becomes part of the public organic record of the cooperative association if the cooperative association's organic law provides that similar filings under that law become part of the public organic record of the cooperative association.

NEW SECTION. Sec. 1317. NONEXCLUSIVITY. The fact that a conversion or merger under this subchapter produces a certain result does not preclude the same result from being accomplished in any other manner permitted by law other than this subchapter.

NEW SECTION. Sec. 1318. REFERENCE TO EXTERNAL FACTS. A plan may refer to facts ascertainable outside the plan if the manner in which the facts will operate upon the plan is specified in the plan. The facts may include the occurrence of an event or a determination or action by a person, whether or not the event, determination, or action is within the control of a party to the conversion or merger.

NEW SECTION. Sec. 1319. ALTERNATIVE MEANS OF APPROVAL OF CONVERSIONS OR MERGERS. Except as otherwise provided in the organic law or organic rules of a

domestic cooperative association, approval of a conversion or merger under this subchapter by the affirmative vote or consent of all its interest holders satisfies the requirements of this subchapter for approval of the conversion or merger.

NEW SECTION. **Sec. 1320.** SUBJECTS COVERED OUTSIDE THIS PART. The following subjects are covered in whole or in part in chapter 23.95 RCW:

- (1) Delivery of record;
- (2) Filing with secretary of state;
- (3) Name of entity;
- (4) Registered agent of entity; and
- (5) Miscellaneous provisions, including reservation or power to amend or repeal and supplemental principles of law.

PART 14

AMENDMENTS TO OTHER LAW

Sec. 1401. RCW 23.95.105 and 2015 c 176 s 1102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise or as set forth in RCW 23.95.400 or 23.95.600.

- (1) "Annual report" means the report required by RCW 23.95.255.
- (2) "Business corporation" means a domestic business corporation incorporated under or subject to Title 23B RCW or a foreign business corporation.
- (3) "Commercial registered agent" means a person listed under RCW 23.95.420.
- (4) "Domestic," with respect to an entity, means governed as to its internal affairs by the law of this state.
- (5) "Electronic transmission" means an electronic communication:
 - (a) Not directly involving the physical transfer of a record in a tangible medium; and
 - (b) That may be retained, retrieved, and reviewed by the sender and the recipient thereof, and that may be

directly reproduced in a tangible medium by such a sender and recipient.

- (6) "Entity" means:
 - (a) A business corporation;
 - (b) A nonprofit corporation;
 - (c) A limited liability partnership;
 - (d) A limited partnership;
 - (e) A limited liability company; ~~((e))~~
 - (f) A general cooperative association; or
 - (g) A limited cooperative association.
- (7) "Entity filing" means a record delivered to the secretary of state for filing pursuant to this chapter.
- (8) "Execute," "executes," or "executed" means:
 - (a) Signed with respect to a written record;
 - (b) Electronically transmitted along with sufficient information to determine the sender's identity with respect to an electronic transmission; or
 - (c) With respect to a record to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.
- (9) "Filed record" means a record filed by the secretary of state pursuant to this chapter.
- (10) "Foreign," with respect to an entity, means governed as to its internal affairs by the law of a jurisdiction other than this state.
- (11) "General cooperative association" means a domestic general cooperative association formed under or subject to chapter 23.86 RCW.
- (12) "Governor" means:
 - (a) A director of a business corporation;
 - (b) A director of a nonprofit corporation;
 - (c) A partner of a limited liability partnership;
 - (d) A general partner of a limited partnership;
 - (e) A manager of a manager-managed limited liability company;

(f) A member of a member-managed limited liability company;

(g) A director of a general cooperative association; ~~((e))~~

(h) A director of a limited cooperative association; or

(i) Any other person under whose authority the powers of an entity are exercised and under whose direction the activities and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

(13) "Interest" means:

(a) A share in a business corporation;

(b) A membership in a nonprofit corporation;

(c) A share in a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partnership interest in a limited liability partnership;

(e) A partnership interest in a limited partnership;

(f) A limited liability company interest; ~~((e))~~

(g) A share or membership in a general cooperative association; or

(h) A member's interest in a limited cooperative association.

(14) "Interest holder" means:

(a) A shareholder of a business corporation;

(b) A member of a nonprofit corporation;

(c) A shareholder of a nonprofit corporation formed under chapter 24.06 RCW;

(d) A partner of a limited liability partnership;

(e) A general partner of a limited partnership;

(f) A limited partner of a limited partnership;

(g) A member of a limited liability company; ~~((e))~~

(h) A shareholder or member of a general cooperative association; or

(i) A member of a limited cooperative association.

(15) "Jurisdiction~~((f))~~," when used to refer to a political entity, means the

United States, a state, a foreign country, or a political subdivision of a foreign country.

(16) "Jurisdiction of formation" means the jurisdiction whose law includes the organic law of an entity.

(17) "Limited cooperative association" means a domestic limited cooperative association formed under or subject to chapter 23.--- RCW (the new chapter created in section 1505 of this act) or a foreign limited cooperative association.

(18) "Limited liability company" means a domestic limited liability company formed under or subject to chapter 25.15 RCW or a foreign limited liability company.

~~((18))~~ (19) "Limited liability limited partnership" means a domestic limited liability limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited liability limited partnership.

~~((19))~~ (20) "Limited liability partnership" means a domestic limited liability partnership registered under or subject to chapter 25.05 RCW or a foreign limited liability partnership.

~~((20))~~ (21) "Limited partnership" means a domestic limited partnership formed under or subject to chapter 25.10 RCW or a foreign limited partnership. "Limited partnership" includes a limited liability limited partnership.

~~((21))~~ (22) "Noncommercial registered agent" means a person that is not a commercial registered agent and is:

(a) An individual or domestic or foreign entity that serves in this state as the registered agent of an entity;

(b) An individual who holds the office or other position in an entity which is designated as the registered agent pursuant to RCW 23.95.415(1)(b)(ii); or

(c) A government, governmental subdivision, agency, or instrumentality, or a separate legal entity comprised of two or more of these entities, that serves as the registered agent of an entity.

~~((22))~~ (23) "Nonprofit corporation" means a domestic nonprofit corporation incorporated under or subject to chapter 24.03 or 24.06 RCW or a foreign nonprofit corporation.

~~((23))~~ (24) "Nonregistered foreign entity" means a foreign entity that is not registered to do business in this state pursuant to a statement of registration filed by the secretary of state.

~~((24))~~ (25) "Organic law" means the law of an entity's jurisdiction of formation governing the internal affairs of the entity.

~~((25))~~ (26) "Organic rules" means the public organic record and private organic rules of an entity.

~~((26))~~ (27) "Person" means an individual, business corporation, nonprofit corporation, partnership, limited partnership, limited liability company, general cooperative association, limited cooperative association, unincorporated nonprofit association, statutory trust, business trust, common-law business trust, estate, trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

~~((27))~~ (28) "Principal office" means the principal executive office of an entity, whether or not the office is located in this state.

~~((28))~~ (29) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all its interest holders, and are not part of its public organic record, if any. "Private organic rules" includes:

(a) The bylaws of a business corporation and any agreement among shareholders pursuant to RCW 23B.07.320;

(b) The bylaws of a nonprofit corporation;

(c) The partnership agreement of a limited liability partnership;

(d) The partnership agreement of a limited partnership;

(e) The limited liability company agreement; ~~((and))~~

(f) The bylaws of a general cooperative association; and

(g) The bylaws of a limited cooperative association.

~~((29))~~ (30) "Proceeding" means civil suit and criminal, administrative, and investigatory action.

~~((30))~~ (31) "Property" means all property, whether real, personal, or mixed or tangible or intangible, or any right or interest therein.

~~((31))~~ (32) "Public organic record" means the record the filing of which by the secretary of state is required to form an entity and any amendment to or restatement of that record. The term includes:

(a) The articles of incorporation of a business corporation;

(b) The articles of incorporation of a nonprofit corporation;

(c) The certificate of limited partnership of a limited partnership;

(d) The certificate of formation of a limited liability company;

(e) The articles of incorporation of a general cooperative association; ~~((and))~~

(f) The articles of organization of a limited cooperative association; and

(g) The document under the laws of another jurisdiction that is equivalent to a document listed in this subsection.

~~((32))~~ (33) "Receipt," as used in this chapter, means actual receipt. "Receive" has a corresponding meaning.

~~((33))~~ (34) "Record" means information inscribed on a tangible medium or contained in an electronic transmission.

~~((34))~~ (35) "Registered agent" means an agent of an entity which is authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity. The term includes a commercial registered agent and a noncommercial registered agent.

~~((35))~~ (36) "Registered foreign entity" means a foreign entity that is registered to do business in this state pursuant to a certificate of registration filed by the secretary of state.

~~((36))~~ (37) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~((37))~~ (38) "Transfer" includes:

- (a) An assignment;
- (b) A conveyance;
- (c) A sale;
- (d) A lease;
- (e) An encumbrance, including a mortgage or security interest;
- (f) A change of record owner of interest;
- (g) A gift; and
- (h) A transfer by operation of law.

~~((38))~~ (39) "Type of entity" means a generic form of entity:

- (a) Recognized at common law; or
- (b) Formed under an organic law, whether or not some entities formed under that law are subject to provisions of that law that create different categories of the form of entity.

~~((39))~~ (40) "Writing" does not include an electronic transmission.

~~((40))~~ (41) "Written" means embodied in a tangible medium.

Sec. 1402. RCW 23.95.305 and 2015 c 176 s 1302 are each amended to read as follows:

(1)(a) The name of a business corporation:

(i)(A) Except in the case of a social purpose corporation, must contain the word "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd.," or words or abbreviations of similar import in another language; or

(B) In the case of a social purpose corporation, must contain the words "social purpose corporation" or the abbreviation "SPC" or "S.P.C."; and

(ii) Must not contain any of the following words or phrases: "Bank," "banking," "banker," "trust," "cooperative," or any combination of the words "industrial" and "loan," or any combination of any two or more of the words "building," "savings," "loan," "home," "association," and "society," or any other words or phrases prohibited by any statute of this state.

(b) The name of a professional service corporation must contain either the words

"professional service" or "professional corporation" or the abbreviation "P.S." or "P.C." The name may also contain either the words "corporation," "incorporated," "company," or "limited," or the abbreviation "Corp.," "Inc.," "Co.," or "Ltd." The name of a professional service corporation organized to render dental services must contain the full names or surnames of all shareholders and no other word than "chartered" or the words "professional services" or the abbreviation "P.S." or "P.C."

(2) The name of a nonprofit corporation:

(a) May include "club," "league," "association," "services," "committee," "fund," "society," "foundation," "guild," ".", a nonprofit corporation," ".", a nonprofit mutual corporation," or any name of like import;

(b) Except for nonprofit corporations formed prior to January 1, 1969, must not include or end with "incorporated," "company," "corporation," "partnership," "limited partnership," or "Ltd.," or any abbreviation thereof; and

(c) May only include the term "public benefit" or names of like import if the nonprofit corporation has been designated as a public benefit nonprofit corporation by the secretary of state in accordance with chapter 24.03 RCW.

(3) The name of a limited partnership may contain the name of any partner. The name of a partnership that is not a limited liability limited partnership must contain the words "limited partnership" or the abbreviation "LP" or "L.P." and may not contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." If the limited partnership is a limited liability limited partnership, the name must contain the words "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and may not contain the abbreviation "LP" or "L.P."

(4) The name of a limited liability partnership must contain the words "limited liability partnership" or the abbreviation "LLP" or "L.L.P." If the name of a foreign limited liability partnership contains the words "registered limited liability partnership" or the abbreviation "R.L.L.P." or "RLLP," it may include

those words or abbreviations in its foreign registration statement.

(5) (a) The name of a limited liability company:

(i) Must contain the words "limited liability company," the words "limited liability" and abbreviation "Co.," or the abbreviation "L.L.C." or "LLC"; and

(ii) May not contain any of the following words or phrases: "Cooperative," "partnership," "corporation," "incorporated," or the abbreviations "Corp.," "Ltd.," or "Inc.," or "LP," "L.P.," "LLP," "L.L.P.," "LLL.P.," "L.L.L.P.," or any words or phrases prohibited by any statute of this state.

(b) The name of a professional limited liability company must contain either the words "professional limited liability company," or the words "professional limited liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." or "PLLC," provided that the name of a professional limited liability company organized to render dental services must contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C." or "PLLC."

(6) The name of a cooperative association organized under chapter 23.86 RCW may contain the words "corporation," "incorporated," or "limited," or the abbreviation "Corp.," "Inc.," or "Ltd."

(7) The name of a limited cooperative association must contain the phrase "limited cooperative association" or "limited cooperative" or the abbreviation "L.C.A." or "LCA." "Limited" may be abbreviated as "Ltd." "Cooperative" may be abbreviated as "Co-op." or "Coop." "Association" may be abbreviated as "Assoc." or "Assn."

Sec. 1403. RCW 23.86.030 and 2015 c 176 s 9103 are each amended to read as follows:

(1) The name of any association subject to this chapter must comply with Article 3 of chapter 23.95 RCW.

(2) No corporation or association organized or doing business in this state shall be entitled to use the term "cooperative" as a part of its corporate

or other business name or title, unless it: (a) Is subject to the provisions of this chapter(~~(7)~~) or chapter 23.78, 23.-- (the new chapter created in section 1505 of this act), or 31.12 RCW; (b) is subject to the provisions of chapter 24.06 RCW and operating on a cooperative basis; (c) is, on July 23, 1989, an organization lawfully using the term "cooperative" as part of its corporate or other business name or title; or (d) is a nonprofit corporation or association the voting members of which are corporations or associations operating on a cooperative basis. Any corporation or association violating the provisions of this section may be enjoined from doing business under such name at the instance of any member or any association subject to this chapter.

(3) A member of the board of directors or an officer of any association subject to this chapter shall have the same immunity from liability as is granted in RCW 4.24.264.

NEW SECTION. Sec. 1404. A new section is added to chapter 23.86 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a domestic association organized under this chapter may convert to a limited cooperative association pursuant to sections 1302 through 1314 of this act.

(2) This section does not apply to a domestic association organized for the purpose of generating, purchasing, selling, marketing, transmitting, or distributing electric energy.

NEW SECTION. Sec. 1405. A new section is added to chapter 24.06 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a domestic corporation organized under this chapter, and taking the election provided in RCW 24.06.032(1), may convert to a limited cooperative association pursuant to sections 1302 through 1314 of this act.

(2) This section does not apply to a domestic corporation organized for the purpose of generating, purchasing, selling, marketing, transmitting, or distributing electric energy.

PART 15

Referred to Committee on Rules for second reading.

MISCELLANEOUS PROVISIONS

February 22, 2018

NEW SECTION. **Sec. 1501.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SB 6052

Prime Sponsor, Senator Walsh: Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Graves, Ranking Minority Member; Haler; Klippert; Muri; Rodne and Shea.

Referred to Committee on Rules for second reading.

February 22, 2018

NEW SECTION. **Sec. 1502.** RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c) or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

ESSB 6068

Prime Sponsor, Committee on Law & Justice: Concerning the applicability of nondisclosure agreements in civil actions for sexual harassment or assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

NEW SECTION. **Sec. 1503.** SAVINGS CLAUSE. This act does not affect an action commenced, or proceeding brought, or right accrued before the effective date of this section.

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1504.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

"NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

NEW SECTION. **Sec. 1505.** Sections 101 through 1320 and 1501 through 1503 of this act constitute a new chapter in Title 23 RCW.

(1) In any civil judicial or administrative action relating to sexual harassment or sexual assault, a nondisclosure policy or agreement that purports to limit the ability of any person to produce evidence regarding past instances of sexual harassment or sexual assault by a party to the civil action does not affect discovery or the availability of witness testimony relating to that civil action. Any provision of a nondisclosure policy or agreement including any arbitration agreement or decision that would limit, prevent, or punish such disclosure is contrary to public policy and unenforceable. However, the court or presiding officer shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's or presiding officer's own accord, to ensure that the identity of

NEW SECTION. **Sec. 1506.** This act takes effect October 1, 2018."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Muri; Orwall; Rodne and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Shea.

any person who is or is alleged to be a victim of sexual harassment or sexual assault is not made public as a result of a disclosure made under this section, unless such person consents.

(2) The provisions of this section do not alter admissibility standards of evidence for the court or presiding officer to decide whether the probative value of evidence offered outweighs the potential prejudice.

NEW SECTION. Sec. 2. This act applies to actions pending as of the effective date and actions filed after the effective date."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

ESSB 6081 Prime Sponsor, Committee on Energy, Environment & Technology: Concerning distributed generation. (REVISED FOR ENGROSSED: Concerning net metering.) Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.60.010 and 2007 c 323 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility

district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the service territory of a single electric utility.

(8) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

(9) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

(10) "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a) Has an electrical generating capacity of not more than one (~~hundred~~) thousand kilowatts; except that the generating capacity of a net metering system must be no greater than one hundred ninety-nine kilowatts if: (i) The electric utility with which the net metering system is directly interconnected receives part or all of its load-serving generation from the Bonneville power administration; (ii) the electric utility has not given notice to the Bonneville power administration that it has a customer-generator resource serving load; and (iii) the electric utility does not project sufficient new load growth to utilize the electricity generation from the net metering system;

(b) Is located on the customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities; and

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(11) "Premises" means any residential property, commercial real estate, or lands, owned or leased by a customer-generator within the service area of a single electric utility.

(12) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

(13) "Public utility district" means a district authorized by chapter 54.04 RCW.

(14) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

Sec. 2. RCW 80.60.020 and 2007 c 323 s 2 are each amended to read as follows:

(1) An electric utility:

(a) Shall offer to make net metering available to eligible customer-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals ~~((0.25))~~ two percent of the utility's peak demand during 1996. ~~((On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996.))~~ Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy for residential ratepayers;

(b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

(i) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

(ii) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

(c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

(ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

(2)(a) An electric utility that reaches or exceeds the minimum threshold established under subsection (1)(a) of this section may offer an alternative to net metering to customer-generators in all or certain increments of the utility's distribution system. In order to offer an alternative to net metering, the electric utility must first engage in a distributed energy resources planning process, for all or certain increments of the utility's distribution system, that accomplishes the objectives for distributed energy resources planning processes established under . . . (Engrossed Substitute House Bill No. 1233), Laws of 2018. If Engrossed Substitute House Bill No. 1233 is not enacted by June 30, 2018, the process must accomplish the goals for distributed energy resources planning recommended in the report published on December 31, 2017, by the commission on current practices in distributed energy resources planning.

(b) An electric utility must continue to offer net metering, in accordance with the requirements of this chapter, to a customer-generator with a net metering system that is interconnected as of the effective date of this section. The electric utility may offer an alternative

to net metering under (a) of this subsection if the property on which an existing net metering system is located is sold or if the financial responsibility for the electric meter is transferred to a new customer.

(3) If a production meter and software is required by the electric utility to provide meter aggregation under RCW 80.60.030(4), the customer-generator is responsible for the purchase of the production meter and software.

Sec. 3. RCW 80.60.030 and 2007 c 323 s 3 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(4) If a customer-generator requests, an electric utility shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Not more than a total of one hundred kilowatts shall be aggregated among all customer-generators

participating in a generating facility under this subsection.

(c) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter.

(d) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On March 31st or April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility to be used to assist qualified low-income residential customers of the electric utility in paying their electricity bills, without any compensation to the customer-generator.

Sec. 4. RCW 82.16.090 and 1988 c 228 s 1 are each amended to read as follows:

Any customer billing issued by a light or power business or gas distribution business that serves a total of more than twenty thousand customers and operates within the state shall include the following information:

(1) The rates and amounts of taxes paid directly by the customer upon products or services rendered by the light and power business or gas distribution business; (~~and~~)

(2) The rate, origin and approximate amount of each tax levied upon the revenue of the light and power business or gas distribution business and added as a component of the amount charged to the customer. Taxes based upon revenue of the light and power business or gas distribution business to be listed on the customer billing need not include taxes levied by the federal government or taxes levied under chapters 54.28, 80.24, or 82.04 RCW; and

(3) The total amount of kilowatt-hours of electricity consumed for the most recent twelve-month period."

Correct the title.

Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Harmsworth; Hudgins; Manweller; Santos; Slatter and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey and Steele.

February 23, 2018

MINORITY recommendation: Without recommendation. Signed by Representative Young.

SSB 6147 Prime Sponsor, Committee on Ways & Means: Concerning prescription drug insurance continuity of care. Reported by Committee on Health Care & Wellness

Referred to Committee on Rules for second reading.

February 23, 2018

MAJORITY recommendation: Do pass as amended.

ESSB 6084 Prime Sponsor, Committee on Health & Long Term Care: Requiring maintenance of minimum essential health care coverage. (REVISED FOR ENGROSSED: Exploring enforcement of a requirement to maintain minimum essential health care coverage.) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Calder; DeBolt; Harris; MacEwen; Maycumber and Rodne.

Referred to Committee on Rules for second reading.

February 23, 2018

ESB 6087 Prime Sponsor, Senator Mullet: Modifying the Washington advanced college tuition payment and college savings programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

February 22, 2018

SSB 6124 Prime Sponsor, Committee on Human Services & Corrections: Clarifying that court hearings under the involuntary commitment act may be conducted by video. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans that include a prescription drug benefit, an issuer must, at least once every plan year, provide enrollees with a separate written notification of the substitution process that the enrollee or his or her provider may use to seek coverage of a prescription drug that is not on the formulary. The notice must include the following in plain language:

(a) A clear explanation of the substitution process, including, but not limited to, timelines for standard or expedited review, documentation requirements, the availability of internal appeals, and the availability of review by an independent review organization if applicable; and

(b) A statement that the issuer must continue to cover a drug that is removed from the issuer's formulary for the time period required for an enrollee who is taking the medication at the time of the formulary change to use an issuer's substitution process to request continuation of coverage for the removed medication and receive a decision through that process, unless patient safety requires swifter replacement.

(2) An issuer providing prior notice to an enrollee that a drug will be removed from the issuer's formulary must include in the notice the information required in subsection (1) of this section.

(3) The commissioner shall, by December 31, 2018, develop a model form that issuers may use to make the notifications required in this section.

(4) Unless prohibited by state or federal law pertaining to controlled substances, an issuer that grants a substitution request for a prescription

drug that is not on the issuer's formulary must provide coverage for the drug with no prior authorization for the remainder of the plan year.

(5) This section applies to health plans issued or renewed on or after January 1, 2019."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 23, 2018

ESSB 6157 Prime Sponsor, Committee on Health & Long Term Care: Regarding prior authorization. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Caldier; Clibborn; Maycumber; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; DeBolt; MacEwen and Rodne.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 23, 2018

E2SSB 6160 Prime Sponsor, Committee on Ways & Means: Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile

detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: ~~((I))~~ One or more prior serious violent offenses; ~~((II))~~ two or more prior violent offenses; or ~~((III))~~ three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

~~(C) ((Robbery in the first degree, rape of a child in the first degree, or drive by shooting, committed on or after July 1, 1997,~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm)) Rape of a child in the first degree.~~

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e) (v) ~~((E))~~ (C) (II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e) (v) of this subsection. The

juvenile court shall ~~((enter an order extending))~~ maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3) (d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e) (v) (A) through ~~((E))~~ (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e) (v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary

placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the

offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (~~(I)~~) One or more prior serious violent offenses; (~~(II)~~) two or more prior violent offenses; or (~~(III)~~) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

~~(C) ((Robbery in the first degree, rape of a child in the first degree, or drive by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm)) Rape of a child in the first degree.~~

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e) (v) ~~((E))~~ (C) (II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e) (v) of this subsection. The juvenile court shall ~~((enter an order extending))~~ maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3) (d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e) (v) (A) through ~~((E))~~ (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e) (v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear

a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services and the department of children, youth, and families.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1) (e) (i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 3. RCW 13.40.0357 and 2016 c 106 s 2 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY				A++	Drive-By	Shooting	
		JUVENILE DISPOSITION			(9A.36.045)	committed at	A
		CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION		D+	Reckless	Endangerment	E
JUVENILE DISPOSITION				C+	Promoting	Suicide	D
ON OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)			D+	Coercion	(9A.36.070)	E
				C+	Custodial	Assault	D
.....					Burglary and Trespass		
	Arson and Malicious Mischief			B+	Burglary 1	(9A.52.020) committed at age 15 or under	C
A	Arson 1 (9A.48.020)	B	+	A-	Burglary 1	(9A.52.020) committed at age 16 or 17 +	B
B	Arson 2 (9A.48.030)	C		B	Residential	Burglary	C
C	Reckless Burning 1 (9A.48.040)	D		B	Burglary 2	(9A.52.030)	C
D	Reckless Burning 2 (9A.48.050)	E		D	Burglary	Tools of	E
B	Malicious Mischief 1 (9A.48.070)	C		D	Criminal	Trespass 1	E
C	Malicious Mischief 2 (9A.48.080)	D		E	Criminal	Trespass 2	E
D	Malicious Mischief 3 (9A.48.090)	E		C	Mineral	Trespass	C
E	Tampering with Fire Alarm Apparatus (9.40.100)	E		C	Vehicle	Prowling 1	D
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E		D	Vehicle	Prowling 2	E
A	Possession of Incendiary Device (9.40.120)	B	+	Drugs			
	Assault and Other Crimes Involving Physical Harm			E	Possession/Consumption	of Alcohol (66.44.270)	E
A	Assault 1 (9A.36.011)	B	+	C	Illegally	Obtaining Legend Drug (69.41.020)	D
B+	Assault 2 (9A.36.021)	C	+	C+	Sale,	Delivery,	D
C+	Assault 3 (9A.36.031)	D	+	E	Possession of Legend	Drug (69.41.030 (2) (b))	E
D+	Assault 4 (9A.36.041)	E		B+	Violation of Uniform	Controlled Substances Act - Narcotic,	
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C	+		Methamphetamine,	or Flunitrazepam	B
					Sale	(69.50.401(2) (a) or (b)) +	

C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	A+	Murder 1 (9A.32.030)	A
			A+	Murder 2 (9A.32.050)	B
					+
E	Possession of Marihuana <40 grams (69.50.4014)	E	B+	Manslaughter (9A.32.060)	1 C
					+
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	C+	Manslaughter (9A.32.070)	2 D
					+
C+	Sale of Controlled Substance for Profit (69.50.410)	C	B+	Vehicular Homicide (46.61.520)	C
					+
E	Unlawful Inhalation (9.47A.020)	E		Kidnapping	
			A	Kidnap 1 (9A.40.020)	B
					+
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	B+	Kidnap 2 (9A.40.030)	C
					+
			C+	Unlawful Imprisonment (9A.40.040)	D
					+
				Obstructing Governmental Operation	
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
			E	Resisting Arrest (9A.76.040)	E
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C	B	Introducing Contraband 1 (9A.76.140)	C
			C	Introducing Contraband 2 (9A.76.150)	D
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	E	Introducing Contraband 3 (9A.76.160)	E
			B+	Intimidating a Public Servant (9A.76.180)	C
					+
			B+	Intimidating a Witness (9A.72.110)	C
					+
				Public Disturbance	
B	Theft of Firearm (9A.56.300)	C	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D
B	Possession of Stolen Firearm (9A.56.310)	C			+
E	Carrying Loaded Pistol Without Permit (9.41.050)	E	D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iv))	C	E	Failure to Disperse (9A.84.020)	E
D+	Possession of Dangerous Weapon (9.41.250)	E	E	Disorderly Conduct (9A.84.030)	E
				Sex Crimes	
D	Intimidating Another Person by use of Weapon (9.41.270)	E	A	Rape 1 (9A.44.040)	B
					+
				Homicide	

B++	<u>Rape 2 (9A.44.050)</u> <u>committed at age 14 or</u> <u>under</u>	B	C	Forgery (9A.60.020)	D
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B	A	Robbery 1 (9A.56.200) <u>committed at age 15 or</u> <u>under</u>	B
C+	Rape 3 (9A.44.060)	D	A++	Robbery 1 (9A.56.200) <u>committed at age 16 or 17</u>	A
B++	<u>Rape of a Child 1</u> <u>(9A.44.073) committed at</u> <u>age 14 or under</u>	B	B+	Robbery 2 (9A.56.210)	C
A-	Rape of a Child 1 (9A.44.073) <u>committed at</u> <u>age 15</u>	B	B+	Extortion 1 (9A.56.120)	C
B+	Rape of a Child 2 (9A.44.076)	C	C+	Extortion 2 (9A.56.130)	D
B	Incest 1 (9A.64.020(1))	C	C	Identity Theft 1 (9.35.020(2))	D
C	Incest 2 (9A.64.020(2))	D	D	Identity Theft 2 (9.35.020(3))	E
D+	Indecent Exposure (Victim <14) (9A.88.010)	E	D	Improperly Obtaining Financial Information (9.35.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	B	Possession of a Stolen Vehicle (9A.56.068)	C
B+	Promoting Prostitution 1 (9A.88.070)	C	B	Possession of Stolen Property 1 (9A.56.150)	C
C+	Promoting Prostitution 2 (9A.88.080)	D	C	Possession of Stolen Property 2 (9A.56.160)	D
E	O & A (Prostitution) (9A.88.030)	E	D	Possession of Stolen Property 3 (9A.56.170)	E
B+	Indecent Liberties (9A.44.100)	C	B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
B++	<u>Child Molestation 1</u> <u>(9A.44.083) committed at</u> <u>age 14 or under</u>	B	C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
A-	Child Molestation 1 (9A.44.083) <u>committed at</u> <u>age 15 through age 17</u>	B	B	Theft of a Motor Vehicle (9A.56.065)	C
B	Child Molestation 2 (9A.44.086)	C	Motor Vehicle Related Crimes		
C	Failure to Register as a Sex Offender (9A.44.132)	D	E	Driving Without a License (46.20.005)	E
B	Theft, Robbery, Extortion, and Forgery		B+	Hit and Run - Death (46.52.020(4)(a))	C
B	Theft 1 (9A.56.030)	C	C	Hit and Run - Injury (46.52.020(4)(b))	D
C	Theft 2 (9A.56.040)	D	D	Hit and Run-Attended (46.52.020(5))	E
D	Theft 3 (9A.56.050)	E	E	Hit and Run-Unattended (46.52.010)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	C	Vehicular Assault (46.61.522)	D

C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
Other		
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony +	B
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

A 129 to 260 weeks for all category A++ offenses

A 180 weeks to age 21 for all category A+ offenses

A 103-129 weeks for all category A offenses

A	<u>3</u>	<u>5</u>	<u>8</u>	<u>1</u>	<u>1</u>
-	<u>0-40</u>	<u>2-</u>	<u>0-</u>	<u>03</u>	<u>03</u>
	<u>week</u>	<u>65</u>	<u>10</u>	<u>-</u>	<u>-</u>
	<u>s</u>	<u>we</u>	<u>0</u>	<u>12</u>	<u>12</u>
		<u>s</u>	<u>ek</u>	<u>9</u>	<u>9</u>
			<u>s</u>	<u>ek</u>	<u>ek</u>
				<u>s</u>	<u>s</u>

B	<u>1</u>	<u>5</u>	<u>8</u>	<u>1</u>	<u>1</u>
++	<u>5-36</u>	<u>2-</u>	<u>0-</u>	<u>03</u>	<u>03</u>
	<u>week</u>	<u>65</u>	<u>10</u>	<u>-</u>	<u>-</u>
	<u>s</u>	<u>we</u>	<u>0</u>	<u>12</u>	<u>12</u>
		<u>s</u>	<u>ek</u>	<u>9</u>	<u>9</u>
			<u>s</u>	<u>ek</u>	<u>ek</u>
				<u>s</u>	<u>s</u>

~~30-40~~
week
s

#

~~or~~
15
to
17
year
olds
)

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - ((~~4 weeks~~) 28 days confinement

		B	1	1	5	8	1
	+	5-36	5-	2-	0-	03	
		week	36	65	10	-	
		s	we	we	0	12	
			ek	ek	we	9	
			s	s	ek	we	
					s	ek	
						s	
CURR							
ENT							
		B	L	L	1	1	5
OFFE		S	S	5-	5-	2-	
NSE				36	36	65	
				we	we	we	
				ek	ek	ek	
				s	s	s	
		C	L	L	L	1	1
CATE	+	S	S	S	5-	5-	
GORY					36	36	
					we	we	
					ek	ek	
					s	s	
		C	L	L	L	L	1
		S	S	S	S	5-	
						36	
						we	
						ek	
						s	
		D	L	L	L	L	L
	+	S	S	S	S	S	S
		D	L	L	L	L	L
		S	S	S	S	S	S
		E	L	L	L	L	L
		S	S	S	S	S	S
PRIOR		0	1	2	3	4	
							or
							mo
							re
ADJU							
DICATI							
ONS							

misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender (~~(i)~~):

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); (~~or~~)

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), (~~robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030),~~) drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4) (a)), (~~intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2) (a) and (b)),~~) or manslaughter 2 (RCW 9A.32.070) (~~, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon~~)); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193; (~~or~~)

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

OR

OPTION C

CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed (~~an A-~~) a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D

MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 4. RCW 13.40.110 and 2009 c 454 s 3 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if:

(a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030; or

(b) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when(~~+~~

~~(a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;~~

~~(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or~~

~~(c))~~ the information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

(3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public.

The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 5. RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a) ~~((iii))~~ (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm,

drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: ~~((For a))~~ (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding

thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

~~((45))~~ (6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

Sec. 6. RCW 13.40.300 and 2005 c 238 s 2 are each amended to read as follows:

(1) ~~((In no case may))~~ Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the

juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition~~((7))~~, subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ~~((8))~~

(d) While proceedings are pending in a case in which jurisdiction ~~((has been transferred to))~~ is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v) ~~((4))~~ (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

~~((2))~~ If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend

~~jurisdiction by written order setting forth its reasons.~~

~~(3))~~ (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday (~~except for the purpose of enforcing an order of restitution or penalty assessment~~).

~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 7. RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each amended to read as follows:

(1) ~~((In no case may))~~ Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A+ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition~~((=))~~, subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A+ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ~~((=))~~

(d) While proceedings are pending in a case in which jurisdiction ~~((has been transferred to))~~ is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v) ~~((=))~~ (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an

order of restitution or penalty assessment.

~~((2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.~~

~~(3)) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((except for the purpose of enforcing an order of restitution or penalty assessment)).~~

~~((4)) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.~~

NEW SECTION. Sec. 8. A new section is added to chapter 13.40 RCW to read as follows:

The department must take appropriate actions to protect younger children in confinement from older youth who may be confined pursuant to this act, recognizing both the potential for positive mentorship and the potential risks relating to victimization and the exercise of negative influence. The court may exercise oversight if needed to accomplish the goals of this section.

NEW SECTION. Sec. 9. The Washington state institute for public policy must assess the impact of this act on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible, and submit, in compliance with RCW 43.01.036, a preliminary report to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the governor and the appropriate committees of the legislature by December 1, 2031.

NEW SECTION. Sec. 10. Sections 1 and 6 of this act expire July 1, 2019.

NEW SECTION. Sec. 11. Sections 2 and 7 of this act take effect July 1, 2019."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Lovick.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 23, 2018

ESSB 6161 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Establishing a training course for campaign treasurers. Reported by Committee on State Government, Elections & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Dolan, Vice Chair; Kraft, Ranking Minority Member; Appleton; Gregerson; Irwin; Johnson; McDonald and Pellicciotti.

Referred to Committee on Rules for second reading.

February 22, 2018

E2SSB 6162 Prime Sponsor, Committee on Ways & Means: Defining dyslexia as a specific learning disability and requiring early screening for dyslexia. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

For the purposes of sections 2 through 7 of this act and RCW 28A.710.040, "dyslexia" means a specific learning disorder that is neurobiological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities and is not due to ineffective classroom instruction.

Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2021-22 school year, each school district must use multi-tiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia, as identified using dyslexia screenings, and as provided in this section. The purpose of the dyslexia screenings is to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level.

(2)(a) School districts must use dyslexia screening tools that exemplify best practices, as described under section 3 of this act.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence based multi-tiered systems of support, consistent with the recommendations of the superintendent of public instruction pursuant to section 4 of this act and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, school district must begin by providing student supports in the general education classroom. If dyslexia screenings indicate that, after receiving the initial tiers of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further

dyslexia screenings indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be assessed for dyslexia or a specific learning disability.

(4) For students who show indications of, or areas of weakness associated with, dyslexia, school districts must notify the students' parents and families of the identified indicators and areas of weakness, as well as the plan for using multi-tiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction with recommendations from the council established under section 4 of this act. School districts must update the students' parents and families of the students' progress no less than once every eight weeks.

(5) School districts may use state funds provided under chapter 28A.165 RCW for the purposes of meeting the requirements of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened pursuant to section 4 of this act, must identify screening tools that, at a minimum, meet the following best practices:

(a) Developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of identified dyslexia screening

tools and must include links to the tools, when available.

(3) The superintendent of public instruction must review and update the list of screening tools identified under this section as appropriate.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders, including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools that meet developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of dyslexia screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multi-tiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By September 1, 2022, the council must review school district implementation of dyslexia screenings and their use of multi-tiered systems of support to provide interventions as required under section 2 of this act, and report to the superintendent of public instruction with updates on its recommendations for the best practices and sample educational information described in subsection (3) of this section.

(5) This section expires August 1, 2023.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under section 4 of this act and make available to school districts:

(a) Best practices for school district implementation of dyslexia screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multi-tiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By December 1, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under section 4 of this act and revise the best practices and sample educational information made available to school districts as described in subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education

committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened for dyslexia; (ii) with indications of, or areas of weakness associated with, dyslexia; and (iii) provided interventions under section 2 of this act; and

(b) Descriptions from school districts of the types of interventions used in accordance with section 2 of this act and rates of student progress, when available.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under section 4 of this act must use this data when developing best practice recommendations in accordance with sections 4 and 5 of this act.

Sec. 7. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(3) (a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a

practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

(5) School districts may use learning assistance program allocations to meet the dyslexia screening and intervention requirements of section 2 of this act, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction may adopt rules to implement sections 1 through 7 of this act.

(2) The rules may include, but are not limited to, the following:

(a) A timeline for school districts and charter schools to implement the dyslexia screenings required under section 2 of this act;

(b) The frequency of conducting dyslexia screenings;

(c) Best practices for identifying dyslexia screening tools pursuant to section 3 of this act; and

(d) Training for school district staff conducting dyslexia screenings.

(3) The members and scope of work for the dyslexia advisory council convened under section 4 of this act.

Sec. 9. RCW 28A.710.040 and 2016 c 241 s 104 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the dyslexia screening and intervention requirements under section 2 of this act;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

~~((d))~~ (e) Comply with the employee record check requirements in RCW 28A.400.303;

~~((e))~~ (f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state

auditor, including annual audits for legal and fiscal compliance;

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~~((f))~~ (g) Comply with the annual performance report under RCW 28A.655.110;

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~~((g))~~ (h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

MAJORITY recommendation: Do pass as amended.

~~((h))~~ (i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

Strike everything after the enacting clause and insert the following:

~~((i))~~ (j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

"I. DEFINITIONS, APPLICABILITY, AND OTHER GENERAL PROVISIONS"

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

NEW SECTION. Sec. 101. SHORT TITLE. This chapter may be known and cited as the Washington uniform common interest ownership act.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter."

(1) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. For purposes of this subsection:

Correct the title.

(a) A person controls a declarant if the person:

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Steele; Stokesbury and Valdez.

(i) Is a general partner, managing member, officer, director, or employer of the declarant;

Referred to Committee on Rules for second reading.

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than twenty percent of the voting interest in the declarant;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the declarant; or

(iv) Has contributed more than twenty percent of the capital of the declarant.

(b) A person is controlled by a declarant if the declarant:

(i) Is a general partner, managing member, officer, director, or employer of the person;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than twenty percent of the voting interest in the person;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the person; or

(iv) Has contributed more than twenty percent of the capital of the person.

(c) Control does not exist if the powers described in this subsection (1) are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the following interests allocated to each unit:

(a) In a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association;

(b) In a cooperative, the common expense liability, the ownership interest, and votes in the association; and

(c) In a plat community and miscellaneous community, the common expense liability and the votes in the association, and also the undivided interest in the common elements if owned in common by the unit owners rather than an association.

(3) "Assessment" means all sums chargeable by the association against a unit, including any assessments levied pursuant to section 317 of this act, fines or fees levied or imposed by the association pursuant to this chapter or the governing documents, interest and late charges on any delinquent account, and all costs of collection incurred by the association in connection with the collection of a delinquent owner's account, including reasonable attorneys' fees.

(4) "Association" or "unit owners association" means the unit owners association organized under section 301 of this act and, to the extent necessary to construe sections of this chapter made applicable to common interest

communities pursuant to section 117, 119, or 120 of this act, the association organized or created to administer such common interest communities.

(5) "Ballot" means a record designed to cast or register a vote or consent in a form provided or accepted by the association.

(6) "Board" means the body, regardless of name, designated in the declaration, map, or organizational documents, with primary authority to manage the affairs of the association.

(7) "Common elements" means:

(a) In a condominium or cooperative, all portions of the common interest community other than the units;

(b) In a plat community or miscellaneous community, any real estate other than a unit within a plat community or miscellaneous community that is owned or leased either by the association or in common by the unit owners rather than an association; and

(c) In all common interest communities, any other interests in real estate for the benefit of any unit owners that are subject to the declaration.

(8) "Common expense" means any expense of the association, including allocations to reserves, allocated to all of the unit owners in accordance with common expense liability.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 208 of this act.

(10) "Common interest community" means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. "Common interest community" does not include an arrangement described in section 123 or 124 of this act. A common interest community may be a part of another common interest community.

(11) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common

ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(12) "Condominium notice" means the notice given to tenants pursuant to subsection (13)(c) of this section.

(13)(a) "Conversion building" means a building:

(i) That at any time before creation of the common interest community was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first; or

(ii) That at any time within the twelve months preceding the first acceptance of an agreement with the declarant to convey, or the first conveyance of, any unit in the building, whichever event occurred first, to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first.

(b) A building in a common interest community is a conversion building only if:

(i) The building contains more than two attached dwelling units as defined in RCW 64.55.010(1); and

(ii) Acceptance of an agreement to convey, or conveyance of, any unit in the building to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, did not occur prior to the effective date of this section.

(c) The notice referred to in (a)(i) and (ii) of this subsection must be in writing and must state: "The unit you will be occupying is, or may become, part of a common interest community and subject to sale."

(14) "Convey" or "conveyance" means, with respect to a unit, any transfer of ownership of the unit, including a transfer by deed or by real estate

contract and, with respect to a unit in a leasehold common interest community or a proprietary lease in a cooperative, a transfer by lease or assignment of the unit, but does not include the creation, transfer, or release of a security interest.

(15) "Cooperative" means a common interest community in which the real estate is owned by an association, each member of which is entitled by virtue of the member's ownership interest in the association and by a proprietary lease to exclusive possession of a unit.

(16) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a common interest community or fifty percent or more of the units in a common interest community containing more than two units.

(17) "Declarant" means:

(a) Any person who executes as declarant a declaration;

(b) Any person who reserves any special declarant right in a declaration;

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred of record. The holding or exercise of rights to maintain sales offices, signs advertising the common interest community, and models, and related right of access, does not confer the status of being a declarant; or

(d) Any person who is the owner of a fee interest in the real estate that is subjected to the declaration at the time of the recording of an instrument pursuant to section 306 of this act and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the common interest community created by the recording of the instrument.

(18) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint or remove any officer or board member of the association or to veto or approve a proposed action of any board or association, pursuant to section 304(1)(a) of this act.

(19) "Declaration" means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.

(20) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to:

(a) Add real estate or improvements to a common interest community;

(b) Create units, common elements, or limited common elements within a common interest community;

(c) Subdivide or combine units or convert units into common elements;

(d) Withdraw real estate from a common interest community; or

(e) Reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(21) "Effective age" means the difference between the useful life and remaining useful life.

(22) "Electronic transmission" or "electronically transmitted" means any electronic communication (a) not directly involving the physical transfer of a record in a tangible medium and (b) that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

(23) "Eligible mortgagee" means the holder of a security interest on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

(24) "Foreclosure" means a statutory forfeiture or a judicial or nonjudicial foreclosure of a security interest or a deed or other conveyance in lieu of a security interest.

(25) "Full funding plan" means a reserve funding goal of achieving one hundred percent fully funded reserves by the end of the thirty-year study period described under section 331 of this act, in which the reserve account balance equals the sum of the estimated costs required to maintain, repair, or replace the deteriorated portions of all reserve components.

(26) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve

component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

(27) "Governing documents" means the organizational documents, map, declaration, rules, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(28) "Identifying number" means a symbol or address that identifies only one unit or limited common element in a common interest community.

(29) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(30) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 203 (1)(b) or (2) of this act for the exclusive use of one or more, but fewer than all, of the unit owners.

(31) "Map" means: (a) With respect to a plat community, the plat as defined in RCW 58.17.020 and complying with the requirements of Title 58 RCW, and (b) with respect to a condominium, cooperative, or miscellaneous community, a map prepared in accordance with the requirements of section 210 of this act.

(32) "Master association" means an organization described in section 221 of this act, whether or not it is also an association described in section 301 of this act.

(33) "Miscellaneous community" means a common interest community in which units are lawfully created in a manner not inconsistent with chapter 58.17 RCW and that is not a condominium, cooperative, or plat community.

(34) "Nominal reserve costs" means that the current estimated total replacement costs of the reserve components are less than fifty percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for a condominium or cooperative containing horizontal unit

boundaries, and less than seventy-five percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for all other common interest communities.

(35) "Organizational documents" means the instruments filed with the secretary of state to create an entity and the instruments governing the internal affairs of the entity including, but not limited to, any articles of incorporation, certificate of formation, bylaws, and limited liability company or partnership agreement.

(36) "Person" means an individual, corporation, business trust, estate, the trustee or beneficiary of a trust that is not a business trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal entity.

(37) "Plat community" means a common interest community in which units have been created by subdivision or short subdivision as both are defined in RCW 58.17.020 and in which the boundaries of units are established pursuant to chapter 58.17 RCW.

(38) "Proprietary lease" means a written and recordable lease that is executed and acknowledged by the association as lessor and that otherwise complies with requirements applicable to a residential lease of more than one year and pursuant to which a member is entitled to exclusive possession of a unit in a cooperative. A proprietary lease governed under this chapter is not subject to chapter 59.18 RCW except as provided in the declaration.

(39) "Purchaser" means a person, other than a declarant or a dealer, which by means of a voluntary transfer acquires a legal or equitable interest in a unit other than as security for an obligation.

(40) "Qualified financial institution" means a bank, savings association, or credit union whose deposits are insured by the federal government.

(41) "Real estate" means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate"

includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

(42) "Real estate contract" has the same meaning as defined in RCW 61.30.010.

(43) "Record," when used as a noun, means information inscribed on a tangible medium or contained in an electronic transmission.

(44) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

(45) "Replacement cost" means the estimated total cost to maintain, repair, or replace a reserve component to its original functional condition.

(46) "Reserve component" means a physical component of the common interest community which the association is obligated to maintain, repair, or replace, which has an estimated useful life of less than thirty years, and for which the cost of such maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

(47) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with sections 330 and 331 of this act. For the purposes of this subsection, "independent" means a person who is not an employee, officer, or director, and has no pecuniary interest in the declarant, association, or any other party for whom the reserve study is prepared.

(48) "Residential purposes" means use for dwelling or recreational purposes, or both.

(49) "Rule" means a policy, guideline, restriction, procedure, or regulation of an association, however denominated, that is not set forth in the declaration or organizational documents and governs the conduct of persons or the use or appearance of property.

(50) "Security interest" means an interest in real estate or personal property, created by contract or conveyance that secures payment or performance of an obligation. "Security interest" includes a lien created by a mortgage, deed of trust, real estate

contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association, and any other consensual lien or title retention contract intended as security for an obligation.

(51) "Special declarant rights" means rights reserved for the benefit of a declarant to:

(a) Complete any improvements indicated on the map or described in the declaration or the public offering statement pursuant to section 403(1)(h) of this act;

(b) Exercise any development right;

(c) Maintain sales offices, management offices, signs advertising the common interest community, and models;

(d) Use easements through the common elements for the purpose of making improvements within the common interest community or within real estate that may be added to the common interest community;

(e) Make the common interest community subject to a master association;

(f) Merge or consolidate a common interest community with another common interest community of the same form of ownership;

(g) Appoint or remove any officer or board member of the association or any master association or to veto or approve a proposed action of any board or association, pursuant to section 304(1) of this act;

(h) Control any construction, design review, or aesthetic standards committee or process;

(i) Attend meetings of the unit owners and, except during an executive session, the board;

(j) Have access to the records of the association to the same extent as a unit owner.

(52) "Specially allocated expense" means any expense of the association, including allocations to reserves, allocated to some or all of the unit owners pursuant to section 317 (4) through (8) of this act.

(53) "Survey" has the same meaning as defined in RCW 58.09.020.

(54) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

(55) "Timeshare" has the same meaning as defined in RCW 64.36.010.

(56) "Transition meeting" means the meeting held pursuant to section 304(4) of this act.

(57)(a) "Unit" means a physical portion of the common interest community designated for separate ownership or occupancy, the boundaries of which are described pursuant to section 206(1)(d) of this act.

(b) If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit that is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not affected.

(c) Except as provided in the declaration, a mobile home or manufactured home for which title has been eliminated pursuant to chapter 65.20 RCW is part of the unit described in the title elimination documents.

(58)(a) "Unit owner" means (i) a declarant or other person that owns a unit or (ii) a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a person having an interest in a unit solely as security for an obligation.

(b) "Unit owner" also means the vendee, not the vendor, of a unit under a recorded real estate contract.

(c) In a condominium, plat community, or miscellaneous community, the declarant is the unit owner of any unit created by the declaration. In a cooperative, the declarant is treated as the unit owner of any unit to which allocated interests have been allocated until that unit has been conveyed to another person.

(59) "Useful life" means the estimated time during which a reserve component is expected to perform its intended function

without major maintenance, repair, or replacement.

(60) "Writing" does not include an electronic transmission.

(61) "Written" means embodied in a tangible medium.

NEW SECTION. Sec. 103. NO VARIATION BY AGREEMENT. Except as expressly provided in this chapter, the effect of the provisions of this chapter may not be varied by agreement, and rights conferred by this chapter may not be waived. Except as provided otherwise in section 123 of this act, a declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.

NEW SECTION. Sec. 104. SEPARATE TITLES AND TAXATION. (1) In a cooperative, unless the declaration provides that a unit owner's interest in a unit and its allocated interests is real estate for all purposes, that interest is personal property.

(2) In a condominium, plat community, or miscellaneous community, if there is any unit owner other than a declarant:

(a) Each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate; and

(b) Each unit together with its interest in the common elements must be separately taxed and assessed.

(3) If a development right has an ascertainable market value, the development right constitutes a separate parcel of real estate for property tax purposes and must be separately taxed and assessed to the declarant, and the declarant alone is liable for payment of those taxes.

(4) If there is no unit owner other than a declarant, the real estate comprising the common interest community may be taxed and assessed in any manner provided by law.

NEW SECTION. Sec. 105. APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES. (1) A building, fire, health, or safety statute, ordinance, or regulation may not impose any requirement

upon any structure in a common interest community that it would not impose upon a physically identical development under a different form of ownership.

(2) A zoning, subdivision, or other land use statute, ordinance, or regulation may not prohibit the condominium or cooperative form of ownership or impose any requirement upon a condominium or cooperative that it would not impose upon a physically identical development under a different form of ownership.

(3) Chapter 58.17 RCW does not apply to the creation of a condominium or a cooperative. This chapter must not be construed to permit the creation of a condominium or cooperative on a lot, tract, or parcel of land that could not be sold or transferred without violating chapter 58.17 RCW.

(4) Except as provided in subsections (1), (2), and (3) of this section, this chapter does not invalidate or modify any provision of any building, zoning, subdivision, or other statute, ordinance, rule, or regulation governing the use of real estate.

(5) This section does not prohibit a county legislative authority from requiring the review and approval of declarations and amendments to declarations and of termination agreements executed pursuant to section 219(2) of this act by the county assessor solely for the purpose of allocating the assessed value and property taxes. The review by the assessor must be done in a reasonable and timely manner.

NEW SECTION. Sec. 106. EMINENT DOMAIN. (1) If a unit is acquired by condemnation or part of a unit is acquired by condemnation leaving the unit owner with a remnant that may not practically or lawfully be used for any purpose permitted by the declaration, the award must include compensation to the unit owner for that unit and its allocated interests, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides, that unit's allocated interests are automatically reallocated to the remaining units in proportion to the respective allocated interests of those units before the taking, and the association must promptly prepare, execute, and record an amendment to the declaration reflecting the

reallocations. Any remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(2) Except as provided in subsection (1) of this section, if part of a unit is acquired by condemnation, the award must compensate the unit owner for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the decree provides otherwise:

(a) That unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration; and

(b) The portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

(3) (a) If part of the common elements is acquired by condemnation, the portion of the award attributable to the common elements taken must be paid to the association. A court may award damages to a unit owner or owners for particular damage to the owner's units arising from condemnation.

(b) Unless the declaration or the decree provides otherwise, any portion of the award attributable to the acquisition of a limited common element must be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition.

(4) The decree must be recorded in every county in which any portion of the common interest community is located.

NEW SECTION. Sec. 107. SUPPLEMENTAL GENERAL PRINCIPLES OF LAW APPLICABLE. The principles of law and equity, including the law of corporations and any other form of organization authorized by the law of this state and unincorporated associations, the law of real estate, and the law relative to the capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion,

mistake, receivership, substantial performance, or other validating or invalidating cause supplement this chapter, except to the extent inconsistent with this chapter.

NEW SECTION. Sec. 108. CONSTRUCTION AGAINST IMPLICIT REPEAL. This chapter is intended as a unified coverage of its subject matter and no part of it must be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

NEW SECTION. Sec. 109. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

NEW SECTION. Sec. 110. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 111. UNCONSCIONABLE AGREEMENT OR TERM OF CONTRACT. (1) The court, upon finding as a matter of law that a contract or contract clause was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause to avoid an unconscionable result.

(2) Whenever it is claimed, or appears to the court, that a contract or any contract clause is or may be unconscionable, the parties, to aid the court in making the determination, must be afforded a reasonable opportunity to present evidence as to:

(a) The commercial setting of the negotiations;

(b) Whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his or her interests by reason of physical or mental infirmity, illiteracy, inability to understand the language of the agreement, or similar factors;

(c) The effect and purpose of the contract or clause; and

(d) If a sale, any gross disparity at the time of contracting between the amount charged for the property and the value of that property measured by the price at which similar property was readily obtainable in similar transactions. A disparity between the contract price and the value of the property measured by the price at which similar property was readily obtainable in similar transactions does not, of itself, render the contract unconscionable.

NEW SECTION. Sec. 112. OBLIGATION OF GOOD FAITH. Every contract or duty governed under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 113. REMEDIES TO BE LIBERALLY ADMINISTERED. The remedies provided under this chapter must be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

NEW SECTION. Sec. 114. ADJUSTMENT OF DOLLAR AMOUNTS. (1) From time to time the dollar amount specified in sections 116 and 409(2) of this act must change, as provided in subsections (2) and (3) of this section, according to and to the extent of changes in the consumer price index for urban wage earners and clerical workers: U.S. city average, all items 1967 = 100, compiled by the bureau of labor statistics, United States department of labor, (the "index"). The index for December 1979, which was 230, is the reference base index.

(2) The dollar amounts specified in sections 116 and 409(2) of this act and any amount stated in the declaration pursuant to sections 116 and 409(2) of this act must change on July 1st of each year if the percentage of change, calculated to the nearest whole percentage point, between the index at the end of the preceding year and the reference base index, is ten percent or more, but: (a) The portion of the percentage change in the index in excess

of a multiple of ten percent must be disregarded and the dollar amount may only change in multiples of ten percent of the amount appearing in this chapter on the effective date of this section; (b) the dollar amount must not change if the amount required under this section is that currently in effect pursuant to this chapter as a result of earlier application of this section; and (c) the dollar amount must not be reduced below the amount appearing in this chapter on the effective date of this section.

(3) If the index is revised after December 1979, the percentage of change pursuant to this section must be calculated on the basis of the revised index. If the revision of the index changes the reference base index, a revised reference base index must be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the bureau of labor statistics. If the index is superseded, the index referred to in this section is the one represented by the bureau of labor statistics as reflecting most accurately the changes in the purchasing power of the dollar for consumers.

NEW SECTION. Sec. 115. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 116. APPLICABILITY TO NEW COMMON INTEREST COMMUNITIES. (1) Except as provided otherwise in this section, this chapter applies to all common interest communities created within this state after the effective date of this section. Chapters 59.18, 64.32, 64.34, and 64.38 RCW do not apply to common interest communities created after the effective date of this section.

(2) Unless the declaration provides that this entire chapter is applicable, a plat community or miscellaneous community that is not subject to any development right is subject only to sections 104, 105, and 106 of this act, if the community: (a) Contains no more

than twelve units; and (b) provides in its declaration that the annual average assessment of all units restricted to residential purposes, exclusive of optional user fees and any insurance premiums paid by the association, may not exceed three hundred dollars, as adjusted pursuant to section 114 of this act.

(3) The exemption provided in subsection (2) of this section applies only if:

(a) The declarant reasonably believes in good faith that the maximum stated assessment will be sufficient to pay the expenses of the association for the community; and

(b) The declaration provides that the assessment may not be increased above the limitation in subsection (2) of this section prior to the transition meeting without the consent of unit owners, other than the declarant, holding ninety percent of the votes in the association.

NEW SECTION. Sec. 117. APPLICABILITY TO PREEXISTING COMMON INTEREST COMMUNITIES. (1) Except for a nonresidential common interest community described in section 121 of this act, sections 120 and 326 of this act apply, and any inconsistent provisions of chapter 59.18, 64.32, 64.34, or 64.38 RCW do not apply, to a common interest community created in this state before the effective date of this section.

(2) Except to the extent provided in this subsection, the sections listed in subsection (1) of this section apply only to events and circumstances occurring after the effective date of this section and do not invalidate existing provisions of the governing documents of those common interest communities. To protect the public interest, sections 120 and 326 of this act supersede existing provisions of the governing documents of all plat communities and miscellaneous communities previously subject to chapter 64.38 RCW.

NEW SECTION. Sec. 118. APPLICABILITY OF AMENDMENTS TO NEW COMMON INTEREST COMMUNITIES. Amendments to this chapter apply to all common interest communities except those that (1) were created prior to the effective date of this section and (2) have not subsequently amended their governing documents to provide that this chapter will apply to the common interest

community pursuant to section 120 of this act.

NEW SECTION. Sec. 119. APPLICABILITY OF PRIOR CONDOMINIUM STATUTES. Chapter 64.32 RCW does not apply to condominiums created after July 1, 1990, and chapter 64.34 RCW does not apply to condominiums created after the effective date of this section.

NEW SECTION. Sec. 120. ELECTION OF PREEXISTING COMMON INTEREST COMMUNITIES TO BE GOVERNED BY THIS CHAPTER. (1) The declaration of any common interest community created before the effective date of this section may be amended to provide that this chapter will apply to the common interest community, regardless of what applicable law provided before this act was adopted.

(2) Except as provided otherwise in subsection (3) of this section or in section 218 (9), (10), or (11) of this act, an amendment to the governing documents authorized under this section must be adopted in conformity with any procedures and requirements for amending the instruments specified by those instruments and in conformity with the amendment procedures of this chapter. If the governing documents do not contain provisions authorizing amendment, the amendment procedures of this chapter apply. If an amendment grants to a person a right, power, or privilege permitted under this chapter, any correlative obligation, liability, or restriction in this chapter also applies to the person.

(3) Notwithstanding any provision in the governing documents of a common interest community that govern the procedures and requirements for amending the governing documents, an amendment under subsection (1) of this section may be made as follows:

(a) The board shall propose such amendment to the owners if the board deems it appropriate or if owners holding twenty percent or more of the votes in the association request such an amendment in writing to the board;

(b) Upon satisfaction of the foregoing requirements, the board shall prepare a proposed amendment and shall provide the owners with a notice in a record containing the proposed amendment and at least thirty days' advance notice of a

meeting to discuss the proposed amendment;

(c) Following such meeting, the board shall provide the owners with a notice in a record containing the proposed amendment and a ballot to approve or reject the amendment;

(d) The amendment shall be deemed approved if owners holding at least thirty percent of the votes in the association participate in the voting process, and at least sixty-seven percent of the votes cast by participating owners are in favor of the proposed amendment.

NEW SECTION. Sec. 121. APPLICABILITY TO NONRESIDENTIAL AND MIXED-USE COMMON INTEREST COMMUNITIES. (1) A plat community, miscellaneous community, or cooperative in which all the units are restricted exclusively to nonresidential use is not subject to this chapter except to the extent the declaration provides that:

(a) This entire chapter applies to the community;

(b) Sections 101 through 226 of this act apply to the community; or

(c) Only sections 104, 105, and 106 of this act apply to the community.

(2) A condominium in which all the units are restricted exclusively to nonresidential use is subject to this chapter, but the declaration may provide that only sections 101 through 226 of this act apply to the community.

(3) If this entire chapter applies to a common interest community in which all the units are restricted exclusively to nonresidential use, the declaration may also require, subject to section 111 of this act, that:

(a) Any management, maintenance, operations, or employment contract, lease of recreational or parking areas or facilities, and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Purchasers of units must execute proxies, powers of attorney, or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

(4) A common interest community that contains both units restricted to nonresidential purposes and units that may be used for residential purposes is not subject to this chapter unless the units that may be used for residential purposes would comprise a common interest community subject to this chapter in the absence of such nonresidential units or the declaration provides that this chapter applies as provided in subsection (2) or (3) of this section.

NEW SECTION. Sec. 122. APPLICABILITY TO OUT-OF-STATE COMMON INTEREST COMMUNITIES. This chapter does not apply to a common interest community located outside this state.

NEW SECTION. Sec. 123. OTHER EXEMPT REAL ESTATE ARRANGEMENTS. (1) An arrangement between the associations for two or more common interest communities to share the costs of real estate taxes, insurance premiums, services, maintenance or improvements of real estate, or other activities specified in their arrangement or declarations does not create a separate common interest community.

(2) An arrangement between an association for a common interest community and the owner of real estate that is not part of a common interest community to share the costs of real estate taxes, insurance premiums, services, maintenance or improvements of real estate, or other activities specified in their arrangement does not create a separate common interest community. However, costs payable by the common interest community as a result of the arrangement must be included in the periodic budget for the common interest community, and the arrangement must be disclosed in all public offering statements and resale certificates required under this chapter.

(3) Except for a cooperative, a lease in which the tenant is obligated to share the costs of real estate taxes, insurance premiums, services, maintenance or improvements of real estate, or other activities specified in an arrangement does not create a separate common interest community.

NEW SECTION. Sec. 124. OTHER EXEMPT COVENANTS. An easement or covenant that

requires the owners of separately owned parcels of real estate to share costs or other obligations associated with a party wall, driveway, well, or other similar use does not create a common interest community.

II. CREATION, ALTERATION, AND TERMINATION OF COMMON INTEREST COMMUNITIES

NEW SECTION. Sec. 201. CREATION OF COMMON INTEREST COMMUNITIES. (1)(a) A common interest community may be created under this chapter only by (i) recording a declaration executed in the same manner as a deed, and (ii) recording a map pursuant to section 210(3) of this act, and (iii) with respect to a cooperative, conveying the real estate subject to that declaration to the association.

(b) The declaration and map must be recorded in every county in which any portion of the common interest community is located. The name of a condominium must not be identical to the name of any other existing condominium or plat community, whether created under this chapter or chapter 64.32 or 64.34 RCW, in any county in which the condominium is located.

(2) A declaration or an amendment to a declaration adding units to a common interest community other than a plat community may not be recorded unless a certification required under section 210(6) (a) or (b) of this act regarding the map is also recorded.

(3)(a) Except as provided otherwise in the declaration or map, if, in a common interest community other than a condominium or cooperative, real estate described as a common element in the declaration or map is not conveyed to the association or expressly dedicated in the declaration or map to the unit owners as tenants in common, that real estate is deemed to be conveyed to the association at the time the first unit is conveyed, subject to the authority and jurisdiction of the association and subject to development rights, if any, reserved in the declaration.

(b) Except as provided otherwise in the declaration or map, in the event of the dissolution of an association, any real estate owned by the association vests in the unit owners as tenants in common with each unit owner's interest being determined in accordance with the

provisions of section 219 of this act regarding a termination of the common interest community.

NEW SECTION. Sec. 202. RESERVATION OF NAME. Upon the filing of a written request with the county office in which the declaration is to be recorded, using a form of written request as may be required by the county office and paying a fee as the county office may establish not in excess of fifty dollars, a person may reserve the exclusive right to use a particular name for a condominium to be created in that county. The reserved name must not be identical to any other condominium or plat community located in that county. The name reservation expires unless within three hundred sixty-five days from the date on which the name reservation is filed the person reserving that name either records a declaration using the reserved name or files a new name reservation request.

NEW SECTION. Sec. 203. UNIT BOUNDARIES. (1) Except as provided by the declaration or, in the case of a plat community or miscellaneous community, by the map:

(a) If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

(b) If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.

(2) Subject to subsection (1)(b) of this section, all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.

(3) Any fireplaces, shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, decks, patios, and

all exterior doors and windows or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

NEW SECTION. **Sec. 204.** CONSTRUCTION AND VALIDITY OF GOVERNING DOCUMENTS. (1) All provisions of the governing documents are severable. If any provision of a governing document, or its application to any person or circumstances, is held invalid, the remainder of the governing document or application to other persons or circumstances is not affected.

(2) The rule against perpetuities may not be applied to defeat any provision of the governing documents adopted pursuant to section 302(1)(a) of this act.

(3) If a conflict exists between the declaration and the organizational documents, the declaration prevails except to the extent the declaration is inconsistent with this chapter.

(4)(a) The creation of a common interest community must not be impaired and title to a unit and any common elements must not be rendered unmarketable or otherwise affected by reason of an insignificant failure of the governing documents, or any amendment to the governing documents, to comply with this chapter.

(b) This chapter does not determine whether a significant failure impairs marketability. Any unit owner, record owner of a security interest in any portion of the common interest community, or the association has standing to obtain a court order compelling the recordation of a declaration or map or adoption of organizational documents, or any appropriate amendment thereto, or to any other governing document, necessary to comply with the requirements of this chapter and to effectuate the reasonably ascertainable intent of the parties, including the intent to create a common interest community in compliance with this chapter. The failure to (i) include in the declaration or any amendment to the declaration cross-references by recording number to the map or any amendment to the map, or (ii) include in the map or any amendment to the map cross-references by recording number to the declaration or any amendment to the declaration is deemed an insignificant failure to comply with this chapter.

NEW SECTION. **Sec. 205.** DESCRIPTION OF UNITS. (1) In a condominium or a cooperative, a description of a unit that sets forth the name of the common interest community, the recording data for the declaration, the county and state in which the common interest community is located, and the identifying number of the unit is a legally sufficient description of that unit and all rights, obligations, and interests appurtenant to that unit that were created by the governing documents.

(2) In a plat community or miscellaneous community, a description of a unit that sets forth the name of the common interest community, the recording data for the map, the county and state in which the common interest community is located, and the identifying number of the unit is a legally sufficient description of that unit and all rights, obligations, and interests appurtenant to that unit.

NEW SECTION. **Sec. 206.** CONTENTS OF DECLARATION. (1) The declaration must contain:

(a) The names of the common interest community and the association and, immediately following the initial recital of the name of the community, a statement that the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(b) A legal description of the real estate included in the common interest community;

(c) A statement of the number of units that the declarant has created and, if the declarant has reserved the right to create additional units, the maximum number of such additional units;

(d) In all common interest communities, a reference to the recorded map creating the units and common elements, if any, subject to the declaration, and in a common interest community other than a plat community, the identifying number of each unit created by the declaration, a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in section 203(1)(a) of this act, and with respect to each existing unit, and if known at the time the declaration is recorded, the (i) approximate square footage, (ii) number

of whole or partial bathrooms, (iii) number of rooms designated primarily as bedrooms, and (iv) level or levels on which each unit is located. The data described in this subsection (1)(d)(ii) and (iii) may be omitted with respect to units restricted to nonresidential use;

(e) A description of any limited common elements, other than those specified in section 203 (1)(b) and (2) of this act;

(f) A description of any real estate that may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in section 203 (1)(b) and (2) of this act, together with a statement that they may be so allocated;

(g) A description of any development right and any other special declarant rights reserved by the declarant, and, if the boundaries of the real estate subject to those rights are fixed in the declaration pursuant to (h)(i) of this subsection, a description of the real property affected by those rights, and a time limit within which each of those rights must be exercised;

(h) If any development right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right or a statement that no assurances are made in those regards; and

(ii) A statement as to whether, if any development right is exercised in any portion of the real estate subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real estate;

(i) Any other conditions or limitations under which the rights described in (g) of this subsection may be exercised or will lapse;

(j) An allocation to each unit of the allocated interests in the manner described in section 208 of this act;

(k) Any restrictions on alienation of the units, including any restrictions on leasing that exceed the restrictions on leasing units that boards may impose

pursuant to section 323(9)(c) of this act and on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale, condemnation, or casualty loss to the unit or to the common interest community, or on termination of the common interest community;

(l) A cross-reference by recording number to the map for the units created by the declaration;

(m) Any authorization pursuant to which the association may establish and enforce construction and design criteria and aesthetic standards as provided in section 322 of this act;

(n) All matters required under sections 207, 208, 209, 216, 217, and 303 of this act.

(2) All amendments to the declaration must contain a cross-reference by recording number to the declaration and to any prior amendments to the declaration. All amendments to the declaration adding units must contain a cross-reference by recording number to the map relating to the added units and set forth all information required under subsection (1) of this section with respect to the added units.

(3) The declaration may contain any other matters the declarant considers appropriate, including any restrictions on the uses of a unit or the number or other qualifications of persons who may occupy units.

NEW SECTION. Sec. 207. LEASEHOLD COMMON INTEREST COMMUNITIES. (1) Any lease the expiration or termination of which may terminate the common interest community or reduce its size, or a memorandum of the lease, must be recorded. Every lessor of these leases in a condominium, plat community, or miscellaneous community must sign the declaration. The declaration must state:

(a) The recording number of the lease or a statement of where the complete lease may be inspected;

(b) The date on which the lease is scheduled to expire;

(c) A legal description of the real estate subject to the lease;

(d) Any right of the unit owners to redeem the reversion and the manner in which those rights may be exercised, or

a statement that they do not have those rights;

(e) Any right of the unit owners to remove any improvements within a reasonable or stated time after the expiration or termination of the lease, or a statement that they do not have those rights; and

(f) Any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.

(2) The declaration may provide for the collection by the association of the proportionate rents paid on the lease by the unit owners and may designate the association as the representative of the unit owners on all matters relating to the lease.

(3) After the declaration for a condominium, miscellaneous community, or plat community is recorded, neither the lessor nor the lessor's successor in interest may terminate the leasehold interest of a unit owner who makes timely payment of a unit owner's share of the rent and otherwise complies with all covenants that, if violated, would entitle the lessor to terminate the lease. A unit owner's leasehold interest in a condominium, miscellaneous community, or plat community is not affected by failure of any other person to pay rent or fulfill any other covenant.

(4) Acquisition of the leasehold interest of any unit owner by the owner of the reversion or remainder does not merge the leasehold and fee simple interests unless the leasehold interests of all unit owners subject to that reversion or remainder are acquired and the owner of the reversion or remainder records a document confirming the merger.

(5) If the expiration or termination of a lease decreases the number of units in a common interest community, the allocated interests must be reallocated in accordance with section 106(1) of this act as though those units had been taken by condemnation. Reallocations must be confirmed by an amendment to the declaration and map prepared, executed, and recorded by the association.

NEW SECTION. **Sec. 208.** ALLOCATION OF ALLOCATED INTERESTS. (1) The declaration must allocate to each unit:

(a) In a condominium, a fraction or percentage of undivided interests in the common elements and in the common expenses of the association and a portion of the votes in the association;

(b) In a cooperative, an ownership interest in the association, a fraction or percentage of the common expenses of the association, and a portion of the votes in the association; and

(c) In a plat community and miscellaneous community, a fraction or percentage of the common expenses of the association and a portion of the votes in the association.

(2) The declaration must state the formulas used to establish allocations of interests. Those allocations may not discriminate in favor of units owned by the declarant or an affiliate of the declarant.

(3) If units may be added to or withdrawn from the common interest community, the declaration must state the formulas to be used to reallocate the allocated interests among all units included in the common interest community after the addition or withdrawal.

(4) (a) The declaration may provide:

(i) That different allocations of votes are made to the units on particular matters specified in the declaration;

(ii) For cumulative voting only for the purpose of electing board members; and

(iii) For class voting on specified issues affecting the class if necessary to protect valid interests of the class.

(b) A declarant may not utilize cumulative or class voting for the purpose of evading any limitation imposed on declarants under this chapter, and units do not constitute a class because they are owned by a declarant.

(5) Except for minor variations due to rounding, the sum of the common expense liabilities and, in a condominium, the sum of the undivided interests in the common elements allocated at any time to all the units must each equal one if stated as a fraction or one hundred percent if stated as a percentage. In the event of discrepancy between an allocated interest and the result derived from application of the pertinent formula, the allocated interest prevails.

(6) (a) In a condominium, the common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated is void.

(b) In a cooperative, any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an ownership interest in the association made without the possessory interest in the unit to which that interest is related is void.

NEW SECTION. Sec. 209. LIMITED COMMON ELEMENTS. (1) (a) Except for the limited common elements described in section 203 (1) (b) and (3) of this act, the declaration must specify to which unit or units each limited common element is allocated.

(b) An allocation of a limited common element may not be altered without the consent of the owners of the units from which and to which the limited common element is allocated.

(2) (a) Except in the case of a reallocation being made by a declarant pursuant to a development right reserved in the declaration, a limited common element may be reallocated between units only with the approval of the board and by an amendment to the declaration executed by the unit owners between or among whose units the reallocation is made.

(b) The board must approve the request of the unit owner or owners under this subsection (2) within thirty days, or within such other period provided by the declaration, unless the proposed reallocation does not comply with this chapter or the declaration. The failure of the board to act upon a request within such period is deemed an approval of the request.

(c) The amendment must be executed and recorded by the association and be recorded in the name of the common interest community.

(3) Unless provided otherwise in the declaration, the unit owners of units to which at least sixty-seven percent of the votes are allocated, including the unit owner of the unit to which the common element or limited common element will be assigned or incorporated, must agree to

reallocate a common element as a limited common element or to incorporate a common element or a limited common element into an existing unit. Such reallocation or incorporation must be reflected in an amendment to the declaration and the map.

NEW SECTION. Sec. 210. MAPS. (1) A map is required for all common interest communities. For purposes of this chapter, a map must be construed as part of the declaration.

(2) With the exception of subsections (1), (3), (4), and (14) of this section, this section does not apply to a plat as defined in RCW 58.17.020.

(3) The map for a common interest community must be executed by the declarant and recorded concurrently with, and contain cross-references by recording number to, the declaration.

(4) An amendment to a map for a common interest community must be executed by the same party or parties authorized or required to execute an amendment to the declaration, contain cross-references by recording number to the declaration and any amendments to the declaration, and be recorded concurrently with an amendment to the declaration. With respect to a plat community, (a) any amendment to the map must be prepared and recorded in compliance with the requirements, processes, and procedures in chapter 58.17 RCW and of the local subdivision ordinances of the city, town, or county in which the plat community is located, and (b) any amendment to the declaration must conform to the map as so approved and recorded.

(5) A map for a cooperative may be prepared by a licensed land surveyor, and may be incorporated into the declaration to satisfy subsection (3) of this section and section 206(1) (d) of this act. If the map for a cooperative is not prepared by a licensed land surveyor, the map need not contain the certification required in subsection (6) (a) of this section.

(6) The map for a common interest community must be clear and legible and must contain:

(a) If the map is a survey, a certification by a licensed land surveyor in substantially the following form:

SURVEYOR CERTIFICATE: This map correctly represents a survey made by me or under my direction in conformance with

the requirements of the Survey Recording Act at the request of (name of party requesting the survey) on (date). I hereby certify that this map for (name of common interest community) is based upon an actual survey of the property herein described; that the bearings and distances are correctly shown; that all information required by the Washington Uniform Common Interest Ownership Act is supplied herein; and that all horizontal and vertical boundaries of the units, (1) to the extent determined by the walls, floors, or ceilings thereof, or other physical monuments, are substantially completed in accordance with said map, or (2) to the extent such boundaries are not defined by physical monuments, such boundaries are shown on the map. (Surveyor's name, signature, license or certificate number, and acknowledgment)

(b) If the map is not a survey, a certification in substantially the following form:

DECLARANT CERTIFICATE: I hereby certify on behalf of (declarant) that this map for (name of common interest community) was made by me or under my direction in conformance with the requirements of RCW (this section); that all information required by the Washington Uniform Common Interest Ownership Act is supplied herein; and that all horizontal and vertical boundaries of the units, (1) to the extent determined by the walls, floors, or ceilings thereof, or other physical monuments, are substantially completed in accordance with said map, or (2) to the extent such boundaries are not defined by physical monuments, such boundaries are shown on the map. (Declarant's name, signature, and acknowledgment)

(c) A declaration by the declarant in substantially the following form:

DECLARANT DECLARATION: The undersigned owner or owners of the interest in the real estate described herein hereby declare this map and dedicate the same for a common interest community named (name of common interest community), a (type of community), as that term is defined in the Washington Uniform Common Interest Ownership Act, solely to meet the requirements of the Washington Uniform Common Interest Ownership Act and not for any public purpose. This map and any portion thereof is restricted by law and the Declaration

for (name of common interest community), recorded under (name of county in which the common interest community is located) County Recording No. (recording number). (Declarant's name, signature, and acknowledgment)

(7) Each map filed for a common interest community, and any amendments to the map, must be in the style, size, form, and quality as prescribed by the recording authority of the county where filed, and a copy must be delivered to the county assessor.

(8) Each map prepared for a common interest community in compliance with this chapter, and any amendments to the map, must show or state:

(a) The name of the common interest community and, immediately following the name of the community, a statement that the common interest community is a condominium, cooperative, or miscellaneous community as defined in this chapter. A local jurisdiction may also require that the name of a plat community on the survey, plat, or map be followed by a statement that the common interest community is a plat community as defined in this chapter;

(b) A legal description of the land in the common interest community;

(c) As to a condominium, a survey of the land in the condominium, and as to a cooperative, a survey or a drawing of the land included in the entire cooperative that complies with the other requirements of this section;

(d) If the boundaries of land subject to the development right to withdraw are fixed in the declaration or an amendment to the declaration pursuant to section 206(1)(h)(i) of this act, and subject to the provisions of the declaration, an amendment to the map if not contained in the initial recorded map, the legal description and boundaries of that land, labeled "MAY BE WITHDRAWN FROM THE [COMMON INTEREST COMMUNITY];

(e) If the boundaries of land subject to the development right to add units that will result in the reallocation of allocated interests is fixed in the declaration or an amendment to the declaration pursuant to section 206(1)(h)(i) of this act, and subject to the provisions of the declaration, the legal description and boundaries of that land, labeled "SUBJECT TO DEVELOPMENT

RIGHTS TO ADD UNITS THAT WILL RESULT IN A REALLOCATION OF ALLOCATED INTERESTS";

(f) The location and dimensions of all existing buildings containing or comprising units;

(g) The extent of any encroachments by or upon any portion of the common interest community;

(h) To the extent feasible, the location and dimensions of all recorded easements serving or burdening any portion of the common interest community and any unrecorded easements of which a surveyor or declarant knows or reasonably should have known;

(i) The location and dimensions of vertical unit boundaries;

(j) The location with reference to an established datum of horizontal unit boundaries. With respect to a cooperative, miscellaneous community, or condominium for which the horizontal boundaries are not defined by physical monuments, reference to an established datum is not required if the location of the horizontal boundaries of a unit is otherwise reasonably described or depicted;

(k) The legal description and the location and dimensions of any real estate in which the unit owners will own only an estate for years, labeled as "LEASEHOLD REAL ESTATE";

(l) The distance between any noncontiguous parcels of real estate comprising the common interest community;

(m) The general location of any existing principal common amenities listed in a public offering statement under section 403(1)(k) of this act;

(n) The general location of porches, decks, balconies, patios, storage facilities, moorage spaces, or parking spaces that are allocated as limited common elements, and any applicable identifying number or designation; and

(o) As to any survey, all other matters customarily shown on land surveys.

(9) The map for a common interest community may also show the anticipated approximate location and dimensions of any contemplated improvement to be constructed anywhere within the common interest community, and any contemplated improvement shown must be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT."

(10) The map for a common interest community must identify any unit in which the declarant has reserved the right to create additional units or common elements under section 211(3) of this act.

(11) Unless the declaration provides otherwise, any horizontal boundary of part of a unit located outside a building has the same elevation as the horizontal boundary of the inside part and need not be depicted on the map.

(12) Upon exercising any development right, the declarant must record either new maps necessary to conform to the requirements of subsections (3), (4), (6), and (8) of this section, or new certifications of any map previously recorded if that map otherwise conforms to the requirements of subsections (3), (4), (6), and (8) of this section.

(13) Any survey and the surveyor certifications required under this section must be made by a licensed surveyor.

(14) As to a plat community, the information required under subsections (6) (a) and (c), (8) (d) through (g), (k), (m), and (n), (9), and (10) of this section is required, but may be shown on a map incorporated in or attached to the declaration, and need not be shown on the plat community map. Any such map is deemed a map for purposes of applying the provisions of this section, and the declarant must provide the certification required under subsection (6) (b) of this section.

(15) In showing or projecting the location and dimensions of the vertical boundaries of a unit located in a building, it is not necessary to show the thickness of the walls constituting the vertical boundaries or otherwise show the distance of those vertical boundaries either from the exterior surface of the building containing that unit or from adjacent vertical boundaries of other units if: (a) The walls are designated to be the vertical boundaries of that unit; (b) the unit is located within a building, the location and dimensions of the building having been shown on the map under subsection (8) (f) of this section; and (c) the graphic general location of the vertical boundaries are shown in relation to the exterior surfaces of that building and to the vertical boundaries of other units within that building.

NEW SECTION. **Sec. 211.** EXERCISE OF DEVELOPMENT RIGHTS. (1) To exercise any development right reserved under section 206(1) (h) of this act, the declarant must prepare, execute, and record any amendments to the declaration and map in accordance with the requirements of sections 210 and 218(3) of this act. The declarant is the unit owner of any units created. The amendment to the declaration must assign an identifying number to each new unit created and, except in the case of subdivision, combination, or conversion of units described in subsection (3) of this section, reallocate the allocated interests among all units. The amendment must describe any common elements and any limited common elements created and, in the case of limited common elements, designate the unit to which each is allocated to the extent required under section 209 of this act. The amendments are effective upon recording.

(2) Development rights may be reserved within any real estate added to the common interest community if the amendment to the declaration adding that real estate includes all matters required under sections 206 and 207 of this act and the amendment to the map includes all matters required under section 210 of this act. This subsection does not extend the time limit on the exercise of development rights imposed by the declaration pursuant to section 206(1) (h) of this act.

(3) When a declarant exercises a development right to subdivide, combine, or convert a unit previously created into additional units or common elements, or both:

(a) If the declarant converts the unit entirely into common elements, the amendment to the declaration must reallocate all the allocated interests of that unit among the other units as if that unit had been taken by condemnation under section 106 of this act; or

(b) If the declarant subdivides the unit into two or more units, whether or not any part of the unit is converted into common elements, the amendment to the declaration must reallocate all the allocated interests of the unit among the units created by the subdivision in any reasonable manner prescribed by the declarant.

(4) If the declaration provides, pursuant to section 206(1) (h) of this

act, that all or a portion of the real estate is subject to a right of withdrawal:

(a) If all the real estate is subject to withdrawal, and the declaration or map or amendment to the declaration or map does not describe separate portions of real estate subject to that right, none of the real estate may be withdrawn if a unit in that real estate has been conveyed to a purchaser; or

(b) If any portion of the real estate is subject to withdrawal as described in the declaration or map or amendment to the declaration or map, none of that portion of the real estate may be withdrawn if a unit in that portion has been conveyed to a purchaser.

(5) If the declarant combines two or more units into a lesser number of units, whether or not any part of a unit is converted into common elements or common elements are converted units, the amendment to the declaration must reallocate all of the allocated interests of the units being combined into the unit or units created by the combination in any reasonable manner prescribed by the declarant.

(6) A unit conveyed to a purchaser may not be withdrawn pursuant to subsection (4) (a) or (b) of this section without the consent of the unit owner of that unit and the holder of a security interest in the unit.

NEW SECTION. **Sec. 212.** ALTERATIONS OF COMMON ELEMENTS AND UNITS. Subject to the provisions of the governing documents and other provisions of law, a unit owner:

(1) May make any improvements or alterations to the unit owner's unit that do not impair the structural integrity or mechanical or electrical systems or lessen the support of any portion of the common interest community;

(2) May not change the appearance of the common elements without approval of the board;

(3) After acquiring an adjoining unit or an adjoining part of an adjoining unit, with approval of the board, may remove or alter any intervening partition or create apertures in the unit or adjoining unit, even if the partition in whole or in part is a common element. The removal of partitions or creation of

apertures under this subsection is not an alteration of boundaries. The board must approve a unit owner's request, which must include the plans and specifications for the proposed removal or alteration, under this subsection (3) after receipt of all required information unless the proposed alteration does not comply with this section or the governing documents; and

(4) May eliminate the title to a mobile home or manufactured home within the unit as permitted under chapter 65.20 RCW without the consent or joinder by the association, any other unit owner, or any party having a security interest in any other unit or the common elements.

NEW SECTION. Sec. 213. RELOCATION OF UNIT BOUNDARIES. (1) Subject to the provisions of the declaration, section 212 of this act, and other provisions of law, the boundaries between adjoining units may be relocated upon application to the board by the unit owners of those units and upon approval by the board pursuant to this section. The application must include plans showing the relocated boundaries and such other information as the board may require. If the unit owners of the adjoining units have specified a reallocation between their units of their allocated interests, the application must state the proposed reallocations. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, section 212 of this act, or other provisions of law, the board must approve the application and prepare any amendments to the declaration and map in accordance with the requirements of subsection (3) of this section.

(2)(a) Subject to the provisions of the declaration and other provisions of law, boundaries between units and common elements may be relocated to incorporate common elements within a unit by an amendment to the declaration upon application to the association by the unit owner of the unit who proposes to relocate a boundary. The amendment may be approved only if the unit owner of the unit, the boundary of which is being relocated, and, unless the declaration provides otherwise, persons entitled to cast at least sixty-seven percent of the votes in the association, including sixty-seven percent of the votes

allocated to units not owned by the declarant, agree.

(b) The association may require payment to the association of a one-time fee or charge or continuing fees or charges payable by the unit owners of the units whose boundaries are being relocated to include common elements.

(3)(a) The association must prepare any amendment to the declaration in accordance with the requirements of section 206 of this act and any amendment to the map in accordance with the requirements of section 210 of this act necessary to show or describe the altered boundaries of affected units and their dimensions and identifying numbers.

(b) The amendment to the declaration must be executed by the unit owner of the unit, the boundaries of which are being relocated, and by the association, contain words of conveyance between them, and be recorded in the names of the unit owner or owners and the association, as grantor or grantee, as appropriate and as required under section 218(3) of this act. The amendments are effective upon recording.

(4) All costs, including reasonable attorneys' fees, incurred by the association for preparing and recording amendments to the declaration and map under this section must be assessed to the unit, the boundaries of which are being relocated.

NEW SECTION. Sec. 214. SUBDIVISION AND COMBINATION OF UNITS. (1) Unless prohibited in the declaration, subject to the provisions of the declaration, section 212 of this act, and other provisions of law, a unit may be subdivided into two or more units upon application to the association by the unit owner of the unit and upon approval by the board pursuant to this section. The application must include plans showing the relocated boundaries, a reallocation of all the allocated interests of the units among the units created by the subdivision, and such other information as the board may require. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, sections 209 and 212 of this act, or other provisions of law, the board must approve the application and

prepare any amendments to the declaration and map in accordance with the requirements of subsection (4) of this section.

(2) Unless prohibited in the declaration, subject to the provisions of the declaration, section 212 of this act, and other provisions of law, two or more units may be combined into a lesser number of units upon application to the association by the owners of those units and upon approval by the board pursuant to this section. The application must include plans showing the relocated boundaries, a reallocation of all the allocated interests of the units being combined among the units resulting from the combination, and such other information as the board may require. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, sections 209 and 212 of this act, or other provisions of law, the board shall approve the application and prepare any amendments to the declaration and map in accordance with the requirements of subsection (4) of this section.

(3) The association may require payment to the association of a one-time fee or charge or continuing fees or charges payable by the owners of the units whose boundaries are being relocated to include common elements.

(4) The association must prepare, execute, and record any amendments to the declaration and, in a condominium, cooperative, or miscellaneous community, the map, prepared in accordance with the requirements of sections 210 and 218(3) of this act, subdividing or combining those units. The amendment to the declaration must be executed by the association and unit owner or owners of the units from which the subdivided or combined unit or units are derived, assign an identifying number to each resulting unit, and reallocate the allocated interests formerly allocated to the unit from which a combination was derived to the new unit or, if two or more units are derived from such combination, among the new units in any reasonable manner prescribed by such owners in the amendment or on any other basis the declaration requires. The amendments are effective upon recording.

(5) All costs, including reasonable attorneys' fees, incurred by the

association for preparing and recording amendments to the declaration and map under this section must be assessed to the unit, the boundaries of which are being relocated.

(6) This section does not apply to the declarant's exercise of any development right to subdivide or combine a unit previously created.

NEW SECTION. **Sec. 215.** MONUMENTS AS BOUNDARIES. (1) The physical boundaries of a unit located in a building containing or comprising that unit constructed or reconstructed in substantial accordance with the map, or amendment to the map, are its boundaries rather than any boundaries shown on the map, regardless of settling or lateral movement of the unit or of any building containing or comprising the unit, or of any minor variance between boundaries of the unit or any building containing or comprising the unit shown on the map.

(2) This section does not relieve a unit owner from liability in case of the unit owner's willful misconduct or relieve a declarant or any other person from liability for failure to adhere to the map.

NEW SECTION. **Sec. 216.** USE FOR SALES PURPOSES. (1) A declarant may maintain sales offices, management offices, and models in units or on common elements in the common interest community only if the declaration so provides. In a cooperative or condominium, any sales office, management office, or model not designated a unit by the declaration is a common element.

(2) When a declarant no longer owns a unit or has the right to create a unit in the common interest community, the declarant ceases to have any rights under this section unless the unit is removed promptly from the common interest community in accordance with a right to remove reserved in the declaration.

(3) Subject to any limitations in the declaration, a declarant may maintain signs in or on units owned by the declarant or the common elements advertising the common interest community.

(4) This section is subject to the provisions of other state law and local ordinances.

NEW SECTION. **Sec. 217.** EASEMENT AND USE RIGHTS. (1) Subject to the declaration, a declarant has an easement through the common elements as may be reasonably necessary for the purpose of discharging the declarant's obligations or exercising special declarant rights, whether arising under this chapter or reserved in the declaration.

(2) Subject to sections 302(2)(f) and 314 of this act, the unit owners have an easement in the common elements for access to their units.

(3) Subject to the declaration and rules, the unit owners have a right to use the common elements that are not limited common elements for the purposes for which the common elements were intended.

NEW SECTION. **Sec. 218.** AMENDMENT OF DECLARATION. (1)(a) Except in cases of amendments that may be executed by: A declarant under subsection (10) of this section, sections 209(2), 210(12), 211, or 304(2)(d) of this act; the association under section 106, 207(5), 209(3), 213(1), or 214 of this act or subsection (11) of this section; or certain unit owners under section 209(2), 213(1), 214(2), or 219(2) of this act, and except as limited by subsections (4), (6), (7), (8), and (12) of this section, the declaration may be amended only by vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association are allocated, unless the declaration specifies a different percentage not to exceed ninety percent for all amendments or for specific subjects of amendment. For purposes of this section, "amendment" means any change to the declaration, including adding, removing, or modifying restrictions contained in a declaration.

(b) If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval; however, any right of approval may not result in an expansion of special declarant rights reserved in the declaration or violate any other section of this chapter, including sections 103, 111, 112, and 113 of this act.

(2) In the absence of fraud, any action to challenge the validity of an amendment adopted by the association may not be brought more than one year after the amendment is recorded.

(3) Every amendment to the declaration must be recorded in every county in which any portion of the common interest community is located and is effective only upon recordation. An amendment, except an amendment pursuant to section 213(1) of this act, must be indexed in the grantee's index in the name of the common interest community and the association and in the grantor's index in the name of the parties executing the amendment.

(4) Except to the extent expressly permitted or required under this chapter, an amendment may not create or increase special declarant rights, increase the number of units, change the boundaries of any unit, or change the allocated interests of a unit without the consent of unit owners to which at least ninety percent of the votes in the association are allocated, including the consent of any unit owner of a unit, the boundaries of which or allocated interest of which is changed by the amendment.

(5) Amendments to the declaration required to be executed by the association must be executed by any authorized officer of the association who must certify in the amendment that it was properly adopted.

(6) The declaration may require a higher percentage of unit owner approval for an amendment that is intended to prohibit or materially restrict the uses of units permitted under the applicable zoning ordinances, or to protect the interests of members of a defined class of owners, or to protect other legitimate interests of the association or its members. Subject to subsection (13) of this section, a declaration may not require, as a condition for amendment, approval by more than ninety percent of the votes in the association or by all but one unit owner, whichever is less. An amendment approved under this subsection must provide reasonable protection for a use permitted at the time the amendment was adopted.

(7) The time limits specified in the declaration pursuant to section 206(1)(g) of this act within which reserved development rights must be exercised may be extended, and additional development rights may be created, if persons entitled to cast at least eighty percent of the votes in the association, including eighty percent of the votes allocated to units not owned by the declarant, agree to that action. The

agreement is effective thirty days after an amendment to the declaration reflecting the terms of the agreement is recorded unless all the persons holding the affected special declarant rights, or security interests in those rights, record a written objection within the thirty-day period, in which case the amendment is void, or consent in writing at the time the amendment is recorded, in which case the amendment is effective when recorded.

(8) A provision in the declaration creating special declarant rights that have not expired may not be amended without the consent of the declarant.

(9) If any provision of this chapter or the declaration requires the consent of a holder of a security interest in a unit as a condition to the effectiveness of an amendment to the declaration, the consent is deemed granted if a refusal to consent in a record is not received by the association within sixty days after the association delivers notice of the proposed amendment to the holder at an address for notice provided by the holder or mails the notice to the holder by certified mail, return receipt requested, at that address. If the holder has not provided an address for notice to the association, the association must provide notice to the address in the security interest of record.

(10) Upon thirty-day advance notice to unit owners, the declarant may, without a vote of the unit owners or approval by the board, unilaterally adopt, execute, and record a corrective amendment or supplement to the governing documents to correct a mathematical mistake, an inconsistency, or a scrivener's error, or clarify an ambiguity in the governing documents with respect to an objectively verifiable fact including, without limitation, recalculating the undivided interest in the common elements, the liability for common expenses, or the number of votes in the unit owners' association appertaining to a unit, within five years after the recordation or adoption of the governing document containing or creating the mistake, inconsistency, error, or ambiguity. Any such amendment or supplement may not materially reduce what the obligations of the declarant would have been if the mistake, inconsistency, error, or ambiguity had not occurred.

(11) Upon thirty-day advance notice to unit owners, the association may, upon a

vote of two-thirds of the members of the board, without a vote of the unit owners, adopt, execute, and record an amendment to the declaration for the following purposes:

(a) To correct or supplement the governing documents as provided in subsection (10) of this section;

(b) To remove language and otherwise amend as necessary to effect the removal of language purporting to forbid or restrict the conveyance, encumbrance, occupancy, or lease to: Individuals of a specified race, creed, color, sex, or national origin; individuals with sensory, mental, or physical disabilities; and families with children or any other legally protected classification;

(c) To remove language and otherwise amend as necessary to effect the removal of language that purports to impose limitations on the power of the association beyond the limit authorized in section 302(1)(u) of this act to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons; and

(d) To remove any other language and otherwise amend as necessary to effect the removal of language purporting to limit the rights of the association or its unit owners in direct conflict with this chapter.

(12) If the declaration requires that amendments to the declaration may be adopted only if the amendment is signed by a specified number or percentage of unit owners and if the common interest community contains more than twenty units, such requirement is deemed satisfied if the association obtains such signatures or the vote or agreement of unit owners holding such number or percentage.

(13)(a) If the declaration requires that amendments to the declaration may be adopted only by the vote or agreement of unit owners of units to which more than sixty-seven percent of the votes in the association are allocated, and the percentage required is otherwise consistent with this chapter, the amendment is approved if:

(i) The approval of the percentage specified in the declaration is obtained;

(ii) (A) Unit owners of units to which at least sixty-seven percent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) A unit owner does not vote against the proposed amendment; and

(C) Notice of the proposed amendment, including notice that the failure of a unit owner to object may result in the adoption of the amendment, is delivered to the unit owners holding the votes in the association that have not voted or agreed to the proposed amendment and no written objection to the proposed amendment is received by the association within sixty days after the association delivers notice; or

(iii) (A) Unit owners of units to which at least sixty-seven percent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) At least one unit owner objects to the proposed amendment; and

(C) Pursuant to an action brought by the association in the county in which the common interest community is situated against all objecting unit owners, the court finds, under the totality of circumstances including, but not limited to, the subject matter of the amendment, the purpose of the amendment, the percentage voting to approve the amendment, and the percentage objecting to the amendment, that the amendment is reasonable.

(b) If the declaration requires the affirmative vote or approval of any particular unit owner or class of unit owners as a condition of its effectiveness, the amendment is not valid without that vote or approval.

NEW SECTION. **Sec. 219.** TERMINATION OF COMMON INTEREST COMMUNITY. (1) Except for a taking of all the units by condemnation, foreclosure against an entire cooperative of a security interest that has priority over the declaration, or in the circumstances described in section 226 of this act, a common interest community may be terminated only by agreement of unit owners of units to which at least eighty percent of the votes in the association are allocated, or any larger percentage the declaration specifies, and with any other approvals required by the declaration. The declaration may specify a smaller percentage only if all of the units are

restricted exclusively to nonresidential uses.

(2) An agreement to terminate must be evidenced by the execution of a termination agreement, or ratifications of the agreement, in the same manner as a deed, by the requisite number of unit owners. The termination agreement must specify a date after which the agreement is void unless it is recorded before that date. A termination agreement and all ratifications of the agreement must be recorded in every county in which a portion of the common interest community is situated and is effective only upon recordation. An agreement to terminate may only be amended by complying with the requirements of this subsection and subsection (1) of this section.

(3) (a) In the case of a condominium, plat community, or miscellaneous community containing only units having horizontal boundaries between units, a termination agreement may provide that all of the common elements and units of the common interest community must be sold following termination. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of the sale.

(b) In the case of a condominium, plat community, or miscellaneous community containing no units having horizontal boundaries between units, a termination agreement may provide for sale of the common elements that are not necessary for the habitability of a unit, but it may not require that any unit be sold following termination, unless the declaration as originally recorded provided otherwise or all the unit owners consent to the sale. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of sale.

(c) In the case of a condominium, plat community, or miscellaneous community containing some units having horizontal boundaries between units and some units without horizontal boundaries between units, a termination agreement may provide for sale of the common elements that are not necessary for the

habitability of a unit, but it may not require that any unit be sold following termination, unless the declaration as originally recorded provided otherwise or all the unit owners of units in the building to be sold consent to the sale. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of sale.

(4) (a) The association, on behalf of the unit owners, may contract for the sale of real estate in a common interest community, but the contract is not binding on the unit owners until approved pursuant to subsections (1) and (2) of this section. If any real estate is to be sold following termination, title to that real estate, upon termination, vests in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds of the sale distributed, the association continues in existence with all powers it had before termination.

(b) Proceeds of the sale must be distributed to unit owners and lienholders as their interests may appear, in accordance with subsections (6) and (8) of this section. Unless otherwise specified in the termination agreement, as long as the association holds title to the real estate, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit owner and the unit owner's successors in interest remain liable for all assessments and other obligations imposed on unit owners under this chapter or the declaration.

(5) In a condominium, plat community, or miscellaneous community, if any portion of the real estate constituting the common interest community is not to be sold following termination, title to those portions of the real estate constituting the common elements and, in a common interest community containing units having horizontal boundaries between units described in the declaration, title to all the real estate containing such boundaries in the common

interest community vests in the unit owners upon termination as tenants in common in proportion to their respective interests as provided in subsection (8) of this section, and liens on the units shift accordingly. While the tenancy in common exists, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit.

(6) (a) Following termination of the common interest community, the proceeds of a sale of real estate, together with the assets of the association, are held by the association as trustee for unit owners and holders of liens on the units as their interests may appear.

(b) Following termination of a condominium, plat community, or miscellaneous community, creditors of the association holding liens on the units that were recorded or perfected under RCW 4.64.020 before termination may enforce those liens in the same manner as any lienholder.

(c) All other creditors of the association are to be treated as if they had perfected liens on the units immediately before termination.

(7) In a cooperative, the declaration may provide that all creditors of the association have priority over any interests of unit owners and creditors of unit owners. In that event, following termination, creditors of the association holding liens on the cooperative that were recorded or perfected under RCW 4.64.020 before termination may enforce their liens in the same manner as any lienholder, and any other creditor of the association is to be treated as if the creditor had perfected a lien against the cooperative immediately before termination. Unless the declaration provides that all creditors of the association have that priority:

(a) The lien of each creditor of the association that was perfected against the association before termination becomes, upon termination, a lien against each unit owner's interest in the unit as of the date the lien was perfected;

(b) Any other creditor of the association must be treated, upon termination, as if the creditor had perfected a lien against each unit owner's interest immediately before termination;

(c) The amount of the lien of an association's creditor described in (a) and (b) of this subsection against each of the unit owners' interest must be proportionate to the ratio that each unit's common expense liability bears to the common expense liability of all of the units;

(d) The lien of each creditor of each unit owner that was perfected before termination continues as a lien against that unit owner's unit as of the date the lien was perfected;

(e) The assets of the association must be distributed to all unit owners and all lienholders as their interests may appear in the order described in this subsection; and

(f) Creditors of the association are not entitled to payment from any unit owner in excess of the amount of the creditor's lien against that unit owner's interest.

(8) The respective interests of unit owners referred to in subsections (4), (5), (6), and (7) of this section are as follows:

(a) Except as otherwise provided in (b) of this subsection, the respective interests of unit owners are the fair market values of their units, allocated interests, and any limited common elements immediately before the termination, as determined by one or more independent appraisers selected by the association. The decision of the independent appraisers must be distributed to the unit owners and becomes final unless disapproved within thirty days after distribution by unit owners of units to which twenty-five percent of the votes in the association are allocated. The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of that unit owner's unit and its allocated interests by the total fair market values of all the units and their allocated interests.

(b) If any unit or any limited common element is destroyed to the extent that an appraisal of the fair market value of the unit or limited common element before destruction cannot be made, the interests of all unit owners are:

(i) In a condominium, their respective common element interests immediately before the termination;

(ii) In a cooperative, their respective ownership interests immediately before the termination; and

(iii) In a plat community or miscellaneous community, their respective common expense liabilities immediately before the termination.

(9) In a condominium, plat community, or miscellaneous community, except as otherwise provided in subsection (10) of this section, foreclosure or enforcement of a lien or encumbrance against the entire common interest community does not terminate the common interest community, and foreclosure or enforcement of a lien or encumbrance against a portion of the common interest community, other than withdrawable real estate, does not withdraw that portion from the common interest community. Foreclosure or enforcement of a lien or encumbrance against withdrawable real estate, or against common elements that have been subjected to a security interest by the association under section 314 of this act, does not withdraw that real estate from the common interest community, but the person taking title to the real estate may require from the association, upon request, an amendment excluding the real estate from the common interest community.

(10) In a condominium, plat community, or miscellaneous community, if a lien or encumbrance against a portion of the real estate comprising the common interest community has priority over the declaration and the lien or encumbrance has not been partially released, the parties foreclosing the lien or encumbrance, upon foreclosure, may record an instrument excluding the real estate subject to that lien or encumbrance from the common interest community.

(11) The right of partition under chapter 7.52 RCW is suspended if an agreement to sell property is provided for in the termination agreement pursuant to subsection (3)(a), (b), or (c) of this section. The suspension of the right to partition continues unless a binding obligation to sell does not exist three months after the recording of the termination agreement, the binding sale agreement is terminated, or one year after the termination agreement is recorded, whichever occurs first.

NEW SECTION. **Sec. 220.** RIGHTS OF SECURED LENDERS. (1) The declaration may require that all or a specified number or percentage of the lenders who hold security interests encumbering the units or who have extended credit to the association approve specified actions of the unit owners or the association as a condition to the effectiveness of those actions, but no requirement for approval may operate to:

(a) Deny or delegate control over the general administrative affairs of the association by the unit owners or the board;

(b) Prevent the association or the board from commencing, intervening in, or settling any litigation or proceeding; or

(c) Prevent any insurance trustee or the association from receiving and distributing any insurance proceeds except pursuant to section 315 of this act.

(2) With respect to any action requiring the consent of a specified number or percentage of mortgagees, the consent of only eligible mortgagees holding a first lien security interest need be obtained and the percentage must be based upon the votes attributable to units with respect to which eligible mortgagees have an interest.

(3) A lender who has extended credit to an association secured by an assignment of income or an encumbrance on the common elements may enforce its security agreement in accordance with its terms, subject to the requirements of this chapter and other law. A requirement that the association must deposit its periodic common charges before default with the lender to which the association's income has been assigned, or increase its common charges at the lender's direction by amounts reasonably necessary to amortize the loan in accordance with its terms, does not violate the prohibitions on lender approval contained in subsection (1) of this section.

NEW SECTION. **Sec. 221.** MASTER ASSOCIATIONS. (1) If the declaration provides that any of the powers described in section 302 of this act are to be exercised by or may be delegated to a for-profit or nonprofit corporation or limited liability company that exercises those or other powers on behalf of one or

more common interest communities or for the benefit of the unit owners of one or more common interest communities, all provisions of this chapter applicable to unit owners associations apply to any such corporation or limited liability company, except as modified by this section.

(2) Unless it is acting in the capacity of an association described in section 301 of this act, a master association may exercise the powers set forth in section 302(1)(b) of this act only to the extent expressly permitted in the declarations of common interest communities that are part of the master association or expressly described in the delegations of power from those common interest communities to the master association.

(3) If the declaration of any common interest community provides that the board may delegate certain powers to a master association, the board is not liable for the acts or omissions of the master association with respect to those powers following delegation.

(4) The rights and responsibilities of unit owners with respect to the unit owners' association set forth in sections 303, 310, 311, 312, 314, and 322 of this act apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise unit owners within the meaning of this chapter.

(5) If a master association is also an association described in section 301 of this act, the organizational documents of the master association and the declaration of each common interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the board of the master association must be elected after the period of declarant control in any of the following ways:

(a) All unit owners of all common interest communities subject to the master association may elect all members of the master association's board;

(b) All board members of all common interest communities subject to the master association may elect all members of the master association's board;

(c) All unit owners of each common interest community subject to the master

association may elect specified members of the master association's board; or

(d) All board members of each common interest community subject to the master association may elect specified members of the master association's board.

NEW SECTION. Sec. 222. DELEGATION OF POWER TO SUBASSOCIATIONS. (1) (a) If the declaration provides that any of the powers described in section 302 of this act are to be exercised by or may be delegated to a for-profit corporation or limited liability company that exercises those or other powers on behalf of unit owners owning less than all of the units in a common interest community, and if those unit owners share the exclusive use of one or more limited common elements within the common interest community or share some property or other interest in the common interest community in common that is not shared by the remainder of the unit owners in the common interest community, all provisions of this chapter applicable to unit owners associations apply to any such corporation or limited liability company, except as modified under this section.

(b) The delegation of powers to a subassociation must not be used to discriminate in favor of units owned by the declarant or an affiliate of the declarant.

(2) A subassociation may exercise the powers set forth in section 302 of this act only to the extent expressly permitted by the declaration of the common interest community of which the units in the subassociation are a part of or expressly described in the delegations of power from that common interest community to the subassociation.

(3) If the declaration of any common interest community contains a delegation of certain powers to a subassociation, or provides that the board of the common interest community may make such a delegation, the board members are not liable for the acts or omissions of the subassociation with respect to those powers so exercised by the subassociation following delegation.

(4) The rights and responsibilities of unit owners with respect to the unit owners association set forth in sections 301 through 321 of this act apply to the conduct of the affairs of a subassociation.

(5) Notwithstanding section 304(4) of this act, the board of the subassociation must be elected after any period of declarant control by the unit owners of all of the units in the common interest community subject to the subassociation.

(6) The declaration of the common interest community creating the subassociation may provide that the authority of the board of the subassociation is exclusive with regard to the powers and responsibilities delegated to it. In the alternative, the declaration may provide as to some or all such powers that the authority of the board of a subassociation is concurrent with and subject to the authority of the board of the unit owners association, in which case the declaration must also contain standards and procedures for the review of the decisions of the board of the subassociation and procedures for resolving any dispute between the board of the unit owners association and the board of the subassociation.

NEW SECTION. Sec. 223. MERGER OR CONSOLIDATION OF COMMON INTEREST COMMUNITIES. (1) Any two or more common interest communities of the same form of ownership, by agreement of the unit owners as provided in subsection (2) of this section, may be merged or consolidated into a single common interest community. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant common interest community is the legal successor, for all purposes, of all of the preexisting common interest communities, and the operations and activities of all associations of the preexisting common interest communities are merged or consolidated into a single association that holds all powers, rights, obligations, assets, and liabilities of all preexisting associations.

(2) An agreement of two or more common interest communities to merge or consolidate pursuant to subsection (1) of this section must be evidenced by an agreement prepared, executed, recorded, and certified by the president of the association of each of the preexisting common interest communities following approval by unit owners of units to which are allocated the percentage of votes in each common interest community required to terminate that common interest community. The agreement must be recorded

in every county in which a portion of the common interest community is located and is not effective until recorded.

(3) Every merger or consolidation agreement, and every amendment providing for a merger or consolidation made by a declarant when exercising a special declarant right, must identify the declaration that will apply to the resultant common interest community and provide for the reallocation of allocated interests among the units of the resultant common interest community either (a) by stating the reallocations or the formulas upon which they are based or (b) by stating the percentage of overall allocated interests of the resultant common interest community that are allocated to all of the units comprising each of the preexisting common interest communities, and providing that the portion of the percentages allocated to each unit formerly comprising a part of the preexisting common interest community is equal to the percentages of allocated interests allocated to that unit by the declaration of the preexisting common interest community.

NEW SECTION. **Sec. 224.** ADDITION OF UNSPECIFIED REAL ESTATE. In a plat community or miscellaneous community, if the right is originally reserved in the declaration, the declarant, in addition to any other development right, may amend the declaration at any time during as many years as are specified in the declaration for adding additional real estate to the plat community or miscellaneous community without describing the location of that real estate in the original declaration. The amount of real estate added to the plat community or miscellaneous community pursuant to this section may not exceed ten percent of the real estate described in section 206(1)(b) of this act together with any real estate that is described in the declaration for addition to the plat community or miscellaneous community, and the declarant may not increase the number of units in the plat community or miscellaneous community beyond the number stated in the original declaration pursuant to section 206(1)(c) of this act.

NEW SECTION. **Sec. 225.** LARGE SCALE COMMUNITIES. (1) The declaration for a common interest community may state that it is a large scale community if the

declarant has reserved the development right to create at least five hundred units that may be used for residential purposes and, at the time of the reservation, that declarant owns or controls more than five hundred acres on which the units may be built.

(2) If the requirements of subsection (1) of this section are satisfied, the declaration for the large scale community need not state a maximum number of units and need not contain any of the information required under section 206(1) (c) through (n) of this act until the declaration is amended under subsection (3) of this section.

(3) When each unit in a large scale community is conveyed to a purchaser, the declaration must contain:

(a) A sufficient legal description of the unit and all portions of the large scale community in which any other units have been conveyed to a purchaser; and

(b) All the information required under section 206(1) (c) through (n) of this act with respect to that real estate.

(4) The only real estate in a large scale community subject to this chapter are units that have been made subject to the declaration or that are being offered for sale and any other real estate described pursuant to subsection (3) of this section. Other real estate that is or may become part of the large scale community is only subject to other law and to any other restrictions and limitations that appear of record.

(5) If the public offering statement conspicuously identifies the fact that the community is a large scale community, the disclosure requirements contained in sections 401 through 420 of this act apply only to units that have been made subject to the declaration or are being offered for sale in connection with the public offering statement and to any other real estate described pursuant to subsection (3) of this section.

(6) Limitations in this chapter on the addition of unspecified real estate do not apply to a large scale community.

(7) The period of declarant control of the association for a large scale community terminates in accordance with any conditions specified in the declaration or otherwise at the time the declarant, in a recorded instrument and after giving notice in a record to the

board of the association, voluntarily surrenders all rights to control the activities of the association.

NEW SECTION. Sec. 226. JUDICIAL TERMINATION. (1) If substantially all the units in a common interest community have been destroyed or abandoned or are uninhabitable and the available methods for giving notice under section 324 of this act of a meeting of unit owners to consider termination under section 219 of this act will not likely result in receipt of the notice, the board or any other interested person may commence an action seeking to terminate the common interest community in the superior court for any county in which a portion of the common interest community is located. If any portion of the common interest community is located in a county other than the county in which the action is commenced, the person commencing the action must record a copy of the judgment in the other county.

(2) During the pendency of the action, the court may issue whatever orders it considers appropriate, including appointment of a receiver. After a hearing, the court may terminate the common interest community or reduce its size and may issue any other order the court considers to be in the best interest of the unit owners and persons holding an interest in the common interest community.

III. MANAGEMENT OF THE COMMON INTEREST COMMUNITY

NEW SECTION. Sec. 301. ORGANIZATION OF UNIT OWNERS ASSOCIATION. (1) A unit owners association must be organized no later than the date the first unit in the common interest community is conveyed to a purchaser.

(2) The membership of the association at all times consists exclusively of all unit owners or, following termination of the common interest community, of all former unit owners entitled to distributions of proceeds under section 219 of this act or their heirs, successors, or assigns.

(3) The association must have a board and be organized as a for-profit or nonprofit corporation or limited liability company.

(4) In case of any conflict between Title 23B RCW or chapter 23.86, 24.03, 24.06, or 25.15 RCW and this chapter, this chapter controls.

NEW SECTION. Sec. 302. POWERS AND DUTIES OF UNIT OWNERS ASSOCIATION. (1) An association must:

- (a) Adopt organizational documents;
- (b) Adopt budgets as provided in section 326 of this act;
- (c) Impose assessments for common expenses and specially allocated expenses on the unit owners as provided in sections 117(1) and 326 of this act;
- (d) Prepare financial statements as provided in section 327 of this act; and
- (e) Deposit and maintain the funds of the association in accounts as provided in section 327 of this act.

(2) Except as provided otherwise in subsection (4) of this section and subject to the provisions of the declaration, the association may:

- (a) Amend organizational documents and adopt and amend rules;
- (b) Amend budgets under section 326 of this act;
- (c) Hire and discharge managing agents and other employees, agents, and independent contractors;
- (d) Institute, defend, or intervene in litigation or in arbitration, mediation, or administrative proceedings or any other legal proceeding in its own name on behalf of itself or two or more unit owners on matters affecting the common interest community;
- (e) Make contracts and incur liabilities subject to subsection (4) of this section;

(f) Regulate the use, maintenance, repair, replacement, and modification of common elements;

(g) Cause additional improvements to be made as a part of the common elements;

(h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but:

(i) Common elements in a condominium, plat community, or miscellaneous community may be conveyed or subjected to

a security interest pursuant to section 314 of this act only; and

(ii) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest pursuant to section 314 of this act only;

(i) Grant easements, leases, licenses, and concessions through or over the common elements and petition for or consent to the vacation of streets and alleys;

(j) Impose and collect any reasonable payments, fees, or charges for:

(i) The use, rental, or operation of the common elements, other than limited common elements described in section 203 (1) (b) and (3) of this act;

(ii) Services provided to unit owners; and

(iii) Moving in, moving out, or transferring title to units to the extent provided for in the declaration;

(k) Collect assessments and impose and collect reasonable charges for late payment of assessments;

(l) Enforce the governing documents and, after notice and opportunity to be heard, impose and collect reasonable fines for violations of the governing documents in accordance with a previously established schedule of fines adopted by the board of directors and furnished to the owners;

(m) Impose and collect reasonable charges for the preparation and recordation of amendments to the declaration, resale certificates required under section 409 of this act, lender questionnaires, or statements of unpaid assessments;

(n) Provide for the indemnification of its officers and board members, to the extent provided in RCW 23B.17.030;

(o) Maintain directors' and officers' liability insurance;

(p) Subject to subsection (4) of this section, assign its right to future income, including the right to receive assessments;

(q) Join in a petition for the establishment of a parking and business improvement area, participate in the ratepayers' board or other advisory body set up by the legislative authority for operation of a parking and business

improvement area, and pay special assessments levied by the legislative authority on a parking and business improvement area encompassing the condominium property for activities and projects that benefit the condominium directly or indirectly;

(r) Establish and administer a reserve account as described in section 328 of this act;

(s) Prepare a reserve study as described in section 330 of this act;

(t) Exercise any other powers conferred by the declaration or organizational documents;

(u) Exercise all other powers that may be exercised in this state by the same type of entity as the association;

(v) Exercise any other powers necessary and proper for the governance and operation of the association;

(w) Require that disputes between the association and unit owners or between two or more unit owners regarding the common interest community, other than those governed by chapter 64.50 RCW, be submitted to nonbinding alternative dispute resolution as a prerequisite to commencement of a judicial proceeding; and

(x) Suspend any right or privilege of a unit owner who fails to pay an assessment, but may not:

(i) Deny a unit owner or other occupant access to the owner's unit;

(ii) Suspend a unit owner's right to vote; or

(iii) Withhold services provided to a unit or a unit owner by the association if the effect of withholding the service would be to endanger the health, safety, or property of any person.

(3) The declaration may not limit the power of the association beyond the limit authorized in subsection (2) (w) of this section to:

(a) Deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons; or

(b) Institute litigation or an arbitration, mediation, or administrative proceeding against any person, subject to the following:

(i) The association must comply with chapter 64.50 RCW, if applicable, before instituting any proceeding described in chapter 64.50 RCW in connection with construction defects; and

(ii) The board must promptly provide notice to the unit owners of any legal proceeding in which the association is a party other than proceedings involving enforcement of rules or to recover unpaid assessments or other sums due the association.

(4) Any borrowing by an association that is to be secured by an assignment of the association's right to receive future income pursuant to subsection (2)(e) and (p) of this section requires ratification by the unit owners as provided in this subsection.

(a) The board must provide notice of the intent to borrow to all unit owners. The notice must include the purpose and maximum amount of the loan, the estimated amount and term of any assessments required to repay the loan, a reasonably detailed projection of how the money will be expended, and the interest rate and term of the loan.

(b) In the notice, the board must set a date for a meeting of the unit owners, which must not be less than fourteen and no more than sixty days after mailing of the notice, to consider ratification of the borrowing.

(c) Unless at that meeting, whether or not a quorum is present, unit owners holding a majority of the votes in the association or any larger percentage specified in the declaration reject the proposal to borrow funds, the association may proceed to borrow the funds in substantial accordance with the terms contained in the notice.

(5) If a tenant of a unit owner violates the governing documents, in addition to exercising any of its powers against the unit owner, the association may:

(a) Exercise directly against the tenant the powers described in subsection (2)(l) of this section;

(b) After giving notice to the tenant and the unit owner and an opportunity to be heard, levy reasonable fines against the tenant and unit owner for the violation; and

(c) Enforce any other rights against the tenant for the violation that the

unit owner as the landlord could lawfully have exercised under the lease or that the association could lawfully have exercised directly against the unit owner, or both; but the association does not have the right to terminate a lease or evict a tenant unless permitted by the declaration. The rights referred to in this subsection (5)(c) may be exercised only if the tenant or unit owner fails to cure the violation within ten days after the association notifies the tenant and unit owner of that violation.

(6) Unless a lease otherwise provides, this section does not:

(a) Affect rights that the unit owner has to enforce the lease or that the association has under other law; or

(b) Permit the association to enforce a lease to which it is not a party in the absence of a violation of the governing documents.

(7) The board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commencing an action for a violation of the governing documents, including whether to compromise any claim for unpaid assessments or other claim made by or against it.

(8) The board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

(9) The board's decision under subsections (7) and (8) of this section to not pursue enforcement under one set of circumstances does not prevent the board from taking enforcement action under another set of circumstances, but the board may not be arbitrary or capricious in taking enforcement action.

NEW SECTION. Sec. 303. BOARD MEMBERS, OFFICERS, AND COMMITTEES. (1)(a) Except as provided otherwise in the governing documents, subsection (4) of this section, or other provisions of this chapter, the board may act on behalf of the association.

(b) In the performance of their duties, officers and board members must exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized, and are subject to the conflict of interest rules governing directors and officers, under chapter 24.06 RCW. The standards of care and loyalty described in this section apply regardless of the form in which the association is organized.

(2)(a) Except as provided otherwise in section 221(5) of this act, effective as of the transition meeting held in accordance with section 304(4) of this act, the board must be comprised of at least three members, at least a majority of whom must be unit owners. However, the number of board members need not exceed the number of units then in the common interest community.

(b) Unless the declaration or organizational documents provide for the election of officers by the unit owners, the board must elect the officers.

(c) Unless provided otherwise in the declaration or organizational documents, board members and officers must take office upon adjournment of the meeting at which they were elected or appointed or, if not elected or appointed at a meeting, at the time of such election or appointment, and must serve until their successor takes office.

(d) In determining the qualifications of any officer or board member of the association, "unit owner" includes, unless the declaration or organizational documents provide otherwise, any board member, officer, member, partner, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner.

(e) Any officer or board member of the association who would not be eligible to serve as such if he or she were not a board member, officer, partner in, or trustee of such a person is disqualified from continuing in office if he or she ceases to have any such affiliation with that person or that person would have

been disqualified from continuing in such office as a natural person.

(3) Except when voting as a unit owner, the declarant may not appoint or elect any person or to serve itself as a voting, ex officio or nonvoting board member following the transition meeting.

(4) The board may not, without vote or agreement of the unit owners:

(a) Amend the declaration, except as provided in section 218 of this act;

(b) Amend the organizational documents of the association;

(c) Terminate the common interest community;

(d) Elect members of the board, but may fill vacancies in its membership not resulting from removal for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of board members; or

(e) Determine the qualifications, powers, duties, or terms of office of board members.

(5) The board must adopt budgets as provided in section 326 of this act.

(6) Except for committees appointed by the declarant pursuant to special declarant rights, all committees of the association must be appointed by the board. Committees authorized to exercise any power reserved to the board must include at least two board members who have exclusive voting power for that committee. Committees that are not so composed may not exercise the authority of the board and are advisory only.

NEW SECTION. Sec. 304. PERIOD OF DECLARANT CONTROL—TRANSITION. (1)(a) Subject to subsection (3) of this section, the declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by the declarant, may:

(i) Appoint and remove the officers and board members; or

(ii) Veto or approve a proposed action of the board or association.

(b) A declarant may voluntarily surrender the right to appoint and remove officers and board members before the period ends. In that event, the declarant may require that during the remainder of

the period, specified actions of the association or board, as described in a recorded amendment to the declaration executed by the declarant, be approved by the declarant before they become effective. A declarant's failure to veto or approve such proposed action in writing within thirty days after receipt of written notice of the proposed action is deemed approval by the declarant.

(2) Regardless of the period provided in the declaration, and except as provided in section 225(7) of this act, a period of declarant control terminates no later than the earliest of:

(a) Sixty days after conveyance of seventy-five percent of the units that may be created to unit owners other than a declarant;

(b) Two years after the last conveyance of a unit, except to a dealer;

(c) Two years after any right to add new units was last exercised; or

(d) The day the declarant, after giving notice in a record to unit owners, records an amendment to the declaration voluntarily surrendering all rights to appoint and remove officers and board members.

(3) Not later than sixty days after conveyance of twenty-five percent of the units that may be created to unit owners other than a declarant, at least one member and not less than twenty-five percent of the members of the board must be elected by unit owners other than the declarant. Not later than sixty days after conveyance of fifty percent of the units that may be created to unit owners other than a declarant, not less than thirty-three and one-third percent of the members of the board must be elected by unit owners other than the declarant. Until such members are elected and take office, the existing board may continue to act on behalf of the association.

(4) Within thirty days after the termination of any period of declarant control or, in the absence of such period, not later than a date that is sixty days after the conveyance of seventy-five percent of the units that may be created to unit owners other than a declarant, the board must schedule a transition meeting and provide notice to the unit owners in accordance with section 310(1)(c) of this act. At the transition meeting, the board elected by the unit owners must be elected in

accordance with section 303(2) of this act.

NEW SECTION. Sec. 305. TRANSFER OF ASSOCIATION PROPERTY. (1) No later than thirty days following the date of the transition meeting held pursuant to section 304(4) of this act, the declarant must deliver or cause to be delivered to the board elected at the transition meeting all property of the unit owners and association as required by the declaration or this chapter including, but not limited to:

(a) The original or a copy of the recorded declaration and each amendment to the declaration;

(b) The organizational documents of the association;

(c) The minute books, including all minutes, and other books and records of the association;

(d) Current rules and regulations that have been adopted;

(e) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;

(f) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of formation of the association through the date of transfer of control to the unit owners;

(g) Association funds or the control of the funds of the association;

(h) Originals or copies of any recorded instruments of conveyance for any common elements included within the common interest community but not appurtenant to the units;

(i) All tangible personal property of the association;

(j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the most recent plans and specifications used in the construction or remodeling of the common interest community, except for buildings containing fewer than three units;

(k) Originals or copies of insurance policies for the common interest community and association;

(l) Originals or copies of any certificates of occupancy that may have been issued for the common interest community;

(m) Originals or copies of any other permits obtained by or on behalf of the declarant and issued by governmental bodies applicable to the common interest community;

(n) Originals or copies of all written warranties that are still in effect for the common elements, or any other areas or facilities that the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;

(o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;

(p) Originals or copies of any leases of the common elements and other leases to which the association is a party;

(q) Originals or photocopies of any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service;

(r) Originals or copies of any qualified warranty issued to the association as provided for in RCW 64.35.505; and

(s) Originals or copies of all other contracts to which the association is a party.

(2) Within sixty days of the transition meeting, the board must retain the services of a certified public accountant to audit the records of the association as the date of the transition meeting in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, to which a majority of the votes are allocated elect to waive the audit. The cost of the audit must be a common expense unless otherwise provided in the declaration. The accountant performing

the audit must examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

(3) A declaration may provide for the appointment of specified positions on the board by persons other than the declarant or an affiliate of the declarant during or after the period of declarant control. It also may provide a method for filling vacancies in those positions, other than by election by the unit owners. However, after the period of declarant control, appointed members:

(a) May not comprise more than one-third of the board; and

(b) Have no greater authority than any other board member.

NEW SECTION. **Sec. 306.** TRANSFER OF SPECIAL DECLARANT RIGHTS. (1) Except as provided in subsection (3) of this section, a special declarant right created or reserved under this chapter may be transferred only by an instrument effecting the transfer and executed by the transferor, to be recorded in every county in which any portion of the common interest community is located. The transferee must provide the association with a copy of the recorded instrument, but the failure to furnish the copy does not invalidate the transfer.

(2) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for such warranty obligations arising before the transfer imposed upon the transferor under this chapter. Lack of privity does not deprive any unit owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant right is an affiliate of a declarant the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the common interest community.

(c) If a transferor retains any special declarant rights, but transfers other special declarant rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant under this chapter or by the declaration relating to the retained special declarant rights, whether arising before or after the transfer.

(d) A transferor is not liable for any act or omission or any breach of a contractual or warranty obligation by a successor declarant who is not an affiliate of the transferor.

(3) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of any unit owned by a declarant or real property in a common interest community that is subject to any special declarant rights, a person acquiring title to the real property being foreclosed or sold succeeds to all of the special declarant rights related to that real property held by that declarant and to any rights reserved in the declaration pursuant to section 216 of this act and held by that declarant to maintain models, sales offices, and signs except to the extent the judgment or instrument effecting the transfer states otherwise.

(4) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of all interests in a common interest community owned by a declarant, any special declarant rights that are not transferred as stated in subsection (3) of this section terminate.

(5) The liabilities and obligations of a person who succeeds to special declarant rights are as follows:

(a) A successor to any special declarant right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor under this chapter or by the declaration.

(b) A successor to any special declarant right, other than a successor who is an affiliate of a declarant, is subject to the obligations and liabilities imposed under this chapter or the declaration:

(i) On a declarant that relate to the successor's exercise of special declarant rights; and

(ii) On the declarant's transferor, other than:

(A) Misrepresentations by any previous declarant;

(B) Any warranty obligations pursuant to section 415 (1) through (3) of this act on improvements made or contracted for, or units sold by, a previous declarant or that were made before the common interest community was created;

(C) Breach of any fiduciary obligation by any previous declarant or the previous declarant's appointees to the board; or

(D) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.

(c) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs may not exercise any other special declarant right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result of such reserved rights.

(6) This section does not subject any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under this chapter or the declaration.

NEW SECTION. **Sec. 307.** TERMINATION OF CONTRACTS AND LEASES. (1) Within two years after the transition meeting, the association may terminate without penalty, upon not less than ninety days' notice to the other party, any of the following if it was entered into before the board was elected:

(a) Any management, maintenance, operations, or employment contract, or lease of recreational or parking areas or facilities; or

(b) Any other contract or lease between the association and a declarant or an affiliate of a declarant.

(2) The association may terminate without penalty, at any time after the board elected by the unit owners pursuant to section 304(4) of this act takes

office upon not less than ninety days' notice to the other party, any contract or lease that is not bona fide or was unconscionable to the unit owners at the time entered into.

(3) This section does not apply to:

(a) Any lease the termination of which would terminate the common interest community or reduce its size, unless the real estate subject to that lease was included in the common interest community for the purpose of avoiding the right of the association to terminate a lease under this section; or

(b) A proprietary lease.

NEW SECTION. **Sec. 308.** ORGANIZATIONAL DOCUMENTS. (1) Unless provided for in the declaration, the organizational documents of the association must:

(a) Provide the number of board members and the titles of the officers of the association;

(b) Provide for election by the board or, if the declaration requires, by the unit owners of a president, treasurer, secretary, and any other officers of the association the organizational documents specify;

(c) Specify the qualifications, powers and duties, terms of office, and manner of electing and removing board members and officers and filling vacancies in accordance with section 303 of this act;

(d) Specify the powers the board or officers may delegate to other persons or to a managing agent;

(e) Specify a method for the unit owners to amend the organizational documents;

(f) Describe the budget ratification process required under section 326 of this act, if not provided in the declaration;

(g) Contain any provision necessary to satisfy requirements in this chapter or the declaration concerning meetings, voting, quorums, and other activities of the association; and

(h) Provide for any matter required by law of this state other than this chapter to appear in the organizational documents of organizations of the same type as the association.

(2) Subject to the declaration and this chapter, the organizational documents may provide for any other necessary or appropriate matters.

NEW SECTION. **Sec. 309.** UPKEEP OF COMMON INTEREST COMMUNITY. (1) Except to the extent provided by the declaration, subsections (2) and (4) of this section, or section 315(8) of this act, the association must maintain, repair, and replace the common elements, including limited common elements, and each unit owner must maintain, repair, and replace that owner's unit.

(2) The board may by rule designate physical components of the property for which a unit owner is otherwise responsible that present a heightened risk of damage or harm to persons or property if the physical components fail. The association may require that specific measures be taken by the unit owner or the association to diminish that risk of harm. If a unit owner fails to accomplish any necessary maintenance, repair, or replacement to those components, or fails to take any other measures required of the unit owner under this subsection, the association may, after notice to a unit owner and an opportunity to be heard, enter the unit in the manner pursuant to subsection (3) of this section to perform such maintenance, repair, replacement, or measure at the expense of that unit owner.

(3) Upon prior notice, except in case of an emergency, each unit owner must afford to the association and the other unit owners, and to their agents or employees, access through that owner's unit and limited common elements reasonably necessary for the purposes stated in subsections (1) and (2) of this section, including necessary inspections by the association. If damage is inflicted on the common elements or on any unit through which access is taken, the unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair of the damage.

(4) In addition to the liability that a declarant as a unit owner has under this chapter, the declarant alone is liable for all expenses in connection with real estate subject to development rights and no other unit owner and no other portion of the common interest community is subject to a claim for

payment of those expenses. However, the declaration may provide that the expenses associated with the operation, maintenance, repair, and replacement of a common element that the owners have a right to use must be paid by the association as a common expense. Unless the declaration provides otherwise, any income or proceeds from real estate subject to development rights inures to the declarant.

(5) In a plat community or miscellaneous community, if all development rights have expired with respect to any real estate, the declarant remains liable for all expenses of that real estate unless, upon expiration, the declaration provides that the real estate becomes common elements or units.

NEW SECTION. Sec. 310. MEETINGS. (1) The following requirements apply to unit owner meetings:

(a) A meeting of the association must be held at least once each year. Failure to hold an annual meeting does not cause a forfeiture or give cause for dissolution of the association and does not affect otherwise valid association acts.

(b)(i) An association must hold a special meeting of unit owners to address any matter affecting the common interest community or the association if its president, a majority of the board, or unit owners having at least twenty percent, or any lower percentage specified in the organizational documents, of the votes in the association request that the secretary call the meeting.

(ii) If the association does not provide notice to unit owners of a special meeting within thirty days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly provide notice to all the unit owners of the meeting. Only matters described in the meeting notice required in (c) of this subsection may be considered at a special meeting.

(c) An association must provide notice to unit owners of the time, date, and place of each annual and special unit owners meeting not less than fourteen days and not more than fifty days before the meeting date. Notice may be by any means described in section 324 of this

act. The notice of any meeting must state the time, date, and place of the meeting and the items on the agenda, including:

(i) The text of any proposed amendment to the declaration or organizational documents;

(ii) Any changes in the previously approved budget that result in a change in the assessment obligations; and

(iii) Any proposal to remove a board member or officer.

(d) The minimum time to provide notice required in (c) of this subsection may be reduced or waived for a meeting called to deal with an emergency.

(e) Unit owners must be given a reasonable opportunity at any meeting to comment regarding any matter affecting the common interest community or the association.

(f) The declaration or organizational documents may allow for meetings of unit owners to be conducted by telephonic, video, or other conferencing process, if the process is consistent with subsection (2)(i) of this section.

(2) The following requirements apply to meetings of the board and committees authorized to act for the board:

(a) Meetings must be open to the unit owners except during executive sessions, but the board may expel or prohibit attendance by any person who, after warning by the chair of the meeting, disrupts the meeting. The board and those committees may hold an executive session only during a regular or special meeting of the board or a committee. A final vote or action may not be taken during an executive session.

(b) An executive session may be held only to:

(i) Consult with the association's attorney concerning legal matters;

(ii) Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings;

(iii) Discuss labor or personnel matters;

(iv) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those

matters would place the association at a disadvantage; or

(v) Prevent public knowledge of the matter to be discussed if the board or committee determines that public knowledge would violate the privacy of any person.

(c) For purposes of this subsection, a gathering of members of the board or committees at which the board or committee members do not conduct association business is not a meeting of the board or committee. Board members and committee members may not use incidental or social gatherings to evade the open meeting requirements of this subsection.

(d) During the period of declarant control, the board must meet at least four times a year. At least one of those meetings must be held at the common interest community or at a place convenient to the community. After the transition meeting, all board meetings must be at the common interest community or at a place convenient to the common interest community unless the unit owners amend the bylaws to vary the location of those meetings.

(e) At each board meeting, the board must provide a reasonable opportunity for unit owners to comment regarding matters affecting the common interest community and the association.

(f) Unless the meeting is included in a schedule given to the unit owners or the meeting is called to deal with an emergency, the secretary or other officer specified in the organizational documents must provide notice of each board meeting to each board member and to the unit owners. The notice must be given at least fourteen days before the meeting and must state the time, date, place, and agenda of the meeting.

(g) If any materials are distributed to the board before the meeting, the board must make copies of those materials reasonably available to those unit owners, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(h) Unless the organizational documents provide otherwise, fewer than all board members may participate in a regular or special meeting by or conduct a meeting through the use of any means of communication by which all board members participating can hear each other during

the meeting. A board member participating in a meeting by these means is deemed to be present in person at the meeting.

(i) Unless the organizational documents provide otherwise, the board may meet by participation of all board members by telephonic, video, or other conferencing process if:

(i) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and

(ii) The process provides all unit owners the opportunity to hear or perceive the discussion and to comment as provided in (e) of this subsection.

(j) After the transition meeting, unit owners may amend the organizational documents to vary the procedures for meetings described in (i) of this subsection.

(k) Instead of meeting, the board may act by unanimous consent as documented in a record by all its members. Actions taken by unanimous consent must be kept as a record of the association with the meeting minutes. After the transition meeting, the board may act by unanimous consent only to undertake ministerial actions, actions subject to ratification by the unit owners, or to implement actions previously taken at a meeting of the board.

(l) A board member who is present at a board meeting at which any action is taken is presumed to have assented to the action taken unless the board member's dissent or abstention to such action is lodged with the person acting as the secretary of the meeting before adjournment of the meeting or provided in a record to the secretary of the association immediately after adjournment of the meeting. The right to dissent or abstain does not apply to a board member who voted in favor of such action at the meeting.

(m) A board member may not vote by proxy or absentee ballot.

(n) Even if an action by the board is not in compliance with this section, it is valid unless set aside by a court. A challenge to the validity of an action of the board for failure to comply with this section may not be brought more than ninety days after the minutes of the

board of the meeting at which the action was taken are approved or the record of that action is distributed to unit owners, whichever is later.

(3) Minutes of all unit owner meetings and board meetings, excluding executive sessions, must be maintained in a record. The decision on each matter voted upon at a board meeting or unit owner meeting must be recorded in the minutes.

NEW SECTION. Sec. 311. QUORUM. (1) Unless the organizational documents provide otherwise, a quorum is present throughout any meeting of the unit owners if persons entitled to cast twenty percent of the votes in the association:

(a) Are present in person or by proxy at the beginning of the meeting;

(b) Have voted by absentee ballot; or

(c) Are present by any combination of (a) and (b) of this subsection.

(2) Unless the organizational documents specify a larger number, a quorum of the board is present for purposes of determining the validity of any action taken at a meeting of the board only if individuals entitled to cast a majority of the votes on that board are present at the time a vote regarding that action is taken. If a quorum is present when a vote is taken, the affirmative vote of a majority of the board members present is the act of the board unless a greater vote is required by the organizational documents.

NEW SECTION. Sec. 312. UNIT OWNER VOTING. (1) Unit owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.

(2) When a vote is conducted without a meeting, unit owners may vote by ballot pursuant to subsection (6) of this section.

(3) At a meeting of unit owners the following requirements apply:

(a) Unit owners or their proxies who are present in person may vote by voice vote, show of hands, standing, written ballot, or any other method for determining the votes of unit owners, as designated by the person presiding at the meeting.

(b) If only one of several unit owners of a unit is present, that unit owner is entitled to cast all the votes allocated to that unit. If more than one of the unit owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the unit owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the unit owners casts the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other unit owners of the unit.

(c) Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.

(d) Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

(4) When a unit owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

(5) Except as provided otherwise in the declaration or organizational documents, the following requirements apply with respect to proxy voting:

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) If a unit is owned by more than one person, each unit owner of the unit may vote or register protest to the casting of votes by the other unit owners of the unit through a duly executed proxy.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or

disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates eleven months after its date of issuance.

(6) Unless prohibited or limited by the declaration or organizational documents, an association may conduct a vote without a meeting. In that event, the following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot.

(b) The notice must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than fourteen days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) The percent of votes necessary to meet the quorum requirements;

(iii) The percent of votes necessary to approve each matter other than election of board members; and

(iv) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver a ballot to every unit owner with the notice.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A ballot cast pursuant to this section may be revoked only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b) (i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or

exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed eleven months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

(7) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

(8) Unit owners must also be given notice, in the manner provided in section 324 of this act, of all meetings at which lessees may be entitled to vote.

(9) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

NEW SECTION. **Sec. 313.** TORT AND CONTRACT LIABILITY—TOLLING OF LIMITATION

PERIOD. (1) A unit owner is not liable, solely by reason of being a unit owner, for an injury or damage arising out of the condition or use of the common elements. Neither the association nor any unit owner except the declarant is liable for that declarant's torts in connection with any part of the common interest community which that declarant must maintain.

(2) (a) An action alleging a wrong done by the association, including an action arising out of the condition or use of the common elements, may be maintained only against the association and not against any unit owner.

(b) If the wrong occurred during any period of declarant control and the association gives the declarant reasonable notice of and an opportunity to defend against the action, the declarant who then controlled the association is liable to the association or to any unit owner for (i) all tort losses not covered by insurance suffered by the association or that unit owner and (ii) all costs that the association would not have incurred but for a breach of contract or other wrongful act or omission by the association.

(c) If a declarant is liable to an association under this section, the declarant is also liable for all expenses of litigation, including reasonable attorneys' fees and costs, incurred by the association.

(3) (a) Except as provided in section 417 of this act with respect to warranty claims, any statute of limitation affecting the association's right of action against a declarant under this chapter is tolled until any period of declarant control terminates.

(b) A unit owner is not precluded from maintaining an action contemplated under this section because that person is a unit owner, board member, or officer of the association. Liens resulting from judgments against the association are governed under section 319 of this act.

NEW SECTION. Sec. 314. CONVEYANCE OR ENCUMBRANCE OF COMMON ELEMENTS. (1) (a) In a common interest community other than a cooperative, portions of the common elements may be conveyed or subjected to a security interest by the association if unit owners entitled to cast at least eighty percent of the votes in the

association, including eighty percent of the votes allocated to units not owned by a declarant, or any larger percentage the declaration specifies, agree to that action; but all unit owners of units to which any limited common element is allocated must agree to convey that limited common element or subject it to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

(b) Proceeds of the sale or a loan are an asset of the association, but the proceeds of the sale of limited common elements must be distributed equitably among the unit owners of units to which the limited common elements were allocated. This subsection (1) does not apply to the incorporation of common elements into units as a result of relocating unit boundaries pursuant to section 213 of this act, to subdividing or combining units pursuant to section 214 of this act, or to eminent domain proceedings pursuant to section 106 of this act.

(2) (a) Part of a cooperative may be conveyed and all or part of a cooperative may be subjected to a security interest by the association if unit owners entitled to cast at least eighty percent of the votes in the association, including eighty percent of the votes allocated to units not owned by a declarant, or any larger percentage the declaration specifies, agree to that action; but, if fewer than all of the units or limited common elements are to be conveyed or subjected to a security interest, all unit owners of those units, or the units to which those limited common elements are allocated, must agree to convey those units or limited common elements or subject them to a security interest. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

(b) Proceeds of the sale or a loan are an asset of the association. Any purported conveyance or other voluntary transfer of an entire cooperative, unless made pursuant to section 219 of this act, is void. This subsection (2) does not apply to the incorporation of common elements into units as a result of relocating unit boundaries pursuant to section 213 of this act, to subdividing or combining units pursuant to section 214 of this act, or to eminent domain

proceedings pursuant to section 106 of this act.

(3) An agreement to convey common elements in a common interest community other than a cooperative, or to subject them to a security interest, or in a cooperative, an agreement to convey any part of a cooperative or subject it to a security interest, must be evidenced by the execution of an agreement, or ratifications of an agreement, in the same manner as a deed, by the requisite number of unit owners. The agreement must specify a date after which the agreement will be void unless recorded before that date. The agreement and all ratifications of the agreement must be recorded in every county in which a portion of the common interest community is situated and is effective only upon recordation.

(4) The association, on behalf of the unit owners, may contract to convey or dedicate an interest in a common interest community pursuant to subsection (1) of this section, but the contract is not enforceable against the association until approved pursuant to subsection (1), (2), or (3) of this section. Thereafter, the association has all powers necessary and appropriate to effect the conveyance or encumbrance, including the power to execute deeds or other instruments.

(5) Unless made pursuant to this section, any purported conveyance, encumbrance, judicial sale, or other voluntary transfer of common elements or of any other part of a cooperative is void.

(6) A conveyance or encumbrance of common elements or of a cooperative pursuant to this section does not deprive any unit of its rights of access and support.

(7) Unless the declaration requires a higher percentage, if the consent of eligible mortgagees holding security interests on at least eighty percent of the units subject to security interests held by eligible mortgagees on the day the unit owners' agreement under subsection (3) of this section is recorded, is obtained:

(a) A conveyance of common elements pursuant to this section terminates both the undivided interests in those common elements allocated to the units and the security interests in those undivided interests held by all persons holding security interests in the units; and

(b) An encumbrance of common elements pursuant to this section has priority over all preexisting encumbrances on the undivided interests in those common elements held by all persons holding security interests in the units.

(8) The consents of eligible mortgagees, or a certificate of the secretary affirming that the requisite percentage of eligible mortgagees have consented, may be recorded at any time before the date on which the agreement under subsection (3) of this section becomes void. Such consents or certificates recorded are valid from the date they are recorded for purposes of calculating the percentage of consenting eligible mortgagees, regardless of later conveyance or encumbrances on those units. If the required percentage of eligible mortgagees consent, a conveyance or encumbrance of common elements does not affect interests having priority over the declaration or created by the association after the declaration was recorded.

(9) In a cooperative, the association may acquire, hold, encumber, or convey a proprietary lease without complying with this section.

NEW SECTION. **Sec. 315.** INSURANCE.

(1) Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association must maintain in its own name, to the extent reasonably available and subject to reasonable deductibles:

(a) Property insurance on the common elements and, in a plat community or miscellaneous community, also on property that must become common elements, insuring against risks of direct physical loss commonly insured against, which insurance, after application of any deductibles, must be not less than eighty percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations, and other items normally excluded from property policies;

(b) Commercial general liability insurance, including medical payments insurance, in an amount determined by the board, but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury and property damage

arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, of all units;

(c) Fidelity insurance; and

(d) Other insurance required under the declaration.

(2) In the case of a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under subsection (1)(a) of this section, to the extent reasonably available, must include the units and, unless provided otherwise in the declaration, all improvements and betterments to the units.

(3) If the insurance described in subsections (1) and (2) of this section is not reasonably available, the association must promptly cause notice of that fact to be given to all unit owners. The association may carry any other insurance it considers appropriate to protect the association or the unit owners.

(4) Insurance policies carried pursuant to subsections (1) and (2) of this section must provide that:

(a) Each unit owner is an insured person under the policy with respect to liability arising out of the unit owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit owner or member of the unit owner's household;

(c) Any act or omission by a unit owner, unless acting within the unit owner's scope of authority on behalf of the association, does not void the policy and is not a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same risk covered by the policy, the association's policy provides primary insurance.

(5) Any loss covered by the property insurance policy under subsection (1)(a) and (b) of this section must be adjusted with the association, but the insurance proceeds for that loss are payable to any insurance trustee designated for that

purpose, or otherwise to the association, and not to any holder of a security interest. The insurance trustee or the association must hold any insurance proceeds in trust for the association, unit owners, and lienholders as their interests may appear. Subject to subsection (8) of this section, the proceeds must be disbursed first for the repair or replacement of the damaged property, and the association, unit owners, and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or replaced, or the common interest community is terminated.

(6) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for the unit owner's own benefit.

(7) An insurer that has issued an insurance policy under this section must issue certificates or memoranda of insurance to the association and, upon a request made in a record, to any unit owner or holder of a security interest. The insurer issuing the policy may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy unless the insurer has complied with all applicable provisions of chapter 48.18 RCW pertaining to the cancellation or nonrenewal of contracts of insurance. The insurer may not modify the amount or the extent of the coverage of the policy or cancel or refuse to renew the policy without complying with this section.

(8) Any portion of the common interest community for which insurance is required under this section that is damaged or destroyed must be repaired or replaced promptly by the association unless:

(a) The common interest community is terminated, in which case section 219 of this act applies;

(b) Repair or replacement would be illegal; or

(c) Eighty percent of the unit owners, including every unit owner of a unit or assigned limited common element that will not be rebuilt, vote not to rebuild.

(9) The cost of repair or replacement not paid from insurance proceeds is a common expense. If all of the damaged or destroyed portions of the common interest community are not repaired or replaced:

(a) The insurance proceeds attributable to the damaged common elements must be used to restore the damaged area to a condition compatible with the remainder of the common interest community; and

(b) Except to the extent that other persons will be distributees:

(i) The insurance proceeds attributable to units and limited common elements that are not repaired or replaced must be distributed to the unit owners of those units and the unit owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and

(ii) The remainder of the proceeds must be distributed to all the unit owners or lienholders, as their interests may appear, as follows:

(A) In a condominium, in proportion to the common element interests of all the units; and

(B) In a cooperative, plat community, or miscellaneous community, in proportion to the common expense liabilities of all the units.

(10) If the unit owners vote not to rebuild any unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been condemned under section 106 of this act, and the association promptly must prepare, execute, and record an amendment to the declaration reflecting the reallocations.

(11) The provisions of this section may be varied or waived as provided in the declaration if all units of a common interest community are restricted to nonresidential use.

NEW SECTION. **Sec. 316.** ACCOUNTS-RECONCILIATION. (1) The association must establish and maintain its accounts and records in a manner that will enable it to credit assessments for common expenses and specially allocated expenses, including allocations to reserves, and other income to the association, and to charge expenditures, to the account of the appropriate units in accordance with the provisions of the declaration.

(2) To assure that the unit owners are correctly assessed for the actual expenses of the association, the accounts

of the association must be reconciled at least annually unless the board determines that a reconciliation would not result in a material savings to any unit owner. Unless provided otherwise in the declaration, any surplus funds of the association remaining after the payment of or provision for common expenses and any prepayment of reserves must be paid annually to the unit owners in proportion to their common expense liabilities or credited to them to reduce their future common expense assessments.

NEW SECTION. **Sec. 317.** ASSESSMENTS AND CAPITAL CONTRIBUTIONS. (1) (a) Assessments for common expenses and those specially allocated expenses that are subject to inclusion in a budget must be made at least annually based on a budget adopted at least annually by the association in the manner provided in section 326 of this act.

(b) Assessments for common expenses and specially allocated expenses must commence on all units that have been created upon the conveyance of the first unit in the common interest community; however, the declarant may delay commencement of assessments for some or all common expenses or specially allocated expenses, in which event the declarant must pay all of the common expenses or specially allocated expenses that have been delayed. In a common interest community in which units may be added pursuant to reserved development rights, the declarant may delay commencement of assessments for such units in the same manner.

(2) The declaration may provide that, upon closing of the first conveyance of each unit to a purchaser or first occupancy of a unit, whichever occurs first, the association may assess and collect a working capital contribution for such unit. The working capital contribution may be collected prior to the commencement of common assessments under subsection (1) of this section. A working capital contribution may not be used to defray expenses that are the obligation of the declarant.

(3) Except as provided otherwise in this section, all common expenses must be assessed against all the units in accordance with their common expense liabilities, subject to the right of the declarant to delay commencement of certain common expenses under

subsections (1) and (2) of this section. Any past due assessment or installment of past due assessment bears interest at the rate established by the association pursuant to section 318 of this act.

(4) The declaration may provide that any of the following expenses of the association must be assessed against the units on some basis other than common expense liability. If and to the extent the declaration so provides, the association must assess:

(a) Expenses associated with the operation, maintenance, repair, or replacement of any specified limited common element against the units to which that limited common element is assigned, equally or in any other proportion that the declaration provides;

(b) Expenses specified in the declaration as benefiting fewer than all of the units or their unit owners exclusively against the units benefited in proportion to their common expense liability or in any other proportion that the declaration provides;

(c) The costs of insurance in proportion to risk; and

(d) The costs of one or more specified utilities in proportion to respective usage or upon the same basis as such utility charges are made by the utility provider.

(5) Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.

(6) To the extent that any expense of the association is caused by willful misconduct or gross negligence of any unit owner or that unit owner's tenant, guest, invitee, or occupant, the association may assess that expense against the unit owner's unit after notice and an opportunity to be heard, even if the association maintains insurance with respect to that damage or common expense.

(7) If the declaration so provides, to the extent that any expense of the association is caused by the negligence of any unit owner or that unit owner's tenant, guest, invitee, or occupant, the association may assess that expense against the unit owner's unit after notice and an opportunity to be heard, to

the extent of the association's deductible and any expenses not covered under an insurance policy issued to the association.

(8) In the event of a loss or damage to a unit that would be covered by the association's property insurance policy, excluding policies for earthquake, flood, or similar losses that have higher than standard deductibles, but that is within the deductible under that policy and if the declaration so provides, the association may assess the amount of the loss up to the deductible against that unit. This subsection does not prevent a unit owner from asserting a claim against another person for the amount assessed if that other person would be liable for the damages under general legal principles.

(9) If common expense liabilities are reallocated, assessments and any installment of assessments not yet due must be recalculated in accordance with the reallocated common expense liabilities.

NEW SECTION. Sec. 318. LIEN FOR SUMS DUE ASSOCIATION—ENFORCEMENT. (1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3) (a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this

section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to section 317(1) of this act, along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed two thousand dollars or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than sixty days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within sixty days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under section 317(6) or (7) of this act does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than this act gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this

section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within fifteen days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or section 409(1)(b) of this act.

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which

a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was

empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes a sum equal to at least three months of common expense assessments; and

(b) The board approves commencement of a foreclosure action specifically against that unit.

(22) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 319.** OTHER LIENS.

(1) In a condominium, plat community, and miscellaneous community:

(a) Except as otherwise provided in (b) of this subsection, a judgment for money against the association perfected under RCW 4.64.020 is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of the other real estate of the association and all of the units in the common interest community at the time the judgment was entered. Other property of a unit owner is not subject to the claims of creditors of the association.

(b) If the association has granted a security interest in the common elements to a creditor of the association pursuant to section 314 of this act, the holder of that security interest must exercise its right against the common elements before its judgment lien on any unit may be enforced.

(c) Whether perfected before or after the creation of the common interest community, if a lien, other than a deed of trust or mortgage, including a judgment lien or lien attributable to work performed or materials supplied before creation of the common interest community, becomes effective against two or more units, the unit owner of an affected unit may pay to the lienholder the amount of the lien attributable to the unit, and the lienholder, upon receipt of payment, must promptly deliver a release of the lien covering that unit. The amount of the payment must be proportionate to the ratio that the unit owner's common expense liability bears to all common expense liabilities of all unit owners that are subject to the lien. After payment, the association may not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.

(d) A judgment against the association must be recorded and indexed in the name of the common interest community and the

association and, when so indexed, is notice of the lien against the units.

(2) In a cooperative:

(a) If the association receives notice of an impending foreclosure on all or any portion of the association's real estate, the association must promptly transmit a copy of that notice to each unit owner of a unit located within the real estate to be foreclosed. Failure of the association to transmit the notice does not affect the validity of the foreclosure.

(b) Whether a unit owner's unit is subject to the claims of the association's creditors, other property of a unit owner is not subject to those claims.

NEW SECTION. **Sec. 320.** ASSOCIATION RECORDS. (1) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its unit owners and board other than executive sessions, a record of all actions taken by the unit owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current unit owners, addresses used by the association to communicate with them, and the number of votes allocated to each unit;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Financial and other records sufficiently detailed to enable the association to comply with section 409 of this act;

(i) Copies of contracts to which it is or was a party within the last seven years;

(j) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(k) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(l) Copies of insurance policies under which the association is a named insured;

(m) Any current warranties provided to the association;

(n) Copies of all notices provided to unit owners or the association in accordance with this chapter or the governing documents; and

(o) Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

(2) Subject to subsections (3) and (4) of this section, all records required to be retained by an association must be made available for examination and copying by all unit owners, holders of mortgages on the units, and their respective authorized agents as follows, unless agreed otherwise:

(a) During reasonable business hours or at a mutually convenient time and location; and

(b) At the offices of the association or its managing agent.

(3) Records retained by an association may be withheld from inspection and copying to the extent that they concern:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental

tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual unit files other than those of the requesting unit owner;

(i) Unlisted telephone number or electronic address of any unit owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(4) An association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the unit owner's inspection.

(5) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the unit owner.

(6) An association is not obligated to compile or synthesize information.

(7) Information provided pursuant to this section may not be used for commercial purposes.

(8) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

NEW SECTION. Sec. 321. ASSOCIATION AS TRUSTEE. With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be

assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers. A third person, without actual knowledge that the association is exceeding or improperly exercising its powers, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.

NEW SECTION. Sec. 322. RULES. (1) Unless the declaration provides otherwise, the board must, before adopting, amending, or repealing any rule, give all unit owners notice of:

(a) Its intention to adopt, amend, or repeal a rule and provide the text of the rule or the proposed change; and

(b) A date on which the board will act on the proposed rule or amendment after considering comments from unit owners.

(2) Following adoption, amendment, or repeal of a rule, the association must give notice to the unit owners of its action and provide a copy of any new or revised rule.

(3) If the declaration so provides, an association may adopt rules to establish and enforce construction and design criteria and aesthetic standards and, if so, must adopt procedures for enforcement of those standards and for approval of construction applications, including a reasonable time within which the association must act after an application is submitted and the consequences of its failure to act.

(4) An association's internal business operating procedures need not be adopted as rules.

(5) Every rule must be reasonable.

NEW SECTION. Sec. 323. SPECIFIC LIMITATIONS ON ASSOCIATION'S REGULATORY AUTHORITY. (1) An association may not prohibit display of the flag of the United States, or the flag of Washington state, on or within a unit or a limited common element, except that an association may adopt reasonable restrictions pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect

a substantial interest of the association. For purposes of this section, "flag of the United States" means the flag of the United States as described in 4 U.S.C. Sec. 1 et seq. that is made of fabric, cloth, or paper. "Flag of the United States" does not mean a flag, depiction, or emblem made of lights, paint, roofing, siding, paving materials, flora, or balloons, or of any similar building, landscaping, or decorative components.

(2) The association may not prohibit display of signs regarding candidates for public or association office, or ballot issues, on or within a unit or limited common element, but the association may adopt rules governing the time, place, size, number, and manner of those displays.

(3) The association may not prohibit the installation of a solar energy panel on or within a unit so long as the solar panel:

(a) Meets applicable health and safety standards and requirements imposed by state and local permitting authorities;

(b) If used to heat water, is certified by the solar rating certification corporation or another nationally recognized certification agency. Certification must be for the solar energy panel and for installation; and

(c) If used to produce electricity, meets all applicable safety and performance standards established by the national electric code, the institute of electrical and electronics engineers, accredited testing laboratories, such as underwriters laboratories, and, where applicable, rules of the utilities and transportation commission regarding safety and reliability.

(4) The governing documents may:

(a) Prohibit the visibility of any part of a roof-mounted solar energy panel above the roof line;

(b) Permit the attachment of a solar energy panel to the slope of a roof facing a street only if:

(i) The solar energy panel conforms to the slope of the roof; and

(ii) The top edge of the solar energy panel is parallel to the roof ridge; and

(c) Require:

(i) A solar energy panel frame, a support bracket, or any visible piping or wiring to be painted to coordinate with the roofing material;

(ii) A unit owner or resident to shield a ground-mounted solar energy panel if shielding the panel does not prohibit economic installation of the solar energy panel or degrade the operational performance quality of the solar energy panel by more than ten percent; and

(iii) Unit owners or residents who install solar energy panels to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a solar energy panel.

(5) The governing documents may include other reasonable rules regarding the placement and manner of a solar energy panel.

(6) For purposes of this section, "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:

(a) The heating or cooling of a structure or building;

(b) The heating or pumping of water;

(c) Industrial, commercial, or agricultural processes; or

(d) The generation of electricity.

(7) This section must not be construed to permit installation by a unit owner of a solar panel on or in common elements without approval of the board.

(8) Unit owners may peacefully assemble on the common elements to consider matters related to the common interest community, but the association may adopt rules governing the time, place, and manner of those assemblies.

(9) An association may adopt rules that affect the use or occupancy of or behavior in units that may be used for residential purposes, only to:

(a) Implement a provision of the declaration;

(b) Regulate any behavior in or occupancy of a unit that violates the declaration or adversely affects the use

and enjoyment of other units or the common elements by other occupants; and

(c) Restrict the leasing of residential units to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders that regularly make loans secured by first mortgages on units in comparable common interest communities or that regularly purchase those mortgages.

NEW SECTION. **Sec. 324.** NOTICE. (1) Notice to the association, board, or any owner or occupant of a unit under this chapter must be provided in the form of a record.

(2) Notice provided in a tangible medium may be transmitted by mail, private carrier, or personal delivery; telegraph or teletype; or telephone, wire, or wireless equipment that transmits a facsimile of the notice.

(a) Notice in a tangible medium to an association may be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report or provided by notice to the unit owners, or to the president or secretary of the association at the address shown in the association's most recent annual report or provided by notice to the unit owners.

(b) Notice in a tangible medium to a unit owner or occupant must be addressed to the unit address unless the unit owner or occupant has requested, in a record delivered to the association, that notices be sent to an alternate address or by other method allowed by this section and the governing documents.

(3) Notice may be provided in an electronic transmission as follows:

(a) Notice to unit owners or board members by electronic transmission is effective only upon unit owners and board members who have consented, in the form of a record, to receive electronically transmitted notices under this chapter and have designated in the consent the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law.

(b) Notice to unit owners or board members under this subsection includes material that this chapter or the governing documents requires or permits to accompany the notice.

(c) A unit owner or board member who has consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in the form of a record.

(d) The consent of any unit owner or board member is revoked if: The association is unable to electronically transmit two consecutive notices given by the association in accordance with the consent, and this inability becomes known to the secretary of the association or any other person responsible for giving the notice. The inadvertent failure by the association to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to unit owners or board members who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the unit owner or board member a separate record of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(f) Notice to an association in an electronic transmission is effective only with respect to an association that has designated in a record an address, location, or system to which the notices may be electronically transmitted.

(4) Notice may be given by any other method reasonably calculated to provide notice to the recipient.

(5) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and a separate record of the posting has been sent to the recipient

containing instructions regarding how to obtain access to the posting on the electronic network.

(6) The ineffectiveness of a good-faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(7) If this chapter prescribes different or additional notice requirements for particular circumstances, those requirements govern.

NEW SECTION. Sec. 325. REMOVAL OF OFFICERS AND BOARD MEMBERS. (1) Unit owners present in person, by proxy, or by absentee ballot at any meeting of the unit owners at which a quorum is present may remove any board member and any officer elected by the unit owners, with or without cause, if the number of votes in favor of removal cast by unit owners entitled to vote for election of the board member or officer proposed to be removed is at least the lesser of (a) a majority of the votes in the association held by such unit owners or (b) two-thirds of the votes cast by such unit owners at the meeting, but:

(i) A board member appointed by the declarant may not be removed by a unit owner vote during any period of declarant control;

(ii) A board member appointed under section 305(3) of this act may be removed only by the person that appointed that member; and

(iii) The unit owners may not consider whether to remove a board member or officer at a meeting of the unit owners unless that subject was listed in the notice of the meeting.

(2) At any meeting at which a vote to remove a board member or officer is to be taken, the board member or officer being considered for removal must have a reasonable opportunity to speak before the vote.

(3) At any meeting at which a board member or officer is removed, the unit owners entitled to vote for the board member or officer may immediately elect a successor board member or officer consistent with this chapter.

(4) The board may, without a unit owner vote, remove from the board a board member or officer elected by the unit

owners if (a) the board member or officer is delinquent in the payment of assessments more than sixty days and (b) the board member or officer has not cured the delinquency within thirty days after receiving notice of the board's intent to remove the board member or officer. Unless provided otherwise by the governing documents, the board may remove an officer elected by the board at any time, with or without cause. The removal must be recorded in the minutes of the next board meeting.

NEW SECTION. Sec. 326. ADOPTION OF BUDGETS-ASSESSMENTS AND SPECIAL ASSESSMENTS. (1)(a) Within thirty days after adoption of any proposed budget for the common interest community, the board must provide a copy of the budget to all the unit owners and set a date for a meeting of the unit owners to consider ratification of the budget not less than fourteen nor more than fifty days after providing the budget. Unless at that meeting the unit owners of units to which a majority of the votes in the association are allocated or any larger percentage specified in the declaration reject the budget, the budget and the assessments against the units included in the budget are ratified, whether or not a quorum is present.

(b) If the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget proposed by the board.

(2) The budget must include:

(a) The projected income to the association by category;

(b) The projected common expenses and those specially allocated expenses that are subject to being budgeted, both by category;

(c) The amount of the assessments per unit and the date the assessments are due;

(d) The current amount of regular assessments budgeted for contribution to the reserve account;

(e) A statement of whether the association has a reserve study that meets the requirements of section 331 of this act and, if so, the extent to which the budget meets or deviates from the

recommendations of that reserve study; and

(f) The current deficiency or surplus in reserve funding expressed on a per unit basis.

(3) The board, at any time, may propose a special assessment. The assessment is effective only if the board follows the procedures for ratification of a budget described in subsection (1) of this section and the unit owners do not reject the proposed assessment. The board may provide that the special assessment may be due and payable in installments over any period it determines and may provide a discount for early payment.

NEW SECTION. **Sec. 327.** FINANCIAL STATEMENTS AND ASSOCIATION FUNDS. (1) The association must prepare, or cause to be prepared, at least annually, a financial statement of the association in accordance with accrual based accounting practices.

(2) The financial statements of associations with annual assessments of fifty thousand dollars or more must be audited at least annually by a certified public accountant. In the case of an association with annual assessments of less than fifty thousand dollars, an annual audit is also required but may be waived annually by unit owners other than the declarant of units to which a majority of the votes in the association are allocated, excluding the votes allocated to units owned by the declarant.

(3) The association must keep all funds of the association in the name of the association with a qualified financial institution. The funds must not be commingled with the funds of any other association or with the funds of any managing agent of the association or any other person, or be kept in any trust account or custodial account in the name of any trustee or custodian.

(4) A managing agent who accepts or receives funds belonging to the association must promptly deposit all such funds into an account maintained by the association as provided in subsection (3) of this section or section 328 of this act, as appropriate.

NEW SECTION. **Sec. 328.** RESERVE ACCOUNT—ESTABLISHMENT. An association

required to obtain a reserve study pursuant to section 330 of this act must establish one or more accounts for the deposit of funds, if any, for the replacement costs of reserve components. Any reserve account must be an income-earning account maintained under the direct control of the board, and the board is responsible for administering the reserve account.

NEW SECTION. **Sec. 329.** RESERVE ACCOUNT—WITHDRAWALS. (1) The board may withdraw funds from the association's reserve account to pay for unforeseen or unbudgeted costs that are unrelated to replacement costs of the reserve components. Any such withdrawal must be recorded in the minute books of the association. The board must give notice of any such withdrawal to each unit owner and adopt a repayment schedule not to exceed twenty-four months unless the board determines that repayment within twenty-four months would impose an unreasonable burden on the unit owners. The board must provide to unit owners along with the annual budget adopted in accordance with section 326 of this act (a) notice of any such withdrawal, (b) a statement of the current deficiency in reserve funding expressed on a per unit basis, and (c) the repayment plan.

(2) The board may withdraw funds from the reserve account without satisfying the notification of repayment requirements under this section to pay for replacement costs of reserve components not included in the reserve study.

NEW SECTION. **Sec. 330.** RESERVE STUDY—PREPARATION. (1) Unless exempt under subsection (2) of this section, an association must prepare and update a reserve study in accordance with this chapter. An initial reserve study must be prepared by a reserve study professional and based upon either a reserve study professional's visual site inspection of completed improvements or a review of plans and specifications of or for unbuilt improvements, or both when construction of some but not all of the improvements is complete. An updated reserve study must be prepared annually. An updated reserve study must be prepared at least every third year by a reserve study professional and based upon a visual site inspection conducted by the reserve study professional.

(2) Unless the governing documents require otherwise, subsection (1) of this section does not apply (a) to common interest communities containing units that are restricted in the declaration to nonresidential use, (b) to common interest communities that have only nominal reserve costs, or (c) when the cost of the reserve study or update exceeds ten percent of the association's annual budget.

(3) The governing documents may impose greater requirements on the board.

NEW SECTION. Sec. 331. RESERVE STUDY-CONTENTS. (1) Any reserve study is supplemental to the association's operating and maintenance budget.

(2) A reserve study must include:

(a) A reserve component list, including any reserve component, the replacement cost of which exceeds one percent of the annual budget of the association, excluding contributions to the reserves for that reserve component. If one of these reserve components is not included in the reserve study, the study must explain the basis for its exclusion. The study must also include quantities and estimates for the useful life of each reserve component, the remaining useful life of each reserve component, and current major replacement costs for each reserve component;

(b) The date of the study and a disclosure as to whether the study meets the requirements of this section;

(c) The following level of reserve study performed:

(i) Level I: Full reserve study funding analysis and plan;

(ii) Level II: Update with visual site inspection; or

(iii) Level III: Update with no visual site inspection;

(d) The association's reserve account balance;

(e) The percentage of the fully funded balance to which the reserve account is funded;

(f) Special assessments already implemented or planned;

(g) Interest and inflation assumptions;

(h) Current reserve account contribution rates for a full funding plan and a baseline funding plan;

(i) A recommended reserve account contribution rate for a full funding plan to achieve one hundred percent fully funded reserves by the end of the thirty-year study period, a recommended reserve account contribution rate for a baseline funding plan to maintain the reserve account balance above zero throughout the thirty-year study period without special assessments, and a reserve account contribution rate recommended by the reserve study professional;

(j) A projected reserve account balance for thirty years based on each funding plan presented in the reserve study;

(k) A disclosure on whether the reserve study was prepared with the assistance of a reserve study professional, and whether the reserve study professional was independent; and

(l) A statement of the amount of any current deficit or surplus in reserve funding expressed on a dollars per unit basis. The amount is calculated by subtracting the association's reserve account balance as of the date of the study from the fully funded balance, and then multiplying the result by the fraction or percentage of the common expenses of the association allocable to each unit; except that if the fraction or percentage of the common expenses of the association allocable vary by unit, the association must calculate any current deficit or surplus in a manner that reflects the variation.

(3) A reserve study must also include the following disclosure:

"This reserve study should be reviewed carefully. It may not include all common and limited common element components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. The failure to include a component in a reserve study, or to provide contributions to a reserve account for a component, may, under some circumstances, require the association to (1) defer major maintenance, repair, or replacement, (2) increase future reserve contributions, (3) borrow funds to pay for major maintenance, repair, or replacement, or (4) impose special

assessments for the cost of major maintenance, repair, or replacement."

NEW SECTION. Sec. 332. RESERVE STUDY—DEMAND BY UNIT OWNERS—ACTION TO ENFORCE.

(1) When more than three years have passed since the date of the last reserve study prepared by a reserve study professional, unit owners of units to which at least twenty percent of the votes in the association are allocated may demand in a record delivered to the board that the cost of a reserve study be included in the next annual budget and that the study be prepared by the end of that budget year. The demand must refer to this section. The board must, upon receipt of the demand, include the cost of a reserve study in the next budget and, if that budget is not rejected by the unit owners pursuant to section 326 of this act, arrange for the preparation of a reserve study.

(2) One or more unit owners may bring an action to enforce the requirements of this section and sections 330 and 331 of this act. In such an action, a court may order specific performance and may award reasonable attorneys' fees and costs to the prevailing party.

(3) A unit owner's duty to pay assessments is not excused because of the association's failure to comply with this section and sections 330 and 331 of this act. A budget ratified by the unit owners pursuant to section 326 of this act is not invalidated because of the association's failure to comply with this section and sections 330 and 331 of this act.

NEW SECTION. Sec. 333. RESERVE STUDY—RESERVE ACCOUNT—IMMUNITY FROM LIABILITY. Except for an award for attorneys' fees and costs under section 332(2) of this act, monetary damages or other liability may not be awarded against or imposed upon the association or its officers or board members, or upon any person who may have provided advice or assistance to the association or its officers or board members, for failure to: Establish or replenish a reserve account, have a current reserve study prepared or updated in accordance with the requirements of this chapter, or make reserve disclosures in accordance with this chapter.

IV. PROTECTION OF PURCHASERS

NEW SECTION. Sec. 401.

APPLICABILITY—WAIVER. (1) Sections 402 through 420 of this act apply to all units subject to this chapter, except as provided in subsections (2) and (3) of this section.

(2) Sections 402 through 420 of this act do not apply in the case of:

(a) A conveyance by gift, devise, or descent;

(b) A conveyance pursuant to court order;

(c) A conveyance by a government or governmental agency;

(d) A conveyance by foreclosure;

(e) A conveyance of all of the units in a common interest community in a single transaction;

(f) A conveyance to other than a purchaser;

(g) An agreement to convey that may be canceled at any time and for any reason by the purchaser without penalty;

(h) A conveyance of a unit restricted to nonresidential uses, except and to the extent otherwise agreed to in writing by the seller and purchaser of that unit.

(3) Sections 414, 415, 416, 417, 419, and 420 of this act apply only to condominiums created under this chapter, and do not apply to other common interest communities.

NEW SECTION. Sec. 402. LIABILITY FOR PUBLIC OFFERING STATEMENT REQUIREMENTS.

(1) Except as provided otherwise in subsection (2) of this section, a declarant required to deliver a public offering statement pursuant to subsection (3) of this section must prepare a public offering statement conforming to the requirements of sections 403, 404, and 405 of this act.

(2) A declarant may transfer responsibility for preparation of all or a part of the public offering statement to a successor declarant or to a dealer who intends to offer units in the condominium.

(3)(a) Any declarant or dealer who offers to convey a unit for the person's own account to a purchaser must provide the purchaser of the unit with a copy of a public offering statement and all material amendments to the public

offering statement before conveyance of that unit.

(b) Any agent, attorney, or other person assisting the declarant or dealer in preparing the public offering statement may rely upon information provided by the declarant or dealer without independent investigation. The agent, attorney, or other person is not liable for any material misrepresentation in or omissions of material facts from the public offering statement unless the person had actual knowledge of the misrepresentation or omission at the time the public offering statement was prepared.

(c) The declarant or dealer is liable for any misrepresentation contained in the public offering statement or for any omission of material fact from the public offering statement if the declarant or dealer had actual knowledge of the misrepresentation or omission or, in the exercise of reasonable care, should have known of the misrepresentation or omission.

(4) If a unit is part of a common interest community and is part of any other real estate regime in connection with the sale of which the delivery of a public offering statement is required under the laws of this state, a single public offering statement conforming to the requirements of sections 403, 404, and 405 of this act as those requirements relate to each regime in which the unit is located, and to any other requirements imposed under the laws of this state, may be prepared and delivered in lieu of providing two or more public offering statements.

(5) A declarant is not required to prepare and deliver a public offering statement in connection with the sale of any unit owned by the declarant, or to obtain for or provide to the purchaser a report or statement required under sections 403(1)(oo), 405(1), or 412 of this act, upon the later of:

(a) The termination or expiration of all special declarant rights;

(b) The expiration of all periods within which claims or actions for a breach of warranty arising from defects involving the common elements under section 417 of this act must be filed or commenced, respectively, by the association against the declarant; or

(c) The time when the declarant ceases to meet the definition of a dealer under section 102 of this act.

(6) After the last to occur of any of the events described in subsection (5) of this section, a declarant must deliver to the purchaser of a unit owned by the declarant a resale certificate under section 409(2) of this act together with:

(a) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;

(b) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(c) A statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the state of Washington within the previous five years, together with the results of the litigation, if known;

(d) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a time share unit is entitled to receive the disclosure document required under chapter 64.36 RCW; and

(e) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the purchaser, all of which may be included or not included at the option of the declarant.

(7) A declarant is not liable to a purchaser for the failure or delay of the association to provide the resale certificate in a timely manner, but the purchase contract is voidable by the purchaser of a unit sold by the declarant until the resale certificate required under section 409(2) of this act and the information required under subsection (6) of this section have been provided and for five days thereafter or until conveyance, whichever occurs first.

NEW SECTION. Sec. 403. PUBLIC OFFERING STATEMENT—GENERAL PROVISIONS.

(1) A public offering statement must contain the following information:

(a) The name and address of the declarant;

(b) The name and address or location of the management company, if any;

(c) The relationship of the management company to the declarant, if any;

(d) The name and address of the common interest community;

(e) A statement whether the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(f) A list, current as of the date the public offering statement is prepared, of up to the five most recent common interest communities in which at least one unit was sold by the declarant or an affiliate of the declarant within the past five years, including the names of the common interest communities and their addresses;

(g) The nature of the interest being offered for sale;

(h) A general description of the common interest community, including to the extent known to the declarant, the types and number of buildings that the declarant anticipates including in the common interest community and the declarant's schedule of commencement and completion of such buildings and principal common amenities;

(i) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(j) The number of existing units in the common interest community;

(k) Brief descriptions of (i) the existing principal common amenities, (ii) those amenities that will be added to the common interest community, and (iii) those amenities that may be added to the common interest community;

(l) A brief description of the limited common elements, other than those described in section 203 (1)(b) and (3) of this act, that may be allocated to the units being offered for sale;

(m) The identification of any rights of persons other than unit owners to use any of the common elements, and a description of the terms of such use;

(n) The identification of any real property not in the common interest

community that unit owners have a right to use and a description of the terms of such use;

(o) Any services the declarant provides or expenses that the declarant pays that are not reflected in the budget, but that the declarant expects may become at any subsequent time a common expense of the association, and the projected common expense attributable to each of those services or expenses;

(p) An estimate of any assessment or payment required by the declaration to be paid by the purchaser of a unit at closing;

(q) A brief description of any liens or monetary encumbrances on the title to the common elements that will not be discharged at closing;

(r) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(s) A statement, as required under RCW 64.35.210, as to whether the units or common elements of the common interest community are covered by a qualified warranty;

(t) If applicable to the common interest community, a statement whether the common interest community contains any multiunit residential building subject to chapter 64.55 RCW and, if so, whether:

(i) The building enclosure has been designed and inspected to the extent required under RCW 64.55.010 through 64.55.090; and

(ii) Any repairs required under RCW 64.55.090 have been made;

(u) A statement of any unsatisfied judgments or pending suits against the association and the status of any pending suits material to the common interest community of which the declarant has actual knowledge;

(v) A statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the previous five years, together with the results of the litigation, if known;

(w) A brief description of:

(i) Any restrictions on use or occupancy of the units contained in the governing documents;

(ii) Any restrictions on the renting or leasing of units by the declarant or other unit owners contained in the governing documents;

(iii) Any rights of first refusal to lease or purchase any unit or any of the common elements contained in the governing documents; and

(iv) Any restriction on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale;

(x) A description of the insurance coverage provided for the benefit of unit owners;

(y) Any current or expected fees or charges not included in the common expenses to be paid by unit owners for the use of the common elements and other facilities related to the common interest community, together with any fees or charges not included in the common expenses to be paid by unit owners to any master or other association;

(z) The extent, if any, to which bonds or other assurances from third parties have been provided for completion of all improvements that the declarant is obligated to build pursuant to section 420 of this act;

(aa) In a cooperative, a statement whether the unit owners are entitled, for federal, state, and local income tax purposes, to a pass-through of any deductions for payments made by the association for real estate taxes and interest paid to the holder of a security interest encumbering the cooperative;

(bb) In a cooperative, a statement as to the effect on every unit owner's interest in the cooperative if the association fails to pay real estate taxes or payments due to the holder of a security interest encumbering the cooperative;

(cc) In a leasehold common interest community, a statement whether the expiration or termination of any lease may terminate the common interest community or reduce its size, the recording number of any such lease or a statement of where the complete lease may be inspected, the date on which such lease is scheduled to expire, a description of the real estate subject to

such lease, a statement whether the unit owners have a right to redeem the reversion, a statement whether the unit owners have a right to remove any improvements at the expiration or termination of such lease, a statement of any rights of the unit owners to renew such lease, and a reference to the sections of the declaration where such information may be found;

(dd) A summary of, and information on how to obtain a full copy of, any reserve study and a statement as to whether or not it was prepared in accordance with sections 330 and 331 of this act or the governing documents;

(ee) A brief description of any arrangement described in section 123 of this act binding the association;

(ff) The estimated current common expense liability for the units being offered;

(gg) Except for real property taxes, real property assessments and utility liens, any assessments, fees, or other charges known to the declarant and which, if not paid, may constitute a lien against any unit or common elements in favor of any governmental agency;

(hh) A brief description of any parts of the common interest community, other than the owner's unit, which any owner must maintain;

(ii) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a timeshare unit is entitled to receive the disclosure document required under chapter 64.36 RCW;

(jj) If the common interest community is subject to any special declarant rights, the information required under section 404 of this act;

(kk) Any liens on real estate to be conveyed to the association required to be disclosed pursuant to section 411(3)(b) of this act;

(ll) A list of any physical hazards known to the declarant that particularly affect the common interest community or the immediate vicinity in which the common interest community is located and which are not readily ascertainable by the purchaser;

(mm) Any building code violation of which the declarant has actual knowledge and which has not been corrected;

(nn) If the common interest community contains one or more conversion buildings, the information required under sections 405 and 412(6)(a) of this act;

(oo) If the public offering statement is related to conveyance of a unit in a multiunit residential building as defined in RCW 64.55.010, for which the final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement either: A copy of a report prepared by an independent, licensed architect or engineer or a statement by the declarant based on such report that describes, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations of the conversion buildings material to the use and enjoyment of the conversion buildings;

(pp) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant; and

(qq) A description of any age-related occupancy restrictions affecting the common interest community.

(2) The public offering statement must begin with notices substantially in the following forms and in conspicuous type:

(a) "RIGHT TO CANCEL. (1) You are entitled to receive a copy of this public offering statement and all material amendments to this public offering statement before conveyance of your unit. Under section 408 of this act, you have the right to cancel your contract for the purchase of your unit within seven days after first receiving this public offering statement. If this public offering statement is first provided to you more than seven days before you sign your contract for the purchase of your unit, you have no right to cancel your contract. If this public offering statement is first provided to you seven days or less before you sign your contract for the purchase of your unit, you have the right to cancel, before conveyance of the unit, the executed contract by delivering, no later than the seventh day after first receiving this public offering statement, a notice of cancellation pursuant to section (3) of

this notice. If this public offering statement is first provided to you less than seven days before the closing date for the conveyance of your unit, you may, before conveyance of your unit to you, extend the closing date to a date not more than seven days after you first received this public offering statement, so that you may have seven days to cancel your contract for the purchase of your unit.

(2) You have no right to cancel your contract upon receipt of an amendment to this public offering statement; however, this does not eliminate any right to rescind your contract, due to the disclosure of the information in the amendment, that is otherwise available to you under generally applicable contract law.

(3) If you elect to cancel your contract pursuant to this notice, you may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the seller at the address set forth in this public offering statement or at the address of the seller's registered agent for service of process. The date of such notice is the date of receipt, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by you before cancellation must be refunded promptly."

(b) "OTHER DOCUMENTS CREATING BINDING LEGAL OBLIGATIONS. This public offering statement is a summary of some of the significant aspects of purchasing a unit in this common interest community. The governing documents and the purchase agreement are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel."

(c) "OTHER REPRESENTATIONS. You may not rely on any statement, promise, model, depiction, or description unless it is (1) contained in the public offering statement delivered to you or (2) made in writing signed by the declarant or dealer or the declarant's or dealer's agent identified in the public offering statement. A statement of opinion, or a commendation of the real estate, its quality, or its value, does not create a warranty, and a statement, promise, model, depiction, or description does not create a warranty if

it discloses that it is only proposed, is not representative, or is subject to change."

(d) "MODEL UNITS. Model units are intended to provide you with a general idea of what a finished unit might look like. Units being offered for sale may vary from the model unit in terms of floor plan, fixtures, finishes, and equipment. You are advised to obtain specific information about the unit you are considering purchasing."

(e) "RESERVE STUDY. The association [does] [does not] have a current reserve study. Any reserve study should be reviewed carefully. It may not include all reserve components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. You may encounter certain risks, including being required to pay as a special assessment your share of expenses for the cost of major maintenance, repair, or replacement of a reserve component, as a result of the failure to: (1) Have a current reserve study or fully funded reserves, (2) include a component in a reserve study, or (3) provide any or sufficient contributions to a reserve account for a component."

(f) "DEPOSITS AND PAYMENTS. Only earnest money and reservation deposits are required to be placed in an escrow or trust account. Any other payments you make to the seller of a unit are at risk and may be lost if the seller defaults."

(g) "CONSTRUCTION DEFECT CLAIMS. Chapter 64.50 RCW contains important requirements you must follow before you may file a lawsuit for defective construction against the seller or builder of your home. Forty-five days before you file your lawsuit, you must deliver to the seller or builder a written notice of any construction conditions you allege are defective and provide your seller or builder the opportunity to make an offer to repair or pay for the defects. You are not obligated to accept any offer made by the builder or seller. There are strict deadlines and procedures under state law, and failure to follow them may affect your ability to file a lawsuit."

(h) "ASSOCIATION INSURANCE. The extent to which association insurance provides coverage for the benefit of unit owners

(including furnishings, fixtures, and equipment in a unit) is determined by the provisions of the declaration and the association's insurance policy, which may be modified from time to time. You and your personal insurance agent should read the declaration and the association's policy prior to closing to determine what insurance is required of the association and unit owners, unit owners' rights and duties, what is and is not covered by the association's policy, and what additional insurance you should obtain."

(i) "QUALIFIED WARRANTY. Your unit [is] [is not] covered by a qualified warranty under chapter 64.35 RCW. "

(3) The public offering statement must include copies of each of the following documents: The declaration; the survey; the organizational documents; the rules and regulations, if any; the current or proposed budget for the association; a dated balance sheet of the association; any inspection and repair report or reports prepared in accordance with the requirements of RCW 64.55.090; and any qualified warranty provided to a purchaser by a declarant together with a history of claims under the qualified warranty. If any of these documents are not in final form, the documents must be marked "draft" and, before closing the sale of a unit, the purchaser must be given notice of any material changes to the draft documents.

(4) A declarant must promptly amend the public offering statement to reflect any material change in the information required under this section.

NEW SECTION. **Sec. 404.** PUBLIC OFFERING STATEMENT—COMMON INTEREST COMMUNITIES SUBJECT TO DEVELOPMENT RIGHTS. If the declaration provides that a common interest community is subject to any development rights or if the declarant reserves any special declarant rights, the public offering statement must include, in addition to the information required under section 403 of this act:

(1) A statement of all development rights and special declarant rights reserved to the declarant, together with the dates or other circumstances under which such rights must terminate; and

(2) A statement describing how the allocated interests of a unit may be

changed by the exercise of any development right.

NEW SECTION. **Sec. 405.** PUBLIC OFFERING STATEMENT—COMMON INTEREST COMMUNITIES CONTAINING CONVERSION BUILDINGS. (1) A public offering statement for a unit in a conversion building must contain, in addition to the information required under sections 403, 404, and 412(6)(a) of this act:

(a) Either a copy of a report prepared by an independent, licensed architect or engineer or a statement by the declarant based on such report that describes, to the extent reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the common interest community;

(b) A statement by the declarant or dealer of the expected useful life of each item reported on in (a) of this subsection or a statement that no representations are made in that regard;

(c) A copy of any inspection and repair report for the conversion building required under RCW 64.55.090, if applicable;

(d) A list of any outstanding notices of uncured violations of building code or other municipal ordinances and regulations, together with the estimated cost of curing those violations and a statement that such list is not a representation that the conversion building is in compliance with the current building code or other municipal ordinances and regulations;

(e) A statement of the improvements to the conversion building made or contracted for by the declarant or dealer, or affiliate of either, offering the unit for sale; and

(f) The current deficiency or surplus in reserve funding expressed on a per unit basis.

(2) The obligation to provide the information required in subsection (1) of this section as to any particular conversion building ceases on the earlier of (a) the date when all units in the building have been conveyed to persons other than the declarant or a dealer, or any affiliate of the declarant or dealer, or (b) the date set forth in section 402(5) of this act.

NEW SECTION. **Sec. 406.** PUBLIC OFFERING STATEMENT—USE OF SINGLE DISCLOSURE DOCUMENT. If a unit is offered for sale for which the delivery of a public offering statement or other disclosure document is required under the laws of any state or the United States, a single disclosure document conforming to the requirements of sections 403, 404, and 405 of this act and conforming to any other requirement imposed under such laws may be prepared and delivered in lieu of providing two or more disclosure documents.

NEW SECTION. **Sec. 407.** PUBLIC OFFERING STATEMENT—CONTRACT OF SALE—RESTRICTION ON INTEREST CONVEYED. In the case of a sale of a unit in which delivery of a public offering statement is required, a contract of sale may be executed unless otherwise prohibited by applicable law, but interest in that unit may not be conveyed until:

(1) The declaration and map that create the common interest community in which that unit is located are recorded pursuant to sections 201(1) and 210(3) of this act; and

(2) In the case of a unit in a building containing that unit or a building comprising that unit, the unit is substantially completed and available for occupancy, and all structural components and mechanical systems of the building containing or comprising that unit are substantially completed, but a declarant or dealer and a purchaser may otherwise specifically agree in writing as to the extent to which the unit will not be substantially completed and available and to which any structural components and mechanical systems will not be substantially completed at the time of conveyance.

NEW SECTION. **Sec. 408.** PURCHASER'S RIGHT TO CANCEL. (1) The purchaser may cancel a contract for the purchase of the unit within seven days after first receiving the public offering statement. If the public offering statement is first provided to a purchaser more than seven days before execution of a contract for the purchase of a unit, the purchaser does not have the right under this section to cancel the executed contract. If the public offering statement is first provided to a purchaser seven days or less before the purchaser signs a

contract for the purchase of a unit, the purchaser, before conveyance of the unit to the purchaser, may cancel the contract by delivering, no later than the seventh day after first receiving the public offering statement, a notice of cancellation, delivered pursuant to subsection (3) of this section. If the public offering statement is first provided to a purchaser less than seven days before the closing date for the conveyance of that unit, the purchaser may, before conveyance of the unit to the purchaser, extend the closing date to a date not more than seven days after the purchaser first received the public offering statement.

(2) A purchaser does not have the right under this section to cancel a contract upon receipt of an amendment to a public offering statement. This subsection not be construed to eliminate any right that is otherwise available to the purchaser under generally applicable contract law to rescind the contract due to the disclosure of the information in the amendment.

(3) If a purchaser elects to cancel a contract under subsection (1) of this section, the purchaser may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the declarant at the address set forth in the public offering statement or at the address of the declarant's registered agent for service of process. The date of such notice is the date of receipt of delivery, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by the purchaser before cancellation must be refunded promptly. There is no liability for failure to deliver any amendment unless such failure would have entitled the purchaser under generally applicable legal principles to cancel the contract for the purchase of the unit had the undisclosed information been evident to the purchaser before the closing of the purchase.

(4) The language of the notice required under section 403(2)(a) of this act must not be construed to modify the rights set forth in this section.

NEW SECTION. Sec. 409. RESALES OF UNITS. (1) Except in the case of a sale when delivery of a public offering

statement is required, or unless exempt under section 401(2) of this act, a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within forty-five days, of any assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which must be current to within forty-five days, of any monetary obligation of the association that is past due over thirty days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with sections 330 and 331 of this act;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the

status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit, or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restrictions on the owner's right to use or occupy the unit or to lease the unit to another person;

(u) A copy of the declaration, the organizational documents, the rules or regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under section

320(3) of this act, for the last twelve months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community; and

(x) If the association does not have a reserve study that has been prepared in accordance with sections 330 and 331 of this act or its governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."

(2) The association, within ten days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to section 302(2)(m) of this act, must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed two hundred seventy-five dollars. The association may charge a unit owner a nominal fee not to exceed one hundred dollars for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3) (a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

NEW SECTION. Sec. 410. ESCROW OF DEPOSITS. Any earnest money deposit, as defined in RCW 64.04.005, or any reservation deposit made in connection with the right to purchase a unit from a person required to deliver a public offering statement pursuant to section 402(3) of this act must be placed in escrow and held in this state in an escrow or trust account designated solely for that purpose by a licensed title insurance company or agent, a licensed attorney, a real estate broker or independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until: (1) Delivered to the declarant at closing, (2) delivered to the declarant because of the purchaser's default under a contract to purchase the unit, (3) refunded to the purchaser, or (4) delivered to a court in connection with the filing of an interpleader action.

NEW SECTION. Sec. 411. RELEASE OF LIENS. (1) In the case of a sale of a unit when delivery of a public offering statement is required pursuant to section 402(3) of this act and subject to subsection (2) of this section, a seller before conveying a unit:

(a) Must record or furnish to the purchaser releases of all liens that encumber:

(i) In a condominium, that unit and its common element interest; and

(ii) In a cooperative, plat community, or miscellaneous community, that unit and any limited common elements assigned to that unit; or

(b) Must provide the purchaser of that unit with title insurance from a licensed title insurance company against any lien not released pursuant to (a) of this subsection.

(2) Subsection (1) of this section does not apply to liens that encumber:

(a) Real estate that a declarant has the right to withdraw from the common interest community;

(b) In a condominium, the unit and its common element interest being purchased, but no other unit, if the purchaser expressly agrees in writing to take subject to or assume such lien;

(c) In a cooperative, plat community, or miscellaneous community, the unit and any limited common element allocated to the unit being purchased, but no other unit, if the purchaser expressly agrees in writing to take subject to or assume such lien.

(3) Before conveying real property to the association, the declarant must have that real property released from:

(a) All liens the foreclosure of which would deprive unit owners of any right of access to or easement of support of their units; and

(b) All other liens on that real property unless the public offering statement describes certain real property that may be conveyed subject to liens in specified amounts.

NEW SECTION. Sec. 412. CONVERSION BUILDINGS—TENANT RIGHTS. (1) (a) A declarant or dealer who intends to offer units in a conversion building must give each of the residential tenants and any residential subtenants in possession of a portion of a conversion building notice of the conversion and provide those persons with the public offering statement no later than one hundred twenty days before the tenants and any subtenants in possession are required to vacate. The notice must:

(i) Set forth generally the rights of residential tenants and residential subtenants under this section;

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040;

(iii) Expressly state whether there is a county or city relocation assistance program for residential tenants or residential subtenants of conversion buildings in the jurisdiction in which the property is located. If the county or city does have a relocation assistance program, the following must also be included in the notice:

(A) A summary of the terms and conditions under which relocation assistance is paid; and

(B) Contact information for the city or county relocation assistance program, which must include, at a minimum, a telephone number of the city or county department that administers the relocation assistance program for conversion buildings.

(b) A residential tenant or residential subtenant may not be required to vacate upon less than one hundred twenty days' notice, except by reason of nonpayment of rent, waste, or conduct that disturbs other residential tenants' or residential subtenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all residential tenants and residential subtenants in a single conversion building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, residential tenants and residential subtenants continue to have access to relocation assistance under subsection (6)(e)(i) of this section.

(d)(i) Nothing in this subsection (1) waives or repeals RCW 59.18.200(2)(b).

(ii) Failure to give notice as required under this section is a defense to an action for possession.

(e) The city or county in which the property is located may require the declarant to forward a copy of the conversion notice required in this subsection (1) to the appropriately designated department or agency in the city or county for the purpose of maintaining a list of common interest communities containing conversion buildings in the jurisdiction.

(2)(a) For sixty days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice must offer to convey each unit or proposed unit occupied for residential use to the residential tenant or residential subtenant who leases that unit. If a residential tenant or residential

subtenant fails to purchase the unit during that sixty-day period, the offeror may offer to dispose of an interest in that unit during the following one hundred eighty days at a price or on terms more favorable to the offeree than the price or terms offered to the residential tenant or residential subtenant only if:

(i) Such offeror, by written notice mailed to the residential tenant's or residential subtenant's last known address, offers to sell an interest in that unit at the more favorable price and terms; and

(ii) Such residential tenant or residential subtenant fails to accept the offer in writing within ten days following the mailing of the offer to the tenant or subtenant.

(b) This subsection (2) does not apply to any unit in a conversion building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no actual knowledge of the violation, the recording of the deed conveying the unit, or, in a cooperative, the conveyance of the unit, extinguishes any right a residential tenant or residential subtenant may have under subsection (2) of this section to purchase that unit, but does not affect the right of a residential tenant or residential subtenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified under chapter 59.18 RCW.

(5) This section does not permit termination of a lease or sublease by a declarant in violation of its terms.

(6) Notwithstanding section 105 of this act, a city or county may by appropriate ordinance require with respect to any conversion building within the jurisdiction of the city or county that:

(a) In addition to the statement required under section 405(1)(a) of this act, the public offering statement must contain a copy of a written inspection report of that building prepared by the appropriate department of the city or county listing any violations of the housing code or other governmental regulation that is applicable regardless of whether the real property is owned as a common interest community or in some other form of ownership. The inspection must be made within forty-five days of the declarant's written request, and the report must be issued within fourteen days of the inspection being made. The inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding twenty-four months, and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a).

(b) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by the city or county, must be repaired; and

(ii) A certification must be obtained from the city or county that such repairs have been made. The certification must be based on a reinspection to be made within seven days of the declarant's written request and be issued within seven days of the reinspection being made;

(c) The repairs required to be made under (b) of this subsection must be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion building, other than a conveyance to a declarant or dealer, or affiliate of either:

(i) The declarant must establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ten percent of the actual cost

of making the repairs required under (b) of this subsection;

(ii) During the one-year warranty period, the funds in the account must be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty;

(iii) Following the expiration of the one-year warranty period, any funds remaining in the account must be immediately disbursed to the declarant; and

(iv) The declarant must notify in writing the association and the city or county as to the location of the account and any disbursements from the account;

(e)(i) A declarant must pay relocation assistance, in an amount to be determined by the city or county, which may not exceed a sum equal to three months of the residential tenant's or residential subtenant's rent at the time the conversion notice required under subsection (1) of this section is received, to residential tenants or residential subtenants:

(A) Who do not elect to purchase a unit in the common interest community;

(B) Who are in lawful occupancy for residential purposes of a unit in the conversion building; and

(C) Whose annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to eighty percent of:

(I) The annual median income for comparably sized households in the standard metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the conversion building is located; or

(II) If the conversion building is not within a standard metropolitan statistical area, the annual median income for comparably sized households in the state of Washington, as defined and determined by said department.

The household size of a unit must be based on the number of persons actually in lawful occupancy of the unit. The residential tenant or residential subtenant actually in lawful occupancy of the unit is entitled to the relocation assistance. Relocation assistance must

be paid on or before the date the residential tenant or residential subtenant vacates and is in addition to any damage deposit or other compensation or refund to which the residential tenant or residential subtenant is otherwise entitled. Unpaid rent or other amounts owed by the residential tenant or residential subtenant to the landlord may be offset against the relocation assistance.

(ii) Elderly residential tenants or residential subtenants and residential tenants or residential subtenants with special needs who otherwise meet the requirements of (e)(i)(A) of this subsection must receive relocation assistance, the greater of:

(A) The sum described in (e)(i) of this subsection; or

(B) The sum of actual relocation expenses of the residential tenant or residential subtenant, up to a maximum of one thousand five hundred dollars in excess of the sum described in (e)(i) of this subsection, which may include costs associated with the physical move, first month's rent, and the security deposit for the dwelling unit to which the residential tenant or residential subtenant is relocating, rent differentials for up to a six-month period, and any other reasonable costs or fees associated with the relocation. Receipts for relocation expenses must be provided to the declarant by eligible residential tenants or residential subtenants, and declarants must provide the relocation assistance to residential tenants or residential subtenants in a timely manner. The city or county may provide additional guidelines for the relocation assistance.

(iii) For the purposes of this subsection (6)(e):

(A) "Elderly" means a person who is at least sixty-five years of age; and

(B) "Special needs" means a chronic mental illness or physical disability, a developmental disability, or other condition affecting cognition, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long lasting, and severely limits a person's mental or physical capacity for self-care;

(f) Except as authorized under (g) of this subsection, a declarant and any

dealer may not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to become a conversion building during the one hundred twenty-day notice period provided for in subsection (1) of this section unless all residential tenants and residential subtenants who have elected not to purchase a unit in the common interest community and who are in lawful occupancy in the building have vacated the premises. For the purposes of this subsection:

(i) "Construction, remodeling, or repairs" means the work that is done for the purpose of establishing or selling units in a conversion building, and does not mean the work that is done to maintain the building or lot for the residential use of the existing residential tenants or residential subtenants; and

(ii) "Occupied building" means a stand-alone structure occupied by residential tenants or residential subtenants and does not include other stand-alone buildings located on the property or detached common area facilities; and

(g)(i) If a declarant or dealer has offered existing residential tenants or residential subtenants an option to terminate an existing lease or rental agreement without cause or consequence as authorized under subsection (1)(c) of this section, a declarant and any dealer may begin construction, remodeling, or repairs to interior portions of an occupied building (A) to repair or remodel vacant units to be used as model units, if the repair or remodel is limited to one model for each unit type in the building; (B) to repair or remodel a vacant unit or common element for use as a sales office; or (C) to do both.

(ii) The work performed under this subsection (6)(g) must not violate the residential tenants' or residential subtenants' rights of quiet enjoyment during the one hundred twenty-day notice period.

(7) Violations of any city or county ordinance adopted as authorized under subsection (6) of this section gives rise to such remedies, penalties, and causes of action that may be lawfully imposed by the city or county. Such violations do not invalidate the creation of the common interest community or the conveyance of

any interest in the common interest community.

NEW SECTION. **Sec. 413.** CONVERSION COMMON INTEREST COMMUNITY PROJECT-REPORT. (1) All cities and counties planning under RCW 36.70A.040, which have inspected any conversion buildings or managed the payment of relocation assistance within the jurisdiction within the previous twelve-month period, must report annually to the department of commerce the following information:

(a) The total number of apartment units converted into common interest community units;

(b) The total number of conversion common interest community projects; and

(c) The total number of residential tenants and residential subtenants who receive relocation assistance.

(2) Upon completion of a conversion common interest community project, a city or county may require the declarant to provide the information described in subsection (1)(a) and (c) of this section for the converted common interest community to the appropriately designated department or agency in the city or county for the purpose of complying with subsection (1) of this section.

NEW SECTION. **Sec. 414.** EXPRESS WARRANTIES OF QUALITY. (1) Subject to subsections (2) and (3) of this section, express warranties made by any declarant or dealer to a purchaser of a unit in a condominium, if relied upon by the purchaser in purchasing the unit, are created as follows:

(a) Any written affirmation of fact or written promise that relates to the unit, its use, or rights appurtenant to the unit or its use, improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium creates an express warranty that the unit and related rights and uses will not materially deviate from the affirmation or promise.

(b) Any written description of the physical characteristics of the condominium at the time the purchase agreement is executed, including plans and specifications of or for improvements, creates an express

warranty that the condominium will conform to the written description in all material respects.

(c) Any written description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerances.

(d) A written statement that a purchaser may put a unit only to a specified use is an express warranty that the specified use is lawful.

(2) Subject to subsection (3) of this section, neither formal words, such as "warranty" or "guarantee," nor a specific intention to make a warranty are necessary to create an express warranty, but a statement of opinion or a commendation of the real estate, its quality, or its value does not create a warranty, and a statement, promise, model, depiction, or description does not create a warranty if it discloses that it is only proposed, is not representative, or is subject to change.

(3) A purchaser may not rely on any statement, affirmation, promise, model, depiction, or description unless it is contained in the public offering statement delivered to the purchaser or made in a record signed by the declarant or dealer, or the declarant's or dealer's agent identified in the public offering statement.

(4) Any conveyance of a unit transfers to the purchaser all express warranties of quality made by the declarant or dealer.

NEW SECTION. **Sec. 415.** IMPLIED WARRANTIES OF QUALITY. (1) A declarant and any dealer warrants to a purchaser of a condominium unit that the unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, except for reasonable wear and tear and damage by casualty or condemnation.

(2) A declarant and any dealer impliedly warrants to a purchaser of a condominium unit that the unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

- (a) Free from defective materials;
- (b) Constructed in accordance with sound engineering and construction standards;
- (c) Constructed in a workmanlike manner; and
- (d) Constructed in compliance with all laws then applicable to such improvements.
- (3) A declarant and any dealer warrants to a purchaser of a condominium unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.
- (4) Warranties imposed under this section may be excluded or modified as specified in section 416 of this act.
- (5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant are made or contracted for by the declarant.
- (6) Any conveyance of a condominium unit transfers to the purchaser all of a declarant's or dealer's implied warranties of quality.
- (7)(a) In a proceeding for breach of any of the obligations arising under this section, the plaintiff must show that the alleged breach has adversely affected or will adversely affect the performance of that portion of the unit or common elements alleged to be in breach.
- (b) As used in this subsection, an adverse effect must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the unit or common element uninhabitable or unfit for its intended purpose.
- (8) Proof of breach of any obligation arising under this section is not proof of damages. Damages awarded for a breach of an obligation arising under this section are the reasonable cost of repairs. However, if it is established that the cost of such repairs is clearly disproportionate to the loss in market value caused by the breach, damages are limited to the loss in market value.

NEW SECTION. **Sec. 416.** EXCLUSION OR MODIFICATION OF IMPLIED WARRANTIES OF QUALITY. (1) Except as limited under subsection (2) of this section with respect to a purchaser of a condominium unit that may be used for residential use, implied warranties of quality under section 415 of this act:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language that in common understanding calls the buyer's attention to the exclusion of warranties.

(2) With respect to a purchaser of a condominium unit that may be used for residential use, no disclaimer of implied warranties of quality under section 415 of this act is effective, except that a declarant and any dealer may disclaim liability in an instrument for one or more specified defects or failures to comply with applicable law, if:

(a) The declarant or dealer knows or has reason to believe that the specific defects or failures exist at the time of disclosure;

(b) The disclaimer specifically describes the defects or failures;

(c) The disclaimer includes a statement as to the effect of the defects or failures;

(d) The disclaimer is bold faced, capitalized, underlined, or otherwise set out from surrounding material so as to be conspicuous; and

(e) The disclaimer is signed by the purchaser.

(3) A declarant or dealer may not make an express written warranty of quality that limits the implied warranties of quality made to the purchaser set forth in section 415 of this act.

NEW SECTION. **Sec. 417.** WARRANTIES OF QUALITY—BREACH—ACTIONS FOR CONSTRUCTION DEFECT CLAIMS. (1) A proceeding for breach of any obligations arising under section 414, 415, or 416 of this act must be commenced within four years after the cause of action accrues. The period for commencing an action for a breach accruing pursuant to subsection (2)(a) of this section does not expire prior to one year after termination of the period of declarant control, if any, under section

304 of this act. Such periods may not be reduced by either oral or written agreement or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section.

(2) Subject to subsection (3) of this section, a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the latest of:

(i) The date the unit was conveyed to the purchaser to whom the warranty is first made; or

(ii) The date any portion of the unit that constitutes a building enclosure as defined in RCW 64.55.010(3) was completed; and

(b) As to each common element, at the latest of:

(i) The date the common element was completed;

(ii) The date the common element was added to the condominium; or

(iii) The date the first unit in the condominium was conveyed to a bona fide purchaser.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

NEW SECTION. Sec. 418. EFFECT OF VIOLATIONS ON RIGHTS OF ACTION—ATTORNEYS' FEES. (1) A declarant, association, unit owner, or any other person subject to this chapter may bring an action to enforce a right granted or obligation imposed under this chapter or the governing documents. The court may

award reasonable attorneys' fees and costs.

(2) Parties to a dispute arising under this chapter or the governing documents may agree at any time to resolve the dispute by any form of binding or nonbinding alternative dispute resolution.

NEW SECTION. Sec. 419. LABELING OF PROMOTIONAL MATERIAL. Promotional material may not be displayed or delivered to prospective purchasers of a condominium unit that describes or portrays an unbuilt contemplated improvement in the condominium unless the description or portrayal of the improvement in the promotional material is conspicuously labeled or identified either as "MUST BE BUILT" or as "NEED NOT BE BUILT" or words to that effect.

NEW SECTION. Sec. 420. IMPROVEMENTS—DECLARANT'S DUTIES. (1) Except for improvements labeled "NEED NOT BE BUILT" on the map in conformity to section 210(9) of this act, the declarant must complete all improvements depicted on the map or other graphic representation of a condominium, if the map or other graphic representation is contained in the public offering statement or in any promotional material approved or authorized by the declarant with respect to the condominium.

(2) The declarant is subject to liability for the prompt repair and restoration, to a condition compatible with the remainder of the condominium, of any portion of the condominium damaged by the exercise of rights reserved pursuant to or created under sections 211 through 217 of this act.

V. MISCELLANEOUS

Sec. 501. RCW 6.13.080 and 2013 c 23 s 2 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, material supplier's, or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured (a) by security agreements describing as collateral the property that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises that have been executed and acknowledged by both spouses or both domestic partners or by any claimant not married or in a state registered domestic partnership;

(3) On one spouse's or one domestic partner's or the community's debts existing at the time of that spouse's or that domestic partner's bankruptcy filing where (a) bankruptcy is filed by both spouses or both domestic partners within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse or other domestic partner exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p;

(6) On debts secured by (~~a condominium's or homeowner~~) an association's lien (~~(. In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first-class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner" in this subsection means actual knowledge of the identity of a homeowner acquiring title after June 9, 1988, and does not require that an association affirmatively ascertain the identity of a homeowner. Failure to give the notice specified in this subsection affects an association's lien only for debts accrued up to the~~

~~time an association complies with the notice provisions under this subsection~~); or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

NEW SECTION. Sec. 502. A new section is added to chapter 59.18 RCW to read as follows:

This chapter does not apply to any proprietary lease as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) If the lessor has amended its governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 503. A new section is added to chapter 64.32 RCW to read as follows:

This chapter does not apply to common interest communities as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) That have amended their governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. Sec. 504. A new section is added to chapter 64.34 RCW to read as follows:

This chapter does not apply to common interest communities as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) That have amended their governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. **Sec. 505.** A new section is added to chapter 64.38 RCW to read as follows:

This chapter does not apply to common interest communities as defined in section 102 of this act:

(1) Created after the effective date of this section; or

(2) That have amended their governing documents to provide that chapter 64.--- RCW (the new chapter created in section 506 of this act) will apply to the common interest community pursuant to section 120 of this act.

NEW SECTION. **Sec. 506.** Sections 101 through 420 of this act constitute a new chapter in Title 64 RCW.

NEW SECTION. **Sec. 507.** This act takes effect July 1, 2018."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Hansen; Kirby; Muri; Orwall; Rodne and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Haler; Klippert and Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Goodman.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6177 Prime Sponsor, Senator King: Allowing excess local infrastructure financing revenues to be carried forward. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Doglio; Fey; Harmsworth; Hudgins; Manweller; Nealey; Slatter; Steele; Wylie and Young.

MINORITY recommendation: Do not pass. Signed by Representative Santos.

Referred to Committee on Finance.

February 22, 2018

SB 6179 Prime Sponsor, Senator Carlyle: Concerning the annual reporting

requirements for regulated utility and transportation companies. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Hudgins; Manweller; Santos; Slatter; Steele and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth and Nealey.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6183 Prime Sponsor, Committee on Local Government: Regarding foreclosure and distraint sales of manufactured/mobile or park model homes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.700 and 2011 c 171 s 38 are each amended to read as follows:

(1) **Titling options.** An owner of a manufactured home shall establish ownership in the manufactured home by either:

(a) Applying for a certificate of title as required under this chapter; or

(b) Eliminating the certificate of title under chapter 65.20 RCW.

(2) **Exemption.** This section does not apply to a manufactured home held for resale by a dealer or manufacturer.

(3) **Transferring ownership.** (a) A registered owner of record must sign the certificate of title releasing the owner's interest when transferring ownership of a manufactured home. If the manufactured home was manufactured before June 15, 1976, the registered owner must sign an affidavit on a form approved by the department. The affidavit must state that the purchaser was notified that failure of the manufactured home to meet federal housing and urban development standards or failure of the manufactured home to meet a fire and

safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the manufactured home.

(b) When a manufactured/mobile or park model home is sold at a county treasurer's foreclosure or distraint sale, the registered owner of record, legal owner on title, and the purchaser are not required to sign the certificate of title and title application to transfer title. Any lienholder interest in a manufactured/mobile or park model home are extinguished by the county treasurer's foreclosure or distraint sale.

(4) **Evidence of taxes paid.** Before accepting an application for a certificate of title for a manufactured home, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to provide evidence that any taxes due on the sale of the manufactured home under chapters 82.45 and 84.52 RCW have been paid. Acceptable evidence includes a copy of:

(a) The real estate excise tax affidavit that has been stamped by the county treasurer; or

(b) A treasurer certificate that is prepared by the treasurer of the county in which a used manufactured home is located and that states that all property taxes due upon the used manufactured home being sold have been satisfied.

(5) **County assessor notification.** The department shall notify the county assessor of the county where the manufactured home is located when ownership of a manufactured home is transferred. The notification must include the name and address of the former owner and the new owner.

(6) **Title elimination.** The certificate of title for a manufactured home may be eliminated or not issued when the manufactured home is registered under chapter 65.20 RCW. If the certificate of title is eliminated or not issued, the application must be recorded in the county property records of the county where the real property to which the home is affixed is located. All vehicle license fees and taxes applicable to manufactured homes under this chapter are due and must be collected before recording the ownership with the county auditor.

(7) **Rules.** The department may adopt rules as necessary to implement this section.

Sec. 2. RCW 84.56.070 and 2015 c 95 s 8 are each amended to read as follows:

(1) The county treasurer must proceed to collect all personal property taxes after first completing the tax roll for the current year's collection.

(2) The treasurer must give notice by mail to all persons charged with personal property taxes, and if the taxes are not paid before they become delinquent, the treasurer must commence delinquent collection efforts. A delinquent collection charge for costs incurred by the treasurer may be added to the account.

(3) In the event that the treasurer is unable to collect the taxes when due under this section, the treasurer must prepare papers in distraint. The papers must contain a description of the personal property, the amount of taxes including any amounts deferred under chapters 84.37 and 84.38 RCW that are a lien on the personal property to be distrained, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner.

(a) The treasurer must without demand or notice distraint sufficient goods and chattels belonging to the person charged with the taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs. The treasurer must proceed to advertise the distraint by posting written notices in three public places in the county in which the property has been distrained, including the county courthouse. The notice must state the time when and place where the property will be sold.

(b) The county treasurer, or the treasurer's deputy, must tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution. Traveling fees must be computed from the county seat of the county to the place of making distraint.

(c) If the taxes for which the property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for the sale, which may not be less than ten days after the

taking of the property, the treasurer or treasurer's designee must proceed to sell the property at public auction, or so much thereof as is sufficient to pay the taxes and any amounts deferred under chapters 84.37 and 84.38 RCW that are a lien on the property to be sold, with interest and costs. If there is any excess of money arising from the sale of any personal property, the treasurer must pay the excess less any cost of the auction to the owner of the property so sold or to his or her legal representative.

(d) If necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net, or drag seine fishing location, or any other personal property as the treasurer determines to be incapable or reasonably impracticable of manual delivery, it is deemed to have been distrained and taken into possession when the treasurer has, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein the property is located a notice in writing reciting that the treasurer has distrained the property. The notice must describe the property, give the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale. A copy of the notice must also be sent to the owner or reputed owner at his or her last known address, by registered letter at least thirty days prior to the date of sale.

(e) If the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the property has been assessed, or is about to be destroyed, sold, or disposed of, the county treasurer may demand the taxes, without the notice provided for in this section, and if necessary distraint sufficient goods and chattels to pay the same.

(4) As an alternative to the sale procedure specified in this section, the county treasurer may conduct a public auction sale by electronic media pursuant to RCW 36.16.145."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 23, 2018

ESSB 6199 Prime Sponsor, Committee on Health & Long Term Care: Concerning the consumer directed employer program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Clibborn; Jinkins; Riccelli; Robinson; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldrie; DeBolt; Harris; MacEwen; Maycumber and Rodne.

Referred to Committee on Appropriations.

February 23, 2018

SSB 6222 Prime Sponsor, Committee on Human Services & Corrections: Concerning expansion of extended foster care eligibility. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Appropriations.

February 22, 2018

SB 6231 Prime Sponsor, Senator Kuderer: Concerning the statute of limitations for unfair labor practice complaints filed in superior court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Orwall and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Graves, Ranking Minority Member; Haler; Klippert; Rodne and Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Muri.

Referred to Committee on Rules for second reading.

February 23, 2018

SSB 6273 Prime Sponsor, Committee on Health & Long Term Care: Delineating charity care and notice requirements without restricting charity care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.170.020 and 1995 c 269 s 2203 are each amended to read as follows:

As used in this chapter:

(1) "Department" means department of health.

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(~~(42)~~) (7); or as a psychiatric hospital under chapter 71.12 RCW.

(3) "Secretary" means secretary of health.

(4) "Charity care" means medically necessary hospital health care rendered to indigent persons when third-party coverage, if any, has been exhausted, to the extent that the persons are unable to pay for the care or to pay deductibles or coinsurance amounts required by a third-party payer, as determined by the department.

(5) "Third-party coverage" means an obligation on the part of an insurance company, health care service contractor, health maintenance organization, group health plan, government program, tribal health benefits, or health care sharing ministry as defined in 26 U.S.C. Sec. 5000A to pay for the care of covered patients and services, and may include settlements, judgments, or awards actually received related to the negligent acts of others which have resulted in the medical condition for which the patient has received hospital health care service. The pendency of such settlements, judgments, or awards must

not stay hospital obligations to consider an eligible patient for charity care.

(6) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

~~((6))~~ (7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

Sec. 2. RCW 70.170.060 and 1998 c 245 s 118 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital

compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care;

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a charity care policy which, consistent with subsection (1) of this section, shall enable people below the federal poverty level access to appropriate hospital-based medical services, and a sliding fee schedule for determination of discounts from charges for persons who qualify for such discounts by January 1, 1990. The department shall develop specific guidelines to assist hospitals in setting sliding fee schedules required by this section. All persons with family income below one hundred percent of the federal poverty standard shall be deemed charity care patients for the full amount of hospital charges, ~~((provided that such persons are not eligible for other private or public health coverage sponsorship. Persons who may be eligible for charity care shall be notified by the hospital.~~

~~(6))~~ except to the extent the patient has third-party coverage for those charges.

(6) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

(7) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's web site. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

(8) (a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [web site] and [phone number].

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

(9) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

(10) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the

patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

~~((7))~~ (11) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

(12) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

~~((8))~~ (13) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

NEW SECTION. Sec. 3. This act takes effect October 1, 2018."

Correct the title.

Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 23, 2018

2SSB 6274 Prime Sponsor, Committee on Ways & Means: Helping former foster youth and youth experiencing homelessness access and complete college and registered

apprenticeships. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.117.005 and 2013 c 39 s 11 are each amended to read as follows:

(1) (a) ~~((The legislature finds that in Washington, there are more than seven thousand three hundred children in foster family or group care. These children face unique obstacles and burdens as they transition to adulthood, including lacking continuity in their elementary and high school educations. As compared to the general population of students, twice as many foster care youth change schools at least once during their elementary and secondary school careers, and three times as many change schools at least three times. Only thirty four percent of foster care youth graduate from high school within four years, compared to seventy percent for the general population. Of the former foster care youth who earn a high school diploma, more than twenty eight percent earn a high school equivalency certificate as provided in RCW 28B.50.536 instead of a traditional high school diploma. This is almost six times the rate of the general population. Research indicates that holders of high school equivalency certificates tend not to be as economically successful as the holders of traditional high school diplomas. Only twenty percent of former foster care youth who earn a high school degree enroll in college, compared to over sixty percent of the population generally. Of the former foster care youth who do enroll in college, very few go on to earn a degree. Less than two percent of former foster care youth hold bachelor's degrees, compared to twenty eight percent of Washington's population generally.~~

~~(b) Former foster care youth face two critical hurdles to enrolling in college. The first is a lack of information regarding preparation for higher education and their options for enrolling in higher education. The second is finding the financial resources to fund their education. As a result of the unique hurdles and challenges that face former foster care youth, a~~

~~disproportionate number of them are part of society's large group of marginalized youth and are at increased risk of continuing the cycle of poverty and violence that frequently plagues their families.~~

~~(c) Former foster care youth suffer from mental health problems at a rate greater than that of the general population. For example, one in four former foster care youth report having suffered from posttraumatic stress disorder within the previous twelve months, compared to only four percent of the general population. Similarly, the incidence of major depression among former foster care youth is twice that of the general population, twenty percent versus ten percent.~~

~~(d) There are other barriers for former foster care youth to achieving successful adulthood. One third of former foster care youth live in households that are at or below the poverty level. This is three times the rate for the general population. The percentage of former foster care youth who report being homeless within one year of leaving foster care varies from over ten percent to almost twenty five percent. By comparison, only one percent of the general population reports having been homeless at sometime during the past year. One in three former foster care youth lack health insurance, compared to less than one in five people in the general population. One in six former foster care youth receive cash public assistance. This is five times the rate of the general population.~~

~~(e) Approximately twenty five percent of former foster care youth are incarcerated at sometime after leaving foster care. This is four times the rate of incarceration for the general population. Of the former foster care youth who "age out" of foster care, twenty-seven percent of the males and ten percent of the females are incarcerated within twelve to eighteen months of leaving foster care.~~

~~(f) Female former foster care youth become sexually active more than seven months earlier than their nonfoster care counterparts, have more sexual partners, and have a mean age of first pregnancy of almost two years earlier than their peers who were not in foster care.~~

~~(2) The legislature intends to create the passport to college promise pilot~~

~~program. The pilot program will initially operate for a six year period, and will have two primary components, as follows:~~

~~(a) Significantly increasing outreach to foster care youth between the ages of fourteen and eighteen regarding the higher education opportunities available to them, how to apply to college, and how to apply for and obtain financial aid; and~~

~~(b) Providing financial aid to former foster care youth to assist with the costs of their public undergraduate college education.)) The legislature finds that with the creation of the passport to college promise program this state took a significant step toward providing higher education opportunities to youth and alumni of foster care. The passport to college promise program not only provides financial aid to former foster youth but, just as important, it recognizes the critical role of wraparound services and provides early outreach to foster care youth regarding postsecondary higher educational opportunities. Since 2007, the passport to college promise program has increased the number of former foster youth enrolling in higher education and working toward college degrees.~~

~~(b) Recognizing the success of creating pathways for foster youth to access higher education, the legislature now seeks to create an additional postsecondary pathway through access to registered apprenticeships or recognized preapprenticeships. Former foster and unaccompanied homeless youth face critical hurdles to accessing registered apprenticeships and recognized preapprenticeships. The first is a lack of information regarding preparation for and enrolling in registered apprenticeships or recognized preapprenticeships. The second is finding the financial resources to begin and continue in an apprenticeship or preapprenticeship. As a result of the unique hurdles and challenges that face youth in and alumni of foster care and unaccompanied homeless and former homeless youth, a disproportionate number of them are part of society's large group of marginalized youth.~~

~~(c) The legislature reiterates its earlier recognition of the critical role education plays in improving outcomes for youth in and alumni of foster care and unaccompanied homeless and former homeless youth, as well as the key role~~

played by wraparound services in providing continuity and seamless transitions to postsecondary credential programs. With the creation of a parallel pathway with a passport for registered apprenticeships or recognized preapprenticeships, including for the provision of wraparound services, the legislature strives to make Washington the leader in the nation with respect to foster and unaccompanied homeless youth graduating from high school and enrolling in and achieving a postsecondary credential.

(d) The legislature further finds that students experiencing homelessness face similar challenges and educational outcomes as their peers in foster care. In 2016, fifty-three and two-fifths percent of Washington youth experiencing homelessness graduated from high school on time, compared to seventy-nine percent of their peers. Students experiencing homelessness are more likely to be students of color, chronically absent, and have lower test scores in reading and math. Homeless students may also be former foster youth and foster youth may be formerly homeless students. Similar to youth in foster care, students experiencing homelessness need opportunities for financial aid, wraparound services, and early outreach regarding postsecondary higher educational opportunities and apprenticeships.

(2) It is the intent of the legislature to create the passport to careers program with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities. The passport to careers program expands upon the passport to college promise program created in 2007 to include a program of financial assistance for eligible youth and young adults to participate in apprenticeship or preapprenticeship programs called the passport to apprenticeship opportunities program. The passport to careers program will have three primary components:

(a) Outreach to foster and unaccompanied homeless youth and young adults regarding the higher education and registered apprenticeship opportunities available to them, how to apply, and how to apply for and obtain financial aid;

(b) Provide financial support to former foster and unaccompanied homeless youth to assist with the costs of their public undergraduate college education

or provide financial assistance to meet apprenticeship or preapprenticeship program minimum qualifications and occupational-specific costs and the supportive services to help them apply and complete a registered apprenticeship or recognized preapprenticeship; and

(c) Measurably increase the number of foster and homeless youth accessing and completing higher education or registered apprenticeship programs and successfully entering and retaining employment.

Sec. 2. RCW 28B.117.010 and 2012 c 163 s 2 are each amended to read as follows:

The passport to ~~((college promise))~~ careers program is created. The purpose of the program is:

(1) To encourage current and former foster care youth and unaccompanied youth experiencing homelessness to prepare for, ~~((attend))~~ enroll in, and successfully complete higher education or a registered apprenticeship or preapprenticeship program;

(2) To improve the high school graduation outcomes of foster youth and unaccompanied youth experiencing homelessness through coordinated P-20 and child welfare outreach, intervention, and planning; and

(3) To improve postsecondary outcomes by providing current and former foster care youth and unaccompanied youth who have experienced homelessness with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in either higher education or a registered apprenticeship or preapprenticeship program.

Sec. 3. RCW 28B.117.020 and 2012 c 163 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Apprentice" means a person enrolled in a state-approved, federally registered, or reciprocally recognized apprenticeship program.

(2) "Apprenticeship" means an apprenticeship training program approved or recognized by the state apprenticeship council or similar federal entity.

(3) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

~~((2))~~ (4) "Federal foster care system" means the foster care program under the federal unaccompanied refugee minors program, Title 8 U.S.C. Sec. 1522 of the immigration and nationality act.

(5) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

~~((3))~~ (6) "Homeless" or "homelessness" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(7) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the ~~(board)~~ student achievement council as meeting equivalent standards as those institutions accredited under this section.

~~((4))~~ (8) "Institution of higher education" means any institution eligible to and participating in the state need grant program.

~~((5))~~ (9) "Occupational-specific costs" means the costs associated with entering an apprenticeship or preapprenticeship, including but not limited to fees, tuition for classes, work clothes, rain gear, boots, occupation-specific tools.

(10) "Office" means the office of student financial assistance.

~~((6))~~ (11) "Preapprenticeship" means an apprenticeship preparation program

recognized by the state apprenticeship council and as defined in RCW 28C.18.162.

(12) "Program" means the passport to ~~((college promise))~~ careers program created in this chapter.

(13) "State foster care system" means out-of-home care pursuant to a dependency and includes the placement of dependents from other states who are placed in Washington pursuant to orders issued under the interstate compact on the placement of children, chapter 26.34 RCW.

(14) "Tribal court" has the same meaning as defined in RCW 13.38.040.

(15) "Tribal foster care system" means an out-of-home placement under a dependency order from a tribal court.

(16) "Unaccompanied" means a youth or young adult experiencing homelessness while not in the physical custody of a parent or guardian.

Sec. 4. RCW 28B.117.030 and 2013 c 182 s 8 are each amended to read as follows:

(1) The office shall design and, to the extent funds are appropriated for this purpose, implement, ~~((a))~~ passport to careers with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities program. Both programs ~~((of))~~ offer supplemental scholarship and student assistance for students who ~~((have emancipated from))~~ were under the care of the state foster care system, tribal foster care system, or federal foster care system ~~((after having spent at least one year in care))~~, and verified unaccompanied youth or young adults who have experienced homelessness.

(2) The office shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care and unaccompanied homeless youth and their advocates; representatives from the state board for community and technical colleges, ~~((and from))~~ public and private agencies that assist current and former foster care recipients and unaccompanied youth or young adults experiencing homelessness in their transition to adulthood; ~~((and))~~ student support specialists from public and private colleges and universities; the state workforce training and

education coordinating board; the employment security department; and the state apprenticeship council.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

~~(a) ((Spent at least one year in foster care subsequent to his or her sixteenth birthday;))~~ (i) Was in the care of the state foster care system, tribal foster care system, or federal foster care system in Washington state at any time before age twenty-one subsequent to the following:

(A) Age fifteen as of July 1, 2018;

(B) Age fourteen as of July 1, 2019;
and

(C) Age thirteen as of July 1, 2020;
or

(ii) Beginning July 1, 2019, was verified on or after July 1st of the prior academic year as an unaccompanied youth experiencing homelessness, before age twenty-one;

~~(b) ((Meets one of the following three requirements:~~

~~(i) Emancipated from foster care on or after January 1, 2007;~~

~~(ii) Enrolls in extended foster care;~~
or

~~(iii) Achieves a permanent plan after age seventeen and one-half years;~~

~~(e))~~ (e)) Is a resident student, as defined in RCW 28B.15.012(2), or if unable to establish residency because of homelessness or placement in out-of-state foster care under the interstate compact for the placement of children, has residency determined through verification by the office;

~~((d))~~ (c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education or a registered apprenticeship or recognized preapprenticeship in Washington state by the age of twenty-one;

~~((e))~~ (d) Is making satisfactory academic progress toward the completion of a degree, ((e)) certificate program, or registered apprenticeship or recognized preapprenticeship, if receiving supplemental scholarship assistance;

~~((f))~~ (e) Has not earned a bachelor's or professional degree; and

~~((g))~~ (f) Is not pursuing a degree in theology.

(4) The office shall define a process for verifying unaccompanied homeless status for determining eligibility under subsection (3)(a)(ii) of this section. The office may use a letter from the following persons or entities to provide verification: A high school or school district McKinney-Vento liaison; the director or designated staff member of an emergency shelter, transitional housing program, or homeless youth drop-in center; or other similar professional case manager or school employee. Students who have no formal connection with such a professional may also submit to the office an essay that describes their experience with homelessness and the barriers it created to their academic progress. The office may consider this essay in lieu of a letter of homelessness determination and may interview the student if further information is needed to verify eligibility.

(5) A passport to college promise program is created.

(a) A passport to college promise scholarship under this section:

~~((a))~~ (i) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

~~((b))~~ (ii) Shall not exceed the student's financial need, ((less a reasonable self help amount defined by the office,)) when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

~~((5))~~ (b) An eligible student may receive a passport to college promise scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

~~((6))~~ (c) The office, in consultation with and with assistance from the state board for community and

technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

~~((+7))~~ (d) In designing and implementing the passport to college promise student support program under this section, the office, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

~~((+a))~~ (i) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

~~((+b))~~ (ii) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

(e) To the extent funds are appropriated for this specific purpose, the office shall contract with at least one nongovernmental entity to provide services to support effective program implementation, resulting in increased postsecondary completion rates for passport scholars.

(6) The passport to apprenticeship opportunities program is created. The office shall:

(a) Identify students and applicants who are eligible for services under RCW 28B.117.030 through coordination of certain agencies as detailed in RCW 28B.117.040;

(b) Provide financial assistance through the nongovernmental entity or entities in section 8 of this act for registered apprenticeship and recognized preapprenticeship entrance requirements and occupational-specific costs that does not exceed the individual's financial need; and

(c) Extend financial assistance to any eligible applicant for a maximum of six years after first enrolling with a

registered apprenticeship or recognized preapprenticeship, or until the applicant turns twenty-six, whichever occurs first.

(7) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently. The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend a public university for five years with the highest annual tuition and state-mandated fees in the state.

Sec. 5. RCW 28B.117.040 and 2012 c 163 s 4 are each amended to read as follows:

Effective operation of the passport to ~~((college promise))~~ careers program requires early and accurate identification of former foster care youth and unaccompanied youth experiencing homelessness so that they can be linked to the financial and other assistance that will help them succeed in college or in a registered apprenticeship or recognized preapprenticeship. To that end:

(1) All institutions of higher education that receive funding for student support services under RCW 28B.117.030 shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in state, tribal, or federal foster care in Washington state ~~((for at least one year since his or her sixteenth birthday together))~~ or experienced unaccompanied homelessness under the parameters in subsection (3)(a) of this section, as determined by the office, with an explanation that financial and support services may be available. All other institutions of higher education are strongly encouraged to include such a question and explanation. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) With substantial input from the office of the superintendent of public instruction, the department of social and health services and the department of children, youth, and families shall devise and implement procedures for

efficiently, promptly, and accurately identifying students and applicants who are eligible for services under RCW 28B.117.030, and for sharing that information with the office ~~((and with))~~, the institutions of higher education, and the nongovernmental entity or entities identified in RCW 28B.117.030(5)(e), 28B.77.250, and section 8 of this act. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure.

Sec. 6. RCW 28B.77.250 and 2016 c 71 s 5 are each amended to read as follows:

(1) To the extent funds are appropriated for this purpose, the council, with input from the office of the superintendent of public instruction; the department of children, youth, and families; the department of commerce office of homeless youth prevention and protection programs; and the department of social and health services, shall contract with at least one nongovernmental entity to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care and unaccompanied youth experiencing homelessness in Washington state.

(2) The nongovernmental entity or entities chosen by the council shall have demonstrated success in working with foster care and unaccompanied homeless youth and assisting foster care and unaccompanied homeless youth in successfully making the transition from high school to a postsecondary plan, including postsecondary enrollment, career, or service.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care and unaccompanied homeless youth in Washington state. Youth eligible for referral are not currently served by programs under RCW 28A.300.592, dependent pursuant to chapter 13.34 RCW, age thirteen through twenty-one, and remain eligible for continuing service following fulfillment of the permanent plan and through initiation of a postsecondary plan. After high school completion, services are concluded within a time period specified in the contract to pursue engagement of continuing postsecondary support services provided by local education agencies, postsecondary education, community-based programs, or the passport to ~~((college promise))~~ careers

program. The nongovernmental entity or entities must facilitate the educational progress, graduation, and postsecondary plan initiation of eligible youth. The contract must be outcome driven with a stated goal of improving the graduation rates and postsecondary plan initiation of eligible youth by two percent per year over five school year periods starting with the 2016-17 school year and ending with the 2021-22 school year. With each new contract, a baseline must be established at the end of the first year of service provision.

(4) The supplemental transition planning shall include:

(a) Consultation with schools and the department of social and health services' case workers to develop educational plans for and with participating youth;

(b) Age-specific developmental and logistical tasks to be accomplished for high school and postsecondary success;

(c) Facilitating youth participation with appropriate school and local resources that may assist in educational access and success; ~~((and))~~

(d) Coordinating youth, caregivers, schools, and social workers to support youth progress in the educational system; and

(e) Establishing postsecondary plan initiation in coordination with the passport to careers program.

(5) The selected nongovernmental entity or entities may be colocated in the offices of the department of social and health services to provide timely consultation. These entities must have access to all paper and electronic education records and case information pertinent to the educational planning and services of youth referred and are subject to RCW 13.50.010 and 13.50.100.

(6) The contracted nongovernmental entity or entities must report outcomes to the council and the department of social and health services semiannually ~~((beginning on December 1, 2016))~~.

(7) For purposes of this section, "homeless" and "unaccompanied" have the same meanings as in RCW 28B.117.020.

Sec. 7. RCW 28B.117.050 and 2011 1st sp.s. c 11 s 223 are each amended to read as follows:

(1) To the extent funds are appropriated for this purpose, the

~~office ((, with input from the state board for community and technical colleges, the foster care partnership, and institutions of higher education,)) shall develop and maintain an internet web site and outreach program to serve as a comprehensive portal for foster care youth and unaccompanied youth or young adults who have experienced homelessness in Washington state to obtain information regarding higher education ((including, but not necessarily)) and registered apprenticeship and recognized preapprenticeship programs. In developing the web site and conducting the outreach program, the office shall get input from community and technical colleges; the foster care partnership; institutions of higher education; the employment security department; the state apprenticeship and training council; the workforce training and education coordinating board; department of commerce office of homeless youth prevention and protection programs; department of children, youth, and families; the department of licensing; and the department of labor and industries. The outreach program and web site shall include, but not be limited to:~~

(a) Academic, social, family, financial, and logistical information important to successful postsecondary educational success;

(b) How and when to obtain and complete college applications;

(c) How and when to apply for a registered apprenticeship or preapprenticeship program;

(d) What academic subject matter prerequisites, if any, are generally required for acceptance to an institute of higher education, a registered apprenticeship, or a preapprenticeship program;

(e) What college placement tests, if any, are generally required for admission to college and when and how to register for such tests;

~~((d))~~ (f) How and when to obtain and complete a federal free application for federal student aid (FAFSA) or if ineligible to apply for the FAFSA, the state financial aid application approved by the office; and

~~((e))~~ (g) Detailed sources of financial aid and assistance likely available to eligible former foster care

and unaccompanied homeless youth, including the financial aid and assistance provided by this chapter.

(2) The office shall determine whether to design, build, and operate such program and web site directly or to use, support, and modify existing web sites created by government or nongovernmental entities for a similar purpose.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.117 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the office, with approval from the employment security department and the apprenticeship and training council pursuant to chapter 49.04 RCW, shall contract with at least one nongovernmental entity to provide quality training, employment navigation, and supportive services to disadvantaged populations seeking to complete apprenticeships and preapprenticeships through the passport to apprenticeship opportunities program. The nongovernmental entity shall also disburse state financial assistance under RCW 28B.117.030(5) to meet registered apprenticeship and preapprenticeship entrance requirements and occupational-specific costs.

NEW SECTION. Sec. 9. The legislature strongly recommends that the entities selected in sections 6 and 8 of this act coordinate on technological models to keep the students they serve engaged.

Sec. 10. RCW 28B.76.526 and 2016 c 241 s 201 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to ~~((college promise))~~ careers), chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program).

NEW SECTION. **Sec. 11.** A new section is added to chapter 28B.117 RCW to read as follows:

This act shall be known and cited as the passport to careers act.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

(1)RCW 28B.117.070 (Reports–Recommendations) and 2012 c 163 s 5, 2011 1st sp.s. c 11 s 225, & 2007 c 314 s 8;

(2)RCW 28B.117.901 (Expiration of chapter) and 2012 c 163 s 13 & 2007 c 314 s 10;

(3)RCW 28B.117.902 (Short title–2012 c 163) and 2012 c 163 s 14; and

(4)2013 c 182 s 11 (uncodified)."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler; Orwall; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representative Van Werven, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Holy and Stambaugh.

Referred to Committee on Appropriations.

February 23, 2018

SB 6287 Prime Sponsor, Senator Darneille: Making technical changes regarding the department of children, youth, and families. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6298 Prime Sponsor, Senator Dhingra: Adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.040 and 2017 c 233 s 4 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another, committed on or after the effective date of this section;

(iii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

~~((iii))~~ (iv) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

~~((iv))~~ (v) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

~~((v))~~ (vi) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) (a)~~((iii))~~ (iii) of this subsection does not apply to a sexual assault protection order under chapter 7.90 RCW if the order has been modified pursuant to RCW 7.90.170 to remove any restrictions on firearm purchase, transfer, or possession.

(c) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not

limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) (a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii) (A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently

charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under

this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship."

Correct the title.

Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6334

Prime Sponsor, Committee on Law & Justice: Concerning child support, but only including a parent's obligation to provide medical support, use of electronic funds transfers, notice of noncompliance, adoption of the economic table recommended by the child support work group, and references to the federal poverty level in self-support reserve limitations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

HEALTH CARE COVERAGE

Sec. 101. RCW 26.09.105 and 2009 c 476 s 1 are each amended to read as follows:

(1) Whenever a child support order is entered or modified under this chapter, the court shall require both parents to provide medical support for any child

named in the order as provided in this section.

(a) The child support order must include an obligation to provide health care coverage that is both accessible to all children named in the order and available at reasonable cost to the obligated parent.

(b) The court must allocate the cost of health care coverage between the parents.

(2) Medical support consists of:

~~((i))~~ (a) Health ((insurance)) care coverage, which may consist of health insurance coverage or public health care coverage; and

~~((ii) Cash medical support.)~~

(b) Cash medical support, which consists of:

(i) A parent's monthly payment toward the premium paid for coverage provided by ~~((either the other parent or the state))~~ a public entity or by another parent, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

~~((c))~~ (3) The parents share the obligation to provide medical support for the child or children specified in the order, by providing health care coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(4) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health ((insurance)) care coverage or the monthly payment toward the premium. The child's receipt of public health care coverage may not be the sole basis for excusing a parent from providing health insurance coverage through an employer or union.

~~((d) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.~~

~~(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or~~

~~contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.~~

~~(3))~~ (5) (a) The court may specify how medical support must be provided by each parent under subsection ((4)) (6) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health ~~((insurance))~~ care coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

~~((4))~~ (6) (a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide health care coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage or health care coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the ~~((health insurance))~~ coverage for the child and the other parent to pay a monthly payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall ~~((remain))~~ be responsible for his or her proportionate share of uninsured medical expenses.

~~((5))~~ (7) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

~~((6))~~ (8) A parent who is ordered to maintain or provide health ((insurance)) care coverage may comply with that requirement by:

(a) Providing proof of accessible ~~((private insurance))~~ health care coverage for any child named in the order; or

(b) Providing coverage that can be extended to cover the child that is

available to that parent through employment or that is union-related, if the cost of such coverage does not exceed twenty-five percent of that parent's basic child support obligation.

~~((7))~~ (9) The order must provide that, while an obligated parent may satisfy his or her health care coverage obligation by enrolling the child in public health care coverage, that parent is also required to provide accessible health insurance coverage for the child if it is available at no cost through the parent's employer or union.

(10) The order must provide that the fact that one parent enrolled the child in public health care coverage does not satisfy the other parent's health care coverage obligation unless the support order provides otherwise. A parent may satisfy the obligation to provide health care coverage by:

(a) First enrolling the child in available and accessible health insurance coverage through the parent's employer or union if such coverage is available for no more than twenty-five percent of the parent's basic support obligation; or

(b) If there is no accessible health insurance coverage for the child available through the parent's employer or union, contributing a proportionate share of any premium paid by the other parent or the state for public health care coverage for the child.

(11) The court may order a parent to provide health ((insurance)) care coverage that exceeds twenty-five percent of that parent's basic support obligation if it is in the best interests of the child to provide coverage.

~~((8) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.~~

~~(9))~~ (12) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

~~((10))~~ (13) The parents must maintain health ((insurance)) care coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

~~((11))~~ (14) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

~~((12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.~~

~~(13))~~ (15) A parent ordered to provide health ((insurance)) care coverage must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

~~((14))~~ (16) Every order requiring a parent to provide health care or insurance coverage must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

~~((15))~~ (17) When a parent is providing health insurance or health care coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

~~((16))~~ (18) As used in this section:

(a) "Accessible" means health ((insurance)) care coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage provided by ((either the other)) a public entity or by another parent ((or

~~the state)), which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.~~

~~(c) ("Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~(d)) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by ((insurance)) health care coverage.~~

~~((e)) (d) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.~~

~~((f)) (e) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.~~

~~((g)) (f) "Monthly payment toward the premium" means a parent's contribution toward premiums paid for coverage provided by a public entity or by ((the other)) another parent ((or the state for insurance coverage for the child)), which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.~~

~~((h)) (g) "Premium" means the amount paid for coverage provided by a public entity or by another parent for a child covered by the order. This term may also mean "cost of coverage."~~

(19) This section does not limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

(20) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 102. RCW 26.18.020 and 2008 c 6 s 1027 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of maintenance" means the duty to provide for the needs of a spouse or former spouse or domestic partner or former domestic partner imposed under chapter 26.09 RCW.

(3) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, including maintenance in cases in which there is a dependent child, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(4) "Obligee" means the custodian of a dependent child, the spouse or former spouse or domestic partner or former domestic partner, or person or agency, to whom a duty of support or duty of maintenance is owed, or the person or agency to whom the right to receive or collect support or maintenance has been assigned.

(5) "Obligor" means the person owing a duty of support or duty of maintenance.

(6) "Support or maintenance order" means any judgment, decree, or order of support or maintenance issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support or maintenance issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(7) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings or remuneration for employment to the obligor.

(8) "Earnings" means compensation paid or payable for personal services or remuneration for employment, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of

law making the payments exempt from garnishment, attachment, or other process to satisfy support or maintenance obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(9) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(10) "Department" means the department of social and health services.

(11) "Health insurance coverage" is another term for, and included in the definition of, "health care coverage." Health insurance coverage includes any coverage under which medical services are provided by an employer or a union whether that coverage is provided through a self-insurance program, under the employee retirement income security act of 1974, a commercial insurer pursuant to chapters 48.20 and 48.21 RCW, a health care service contractor pursuant to chapter 48.44 RCW, or a health maintenance organization pursuant to chapter 48.46 RCW, and the state through chapter 41.05 RCW.

(12) "Insurer" means a commercial insurance company providing disability insurance under chapter 48.20 or 48.21 RCW, a health care service contractor providing health care coverage under chapter 48.44 RCW, a health maintenance organization providing comprehensive health care services under chapter 48.46 RCW, and shall also include any employer or union which is providing health insurance coverage on a self-insured basis.

(13) "Remuneration for employment" means moneys due from or payable by the United States to an individual within the scope of 42 U.S.C. Sec. 659 and 42 U.S.C. Sec. 662(f).

(14) "Health care coverage" means fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child or children. The term "health care coverage" includes, but is not limited to, health insurance coverage.

(15) "Public health care coverage," sometimes called "state purchased health care," means state-financed or federally financed medical coverage, whether or not there is an assignment of rights. For children residing in Washington state, this includes coverage through the department of social and health services or the health care authority, except for coverage under chapter 41.05 RCW; for children residing outside of Washington, this includes coverage through another state's agencies that administer state purchased health care programs.

Sec. 103. RCW 26.18.170 and 2009 c 476 s 2 are each amended to read as follows:

(1) Whenever a parent has been ordered to provide medical support for a dependent child, the department or the other parent may seek enforcement of the medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible health care coverage for the child (~~((through private insurance))~~), that parent has satisfied his or her obligation to provide health (~~(insurance))~~ care coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) An obligated parent may satisfy his or her health care coverage obligation by enrolling the child in public health care coverage, but that parent is also required to provide accessible health insurance coverage for the child if it is available at no cost through the parent's employer or union.

(3) The fact that one parent enrolled the child in public health care coverage does not satisfy the other parent's health care coverage obligation unless the support order provides otherwise. A parent may satisfy the obligation to provide health care coverage by:

(a) First enrolling the child in available and accessible health insurance coverage through the parent's employer or union if such coverage is available for no more than twenty-five percent of the parent's basic support obligation;

(b) If there is no accessible health insurance coverage for the child available through the parent's employer or union, contributing a proportionate share of any premium paid by the other parent or the state for public health care coverage for the child.

(4) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.

~~((3))~~ (5) A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

~~((4))~~ (6)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives ~~((state-financed-medical))~~ public health care coverage ~~((through the department under chapter 74.09 RCW))~~ for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the

premium which are passed through to the family in accordance with federal law.

~~((5))~~ (7)(a) If the order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((8))~~ (10) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

~~((6))~~ (8) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

~~((7))~~ (9) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(a) The parent seeking enforcement may, without further notice to the obligated parent, send a certified copy of the order requiring health insurance coverage to the parent's employer or union by certified mail, return receipt requested; and

(b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((8))~~ (10) of this section.

~~((8))~~ (10) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((9))~~ (11) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ~~((5))~~ (7) of this section.

~~((10))~~ (12) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((11))~~ (13) If the department serves a notice under subsection ~~((10))~~ (12) of this section the parent required to provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((12))~~ (14) If the parent seeking enforcement serves a notice under subsection ~~((10))~~ (12) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that he or she has either applied for, or obtained, coverage accessible to the child.

~~((13))~~ (15) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((10))~~ (12) of this section to the party who served the notice, the party who served the notice may purchase

the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((14))~~ (16) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((15))~~ (17) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((16))~~ (18) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer

offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((17))~~ (19) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the parent seeking reimbursement of medical expenses may enforce collection of the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

(b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

~~((18))~~ (20) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) ~~("Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~(d)~~ "Uninsured medical expenses" includes premiums, copays, deductibles,

along with other health care costs not covered by insurance.

~~((c))~~ (d) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

~~((f))~~ (e) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

~~((19))~~ (21) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 104. RCW 26.23.050 and 2009 c 476 s 4 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health ~~((insurance))~~ care coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health ((insurance)) care coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health ((insurance)) care coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding

assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real

and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health ((insurance)) care coverage at reasonable cost and, if so, the health ((insurance policy)) care coverage information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide medical support for his or her child through health ((insurance)) care coverage if:

(i) The obligated parent provides accessible coverage for the child through private ((insurance)) or public health care coverage; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health ((insurance)) care coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health ((insurance)) care coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

(k) The reasons for not ordering health ((insurance)) care coverage if the order fails to require such coverage;

(l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

(m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry

under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 105. RCW 26.26.165 and 1994 c 230 s 17 are each amended to read as follows:

(1) In entering or modifying a support order under this chapter, the court shall require either or both parents to maintain or provide health ((~~insurance~~)) care coverage for any dependent child as provided under RCW 26.09.105.

(2) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health costs, or insurance premiums which are in addition to and not inconsistent with this section. ((~~"Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.~~))

(3) A parent ordered to provide health ((~~insurance~~)) care coverage shall provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The physical custodian; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

(4) Every order requiring a parent to provide health ((~~insurance~~)) care coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 106. RCW 26.26.375 and 2011 c 283 s 20 are each amended to read as follows:

(1) After the period for rescission of an acknowledgment of paternity provided in RCW 26.26.330 has passed, a parent executing an acknowledgment of paternity of the child named therein may commence a judicial proceeding for:

(a) Making residential provisions or a parenting plan with regard to the minor

child on the same basis as provided in chapter 26.09 RCW; or

(b) Establishing a child support obligation under chapter 26.19 RCW and maintaining health (~~insurance~~) care coverage under RCW 26.09.105.

(2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this section shall be titled "In re the parenting and support of...."

(3) Before the period for a challenge to the acknowledgment or denial of paternity has elapsed under RCW 26.26.335, the petitioner must specifically allege under penalty of perjury, to the best of the petitioner's knowledge, that: (a) No man other than the man who executed the acknowledgment of paternity is the father of the child; (b) there is not currently pending a proceeding to adjudicate the parentage of the child or that another man is adjudicated the child's father; and (c) the petitioner has provided notice of the proceeding to any other men who have claimed parentage of the child. Should the respondent or any other person appearing in the action deny the allegations, a permanent parenting plan or residential schedule may not be entered for the child without the matter being converted to a proceeding to challenge the acknowledgment of paternity under RCW 26.26.335 and 26.26.340. A copy of the acknowledgment of paternity or the birth certificate issued by the state in which the child was born must be filed with the petition or response. The court may convert the matter to a proceeding to challenge the acknowledgment on its own motion.

Sec. 107. RCW 74.20A.055 and 2009 c 476 s 7 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding

shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to

all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that ~~((either))~~ one or both parents are responsible for either:

(i) Providing health ~~((insurance))~~ care coverage for ~~((his or her))~~ the child if accessible coverage that can ~~((be extended to))~~ cover the child ~~((either))~~;

(A) Is available through ~~((private))~~ health insurance ~~((which is accessible to the child or through coverage that))~~ or public health care coverage; or

(B) Is or becomes available to the parent through that parent's employment or ~~((is union related,))~~ union; or ~~((for))~~

(ii) Paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and

determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to

justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon

a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 108. RCW 74.20A.056 and 2009 c 476 s 8 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father.

The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health ~~((insurance))~~ care coverage for their child either through ~~((private))~~ health insurance or public health care coverage, which is accessible to the child, or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An

application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's

maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health ~~((insurance))~~ care coverage for ~~((his or her))~~ the child if accessible

coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 109. RCW 74.20A.059 and 2009 c 476 s 9 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the

amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health (~~insurance~~) care coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is

receiving the support transfer payments is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

Sec. 110. RCW 74.20A.300 and 2009 c 476 s 6 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require either or both parents to provide medical support for any dependent child, in the nature of health (~~(insurance)~~) care coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

~~(2) ("Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.~~

~~(3))~~ A parent ordered to provide health (~~(insurance)~~) care coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

~~((4))~~ (3) A parent required to provide health (~~(insurance)~~) care coverage must notify the department and the other parent when coverage terminates.

~~((5))~~ (4) Every order requiring a parent to provide health (~~(insurance)~~)

care coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

PART II

ELECTRONIC PAYMENTS

NEW SECTION. **Sec. 201.** A new section is added to chapter 26.23 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic funds transfer" means any transfer of funds, other than a transaction originated or accomplished by conventional check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit a checking or other deposit account. "Electronic funds transfer" includes payments made:

(i) By electronic check (echeck); and

(ii) By any means made available through the division of child support's web-based payment services.

(b) "Income withholding order" means an order to withhold income, order to withhold and deliver, or notice of payroll deduction issued under this chapter or chapter 26.10, 26.18, 74.20, or 74.20A RCW.

(c) "Payroll processor" means a person, entity, agent, or company which provides payroll services to an employer or other business such as calculating paychecks and providing electronic funds transfer services for payments to employees and other entities.

(2) Except as provided in subsection (4) of this section, an employer or other business that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry must remit payments through electronic funds transfer when the following conditions apply:

(a) The income withholding order applies to a person who is either an employee or contractor of the business, and the employer or business has:

(i) Ten or more employees; or

(ii) Ten or more contractors;

(b) The employer or business has received an income withholding order for more than one employee or contractor, even if the employer or business has fewer than ten employees or contractors, but has received an income withholding order for more than one employee or contractor;

(c) The employer or business uses a payroll processor to handle its payroll, payment, and tax processes and the payroll processor has the capacity to transmit payments through electronic funds transfer; or

(d) The employer or business is required by the department of revenue to file and pay taxes electronically under RCW 82.32.080.

(3) All electronic funds transfer payments must identify the person from whom the payment was withheld, the amount of the payment, the person's identifying number assigned by the division of child support, or the division of child support case number to which the payment is to be applied. If a business, employer, or payroll processor required to remit payments by electronic funds transfer under this section fails to comply with this requirement, the division of child support may issue a notice of noncompliance pursuant to RCW 74.20A.350.

(4) The department may waive the requirement to remit payments electronically for a business, employer, or payroll processor that is unable to comply despite good faith efforts or due to circumstances beyond that entity's reasonable control. Grounds for approving a waiver include, but are not limited to, circumstances in which:

(a) The business, employer, or payroll processor does not have a computer that meets the minimum standards necessary for electronic remittance;

(b) Additional time is needed to program the entity's computer;

(c) The business, employer, or payroll processor does not currently file data electronically with any business or government agency;

(d) Compliance conflicts with the entity's business procedures;

(e) Compliance would cause a financial hardship.

(5) The department has the discretion to terminate a waiver granted under subsection (4) of this section if:

(a) The business or employer has received at least one income withholding order for a person or employee and has failed to withhold or failed to withhold within the time provided in the order at least twice;

(b) The business, employer, or payroll processor has submitted at least one dishonored check; or

(c) The business, employer, or payroll processor continues to incorrectly identify withholdings or makes other errors that affect proper distribution of the support, despite contact and information from the department on how to correct the error.

(6) The department of social and health services has rule-making authority to enact rules in compliance with this section, including, but not limited to:

(a) The necessary conditions required for a business, employer, or payroll processor to electronically remit child support payments to the Washington state support registry;

(b) Options for electronic funds transfers and the process by which one must comply in order to establish such payment arrangements;

(c) Which types of payment meet the definition of electronic funds transfer; and

(d) Reasons for exemption from the requirement to remit funds by electronic funds transfer.

Sec. 202. RCW 74.20A.350 and 1997 c 58 s 893 are each amended to read as follows:

(1) The division of child support may issue a notice of noncompliance to any person, firm, entity, or agency of state or federal government that the division believes is not complying with:

(a) A notice of payroll deduction issued under chapter 26.23 RCW;

(b) A lien, order to withhold and deliver, or assignment of earnings issued under this chapter;

(c) Any other wage assignment, garnishment, attachment, or withholding instrument properly served by the agency

or firm providing child support enforcement services for another state, under Title IV-D of the federal social security act;

(d) A subpoena issued by the division of child support, or the agency or firm providing child support enforcement for another state, under Title IV-D of the federal social security act;

(e) An information request issued by the division of child support, or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, to an employer or entity required to respond to such requests under RCW 74.20A.360; (~~or~~)

(f) The duty to report newly hired employees imposed by RCW 26.23.040; or

(g) The duty of a business, employer, or payroll processor that has received an income withholding order from the department of social and health services requiring payment to the Washington state support registry to remit withheld funds by electronic means imposed by section 201 of this act.

(2) Liability for noncompliance with a wage withholding, garnishment, order to withhold and deliver, or any other lien or attachment issued to secure payment of child support is governed by RCW 26.23.090 and 74.20A.100, except that liability for noncompliance with remittance time frames is governed by subsection (~~(3)~~) (4) of this section.

(3) Fines for noncompliance by a business, employer, or payroll processor with the duty to remit withheld funds by electronic means imposed by section 201 of this act are governed by subsection (4)(c) of this section.

(4) The division of child support may impose fines of up to one hundred dollars per occurrence for:

(a) Noncompliance with a subpoena or an information request issued by the division of child support, or the agency or firm providing child support enforcement services for another state under Title IV-D of the federal social security act;

(b) Noncompliance with the required time frames for remitting withheld support moneys to the Washington state support registry, or the agency or firm providing child support enforcement services for another state, except that

no liability shall be established for failure to make timely remittance unless the division of child support has provided the person, firm, entity, or agency of state or federal government with written warning:

(i) Explaining the duty to remit withheld payments promptly;

(ii) Explaining the potential for fines for delayed submission; and

(iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues;

(c) A business, employer, or payroll processor's noncompliance with the duty to remit withheld funds by electronic means imposed by section 201 of this act. The division of child support may not impose fines for failure to comply with this requirement unless it has provided the person, firm, entity, or agency of state or federal government with written warning:

(i) Explaining the duty to remit withheld payments by electronic means;

(ii) Explaining the potential for fines for failure to remit withheld payments by electronic means when required under section 201 of this act; and

(iii) Providing a contact person within the division of child support with whom the person, firm, entity, or agency of state or federal government may seek assistance with child support withholding issues.

~~((4))~~ (5) The division of child support may assess fines according to RCW 26.23.040 for failure to comply with employer reporting requirements.

~~((5))~~ (6) The division of child support may suspend licenses for failure to comply with a subpoena issued under RCW 74.20.225.

~~((6))~~ (7) The division of child support may serve a notice of noncompliance by personal service or by any method of mailing requiring a return receipt.

~~((7))~~ (8) The liability asserted by the division of child support in the notice of noncompliance becomes final and collectible on the twenty-first day after the date of service, unless within that

time the person, firm, entity, or agency of state or federal government:

(a) Initiates an action in superior court to contest the notice of noncompliance;

(b) Requests a hearing by delivering a hearing request to the division of child support in accordance with rules adopted by the secretary under this section; or

(c) Contacts the division of child support and negotiates an alternate resolution to the asserted noncompliance or demonstrates that the person, firm, entity, or agency of state or federal government has complied with the child support processes.

~~((8))~~ (9) The notice of noncompliance shall contain:

(a) A full and fair disclosure of the rights and obligations created by this section; and

(b) Identification of the:

(i) Child support process with respect to which the division of child support is alleging noncompliance; and

(ii) State child support enforcement agency issuing the original child support process.

~~((9))~~ (10) In an administrative hearing convened under subsection ~~((7))~~ (8)(b) of this section, the presiding officer shall determine whether or not, and to what extent, liability for noncompliance exists under this section, and shall enter an order containing these findings. If liability does exist, the presiding officer shall include language in the order advising the parties to the proceeding that the liability may be collected by any means available to the division of child support under subsection ~~((12))~~ (13) of this section without further notice to the liable party.

~~((10))~~ (11) Hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW.

~~((11))~~ (12) After the twenty days following service of the notice, the person, firm, entity, or agency of state or federal government may petition for a late hearing. A petition for a late hearing does not stay any collection action to recover the debt. A late hearing is available upon a showing of

any of the grounds stated in civil rule 60 for the vacation of orders.

~~((12))~~ (13) The division of child support may collect any obligation established under this section using any of the remedies available under chapter 26.09, 26.18, 26.21A, 26.23, 74.20, or 74.20A RCW for the collection of child support.

~~((13))~~ (14) The division of child support may enter agreements for the repayment of obligations under this section. Agreements may:

(a) Suspend the obligation imposed by this section conditioned on future compliance with child support processes. Such suspension shall end automatically upon any failure to comply with a child support process. Amounts suspended become fully collectible without further notice automatically upon failure to comply with a child support process;

(b) Resolve amounts due under this section and provide for repayment.

~~((14))~~ (15) The secretary may adopt rules to implement this section.

PART III

ECONOMIC TABLE

Sec. 301. RCW 26.19.020 and 2009 c 84 s 1 are each amended to read as follows:

~~((ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION
PER CHILD
KEY: A= AGE 0-11 B= AGE 12-18~~

COMBINE				
+				
MONTHLY	ONE		TWO	
NET	CHILD		CHILDRE	
			*	
INCOME	FAMILY		FAMILY	
	A	B	A	E

~~For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).~~

0	20	72	71	11	0				
0					4	06	26	93	86
1	42	99	88	32	0				
2	64	26	05	53	5	26	50	08	05
3	85	52	21	74	6	34	61	16	13
4	07	79	38	94	7	42	70	21	20
5	27	04	54	13	8	49	79	27	27
6	47	28	69	33	9	56	86	31	33
7	67	53	85	52	0	61	93	36	38
8	87	78	00	71	1	66	99	39	43
9	07	03	16	90	2	69	04	42	46
0	27	27	31	09	3	73	08	45	49
1	47	52	47	29	4	74	10	46	51
2	67	77	62	48	5	75	11	47	52
3	87	01	78	67	6	77	12	48	53

7	5	7	4	5	0				
0	78	13	49	54	0				
0									
0							7	9	5
0						1	51	28	84
0						0			20
0	5	7	4	5	0				
0	81	19	52	58	0				
0									
0							7	9	5
0						2	63	43	93
0						0			32
0	5	7	4	5	0				
0	96	36	63	72	0				
0									
0							7	9	6
0						3	76	59	02
0						0			44
0	6	7	4	5	0				
0	09	53	73	84	0				
0									
0							7	9	6
0						4	88	74	12
0						0			56
0	6	7	4	5	0				
0	23	70	84	98	0				
0									
0							0	9	6
0						5	00	89	22
0						0			68
0	6	7	4	6	0				
0	38	88	95	11	0				
0									
0							0	1	6
0						6	12	004	32
0						0			79
0	6	0	5	6	0				
0	51	05	06	25	0				
0									
0							0	1	6
0						7	25	019	41
0						0			91
0	6	0	5	6	0				
0	64	21	16	37	0				
0									
0							0	1	6
0						0	37	035	50
0						0			03
0	6	0	5	6	0				
0	77	36	25	49	0				
0									
0							0	1	6
0						9	50	050	60
0						0			15
0	6	0	5	6	0				
0	89	51	35	61	0				
0									
0							0	1	6
0						0	62	065	70
0						0			27
0	7	0	5	6	0				
0	01	66	45	73	0				
0									
0							0	1	6
0						1	75	081	80
0						0			39
0	7	0	5	6	0				
0	13	82	54	85	0				
0									
0							0	1	6
0						2	87	096	89
0						0			51
0	7	0	5	6	0				
0	26	97	64	97	0				
0									
0							0	1	6
0						3	99	112	99
0						0			63
0	7	9	5	7	0				
0	38	12	74	08	0				

4	9	1	7	€	0				
0	11	127	09	75	0				
0									
							1	1	0
							078	333	39
									03
5	9	1	7	€	0				7
0	24	142	18	87	0				
0									
							1	1	0
							089	346	48
									04
6	9	1	7	€	0				8
0	36	157	28	99	0				
0									
							1	1	0
							100	360	57
									05
7	9	1	7	€	0				9
0	49	172	37	11	0				
0									
							1	1	0
							112	374	65
									06
8	9	1	7	€	0				9
0	61	188	47	23	0				
0									
							1	1	0
							123	387	74
									08
9	9	1	7	€	0				0
0	74	203	57	35	0				
0									
							1	1	0
							134	401	82
									09
0	9	1	7	€	0				1
0	86	218	67	46	0				
0									
							1	1	0
							144	414	91
									10
1	9	1	7	€	0				1
0	98	233	76	58	0				
0									
							1	1	0
							155	428	99
									11
2	1	1	7	€	0				2
0	009	248	85	71	0				
0									
							1	1	0
							166	441	08
									12
3	1	1	7	€	0				2
0	021	262	94	82	0				
0									
							1	1	0
							177	454	16
									13
4	1	1	0	€	0				3
0	033	276	03	93	0				
0									
							1	1	0
							187	467	25
									14
5	1	1	0	1	0				3
0	044	290	12	00	0				
0				4					
							1	1	0
							198	481	33
									15
6	1	1	0	1	0				3
0	055	305	21	01	0				
0				5					
							1	1	0
							208	493	41
									16
7	1	1	0	1	0				3
	067	319	30	02	0				
				6					

±	±	±	9	1	0				
±	219	506	49	17	0				
0				3					
0							±	±	±
							348	666	051
									29
									9
±	±	±	9	1	4				
±	229	519	57	18	0				
0				3	0				
0									
±	±	±	9	1	0		±	±	±
±	239	532	66	19	0		358	678	059
0				3	5				30
0					0				8
0									
±	±	±	9	1	0		±	±	±
±	250	545	74	20	0		367	690	066
0				3	6				31
0					0				8
0									
±	±	±	9	1	0				
±	260	557	82	21	0		±	±	±
0				3	0		377	701	073
0					7				32
0									7
0									
±	±	±	9	1	0				
±	270	570	89	22	0				
0				3	0				
0							±	±	±
							386	713	081
									33
									6
±	±	±	9	1	0				
±	280	582	97	23	0				
0				3	0				
0									
±	±	±	±	1	0		±	±	±
±	290	594	005	24	0		395	724	088
0				2	0				34
0									5
0									
±	±	±	±	1	±		±	±	±
±	300	606	013	25	0		404	736	095
0				2	0				35
0									4
0									
±	±	±	±	1	±		±	±	±
±	310	619	021	26	0		413	747	102
0				2	±				36
0					±				3
0									
±	±	±	±	1	±		±	±	±
±	319	631	028	27	0		422	758	110
0				±	±				37
0					2				±
0									
±	±	±	±	1	±		±	±	±
±	329	643	036	28	0		431	769	117
0				±	±				38
0					3				0
0									
±	±	±	±	1	±		±	±	±
±	339	655	044	29	0		440	780	124
0				0	±				38
0					4				9

0					1	143	1	1	1	1
0					00		77	21	49	05
					0					0
1	449	791	131	39						
5				8	1	157	1	1	1	1
0					10		94	33	64	16
0					0					3
1	458	802	138	40	1	171	2	1	1	1
6				6	20		11	44	79	26
0					0					5
0										6
1	467	813	145	41	1	185	2	1	1	1
7				5	30		28	56	93	36
0					0					6
0										8
1	475	823	151	42	1	199	2	1	2	1
8				3	40		46	68	08	47
0					0					8
0										1
1	484	834	158	43	1	212	2	1	2	1
9				1	60		78	90	35	66
0					0					0
0										5
2	492	844	165	44	1	238	2	2	2	1
0				0	70		94	01	48	75
0					0					1
0										7
2					1	251	1	2	2	1
0					80		10	12	62	85
0					0					2
0										8
00					1	264	1	2	2	1
MDINE					90		26	23	75	94
0					0					4
										0
MO	THREE		FOUR		2	277	1	2	2	2
NTHLY				FI	00		42	34	89	04
				VE	0					5
										2
NE	CHILDREN		CHILDREN		2	289	1	2	3	2
F				CH	10		58	45	03	13
				ILDRE	0					6
				N						4
IN	FAMILY		FAMILY		2	302	1	2	3	2
COME				FA	20		74	56	16	23
				MILY	0					7
	A		E	A						6
			B	A						
				Z						
					2	315	1	2	3	2
					30		90	67	30	33
					0					8
										8
					2	328	4	2	3	2
					40		06	78	43	42
					0					9
										9

~~For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).~~

50 0	2	341	4	2	3	2	4	395	4	3	4	2	6
			21	88	56	51	1	00	88	34	13	91	6
							1	0					0
60 0	2	346	4	2	3	2	4	404	5	3	4	2	6
			28	93	62	56	1	10	00	41	22	98	6
							6	0					8
70 0	2	351	4	2	3	2	4	413	5	3	4	2	7
			35	98	68	59	2	20	11	50	31	05	7
							1	0					7
80 0	2	356	4	3	3	2	4	422	5	3	4	2	8
			40	01	72	62	2	30	22	57	41	11	8
							4	0					5
90 0	2	360	4	3	3	2	4	431	5	3	4	2	9
			45	05	76	66	2	40	32	64	49	17	9
							8	0					2
00 0	2	364	4	3	3	2	4	438	5	3	4	2	0
			49	08	80	68	3	50	42	71	58	23	0
							1	0					0
10 0	2	367	4	3	3	2	4	446	5	3	4	2	0
			53	10	83	70	3	60	52	77	67	29	0
							4	0					7
20 0	2	369	4	3	3	2	4	455	5	3	4	2	1
			57	12	86	72	3	70	62	84	75	35	1
							6	0					4
30 0	2	371	4	3	3	2	4	463	5	3	4	2	2
			59	14	88	73	3	80	72	91	83	41	2
							9	0					2
40 0	2	372	4	3	3	2	4	470	5	3	4	2	2
			60	15	89	74	4	90	81	98	91	47	2
							0	0					9
50 0	2	373	4	3	3	2	5	479	5	4	5	2	3
			61	16	90	75	4	00	92	04	00	53	3
							1	0					7
60 0	2	374	4	3	3	2	5	487	6	4	5	2	4
			62	17	91	76	4	10	02	11	09	59	4
							2	0					3
70 0	2	375	4	3	3	2	5	494	6	4	5	2	5
			63	18	92	77	4	20	11	18	17	65	5
							3	0					1
80 0	2	377	4	3	3	2	5	503	6	4	5	2	5
			66	19	94	78	4	30	21	25	25	71	5
							4	0					8
90 0	2	386	4	3	4	2	5	511	6	4	5	2	6
			77	26	04	84	5	40	32	32	33	77	6
							2	0					6

50 0	€	518	€	4	5	€	7	639	7	5	6	4
		41	39	42	83	7	00	90	40	68	72	8
						3	0					3
60 0	€	527	€	4	5	€	7	647	€	5	6	4
		51	46	51	89	8	10	00	47	77	78	9
						0	0					1
70 0	€	535	€	4	5	€	7	654	€	5	6	4
		61	52	59	95	8	20	09	54	84	84	9
						8	0					8
80 0	€	543	€	4	5	4	7	662	€	5	6	4
		71	59	67	01	9	30	18	60	93	90	0
						5	0					5
90 0	€	551	€	4	5	4	7	670	€	5	7	4
		81	66	75	07	0	40	28	67	01	96	1
						2	0					3
00 0	€	559	€	4	5	4	7	677	€	5	7	5
		91	73	84	13	0	50	37	74	09	02	2
						9	0					0
10 0	€	567	7	4	5	4	7	685	€	5	7	5
		01	79	93	18	1	60	46	81	18	07	2
						7	0					7
20 0	€	575	7	4	6	4	7	692	€	5	7	5
		10	86	01	24	2	70	55	87	26	13	3
						4	0					4
30 0	€	583	7	4	6	4	7	700	€	5	7	5
		21	93	09	30	3	80	65	94	34	19	4
						2	0					2
40 0	€	591	7	5	6	4	7	707	€	6	7	5
		31	00	17	36	3	90	74	01	42	25	4
						9	0					9
50 0	€	599	7	5	6	4	€	714	€	6	7	5
		40	06	26	42	4	00	83	07	50	31	5
						6	0					6
60 0	€	607	7	5	6	4	€	722	€	6	7	5
		50	13	35	48	5	10	92	14	59	36	6
						4	0					3
70 0	€	615	7	5	6	4	€	729	€	6	7	5
		61	20	43	54	6	20	01	20	67	42	7
						1	0					0
80 0	€	623	7	5	6	4	€	736	€	6	7	5
		70	27	51	60	6	30	10	27	75	48	7
						8	0					7
90 0	€	631	7	5	6	4	€	743	€	6	7	5
		80	33	59	66	7	40	19	33	83	53	8
						5	0					4

€	750	€	6	7	€	1	853	1	7	9	€
50		28	40	91	59	9		05	34	07	41
0						1		4			3
€	758	€	6	7	€	1	859	1	7	9	€
60		36	46	99	65	9		06	40	15	47
0						8		2			9
€	765	€	6	8	€	1	866	1	7	9	€
70		45	53	07	70	0		07	46	22	52
0						5		0			6
€	772	€	6	8	€	1	872	1	7	9	€
80		54	59	15	76	1		07	52	30	57
0						2		8			2
€	779	€	6	8	€	1	879	1	7	9	€
90		62	65	22	82	1		08	58	37	62
0						9		6			9
€	786	€	6	8	€	1	885	1	7	9	€
00		71	72	30	87	2		09	64	44	68
0						6		4			5
€	792	€	6	8	€	1	891	1	7	9	€
10		80	78	38	93	3		10	70	52	73
0						2		2			2
€	799	€	6	8	€	1	898	1	7	9	€
20		88	84	46	98	3		10	76	59	78
0						9		9			8
€	806	€	6	8	€	1	904	1	7	9	€
30		96	91	54	04	4		11	82	66	83
0						6		7			4
€	813	1	6	8	€	1	910	1	7	9	€
40		00	97	61	09	5		12	88	74	88
0		5				3		5			1
€	820	1	7	8	€	1	916	1	7	9	€
50		01	03	69	14	5		13	94	81	93
0		3				9		2			7
€	826	1	7	8	€	1	922	1	7	9	€
60		02	09	77	20	6		14	99	88	98
0		1				6		0			3
€	833	1	7	8	€	1	928	1	8	9	€
70		03	16	84	25	7		14	05	95	03
0		0				3		7			9
€	840	1	7	8	€	1	934	1	8	1	€
80		03	22	92	31	7		15	11	002	08
0		8				9		5			6
€	846	1	7	9	€	1	940	1	8	1	€
90		04	28	00	36	8		16	17	009	14
0		6				6		2			2

1	946	1	8	1	7	1700	368	284
15		17	22	017	19	1800	390	301
00		0			8			
1	952	1	8	1	7	1900	412	317
16		17	28	024	23	2000	433	334
00		7			4			
1	958	1	8	1	7	2100	455	350
17		18	34	031	28	2200	477	367
00		4			0			
1	964	1	8	1	7	2300	499	384
18		19	39	038	33	2400	521	400
00		1			6			
1	970	1	8	1	7	2500	543	417
19		19	45	045	38	2600	565	433
00		9			2			
1	975	1	8	1	7	2700	587	450
20		20	51	051	43	2800	609	467
00		6			9			
					)	2900	630	483
)			
						3000	652	500
						<u>ECONOMIC TABLE</u>		
						<u>MONTHLY BASIC SUPPORT OBLIGATION</u>		
						<u>PER CHILD</u>		
						<u>COMBINED</u>		
						<u>MONTHLY</u>		
						<u>ONE</u>		
						<u>TWO</u>		
						<u>NET</u>		
						<u>CHILD</u>		
						<u>CHILDRE</u>		
						<u>N</u>		
						<u>INCOME</u>		
						<u>FAMILY</u>		
						<u>FAMILY</u>		
						3600	784	599
						3700	803	614
						3800	816	624
						3900	830	634
						4000	843	643
						4100	857	653
						4200	867	660
						4300	877	668
						4400	887	675
						4500	896	682
						4600	906	689
						4700	916	697
						4800	927	705

For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).

<u>4900</u>	<u>939</u>	<u>714</u>	<u>8100</u>	<u>1280</u>	<u>968</u>
<u>5000</u>	<u>951</u>	<u>723</u>	<u>8200</u>	<u>1290</u>	<u>975</u>
<u>5100</u>	<u>963</u>	<u>732</u>	<u>8300</u>	<u>1299</u>	<u>981</u>
<u>5200</u>	<u>975</u>	<u>741</u>	<u>8400</u>	<u>1308</u>	<u>987</u>
<u>5300</u>	<u>987</u>	<u>750</u>	<u>8500</u>	<u>1316</u>	<u>994</u>
<u>5400</u>	<u>999</u>	<u>759</u>	<u>8600</u>	<u>1325</u>	<u>1000</u>
<u>5500</u>	<u>1011</u>	<u>768</u>	<u>8700</u>	<u>1334</u>	<u>1007</u>
<u>5600</u>	<u>1023</u>	<u>777</u>	<u>8800</u>	<u>1343</u>	<u>1013</u>
<u>5700</u>	<u>1030</u>	<u>782</u>	<u>8900</u>	<u>1352</u>	<u>1019</u>
<u>5800</u>	<u>1036</u>	<u>786</u>	<u>9000</u>	<u>1361</u>	<u>1026</u>
<u>5900</u>	<u>1042</u>	<u>791</u>	<u>9100</u>	<u>1370</u>	<u>1032</u>
<u>6000</u>	<u>1048</u>	<u>795</u>	<u>9200</u>	<u>1379</u>	<u>1040</u>
<u>6100</u>	<u>1054</u>	<u>800</u>	<u>9300</u>	<u>1387</u>	<u>1047</u>
<u>6200</u>	<u>1061</u>	<u>804</u>	<u>9400</u>	<u>1396</u>	<u>1055</u>
<u>6300</u>	<u>1067</u>	<u>809</u>	<u>9500</u>	<u>1405</u>	<u>1062</u>
<u>6400</u>	<u>1073</u>	<u>813</u>	<u>9600</u>	<u>1414</u>	<u>1069</u>
<u>6500</u>	<u>1081</u>	<u>819</u>	<u>9700</u>	<u>1423</u>	<u>1077</u>
<u>6600</u>	<u>1096</u>	<u>830</u>	<u>9800</u>	<u>1432</u>	<u>1084</u>
<u>6700</u>	<u>1111</u>	<u>842</u>	<u>9900</u>	<u>1441</u>	<u>1092</u>
<u>6800</u>	<u>1126</u>	<u>853</u>	<u>10000</u>	<u>1451</u>	<u>1099</u>
<u>6900</u>	<u>1141</u>	<u>864</u>	<u>10100</u>	<u>1462</u>	<u>1107</u>
<u>7000</u>	<u>1156</u>	<u>875</u>	<u>10200</u>	<u>1473</u>	<u>1114</u>
<u>7100</u>	<u>1170</u>	<u>886</u>	<u>10300</u>	<u>1484</u>	<u>1122</u>
<u>7200</u>	<u>1185</u>	<u>898</u>	<u>10400</u>	<u>1495</u>	<u>1129</u>
<u>7300</u>	<u>1200</u>	<u>909</u>	<u>10500</u>	<u>1507</u>	<u>1136</u>
<u>7400</u>	<u>1212</u>	<u>918</u>	<u>10600</u>	<u>1518</u>	<u>1144</u>
<u>7500</u>	<u>1222</u>	<u>925</u>	<u>10700</u>	<u>1529</u>	<u>1151</u>
<u>7600</u>	<u>1231</u>	<u>932</u>	<u>10800</u>	<u>1539</u>	<u>1159</u>
<u>7700</u>	<u>1241</u>	<u>939</u>	<u>10900</u>	<u>1542</u>	<u>1161</u>
<u>7800</u>	<u>1251</u>	<u>946</u>	<u>11000</u>	<u>1545</u>	<u>1164</u>
<u>7900</u>	<u>1261</u>	<u>953</u>	<u>11100</u>	<u>1548</u>	<u>1166</u>
<u>8000</u>	<u>1270</u>	<u>960</u>	<u>11200</u>	<u>1551</u>	<u>1169</u>

<u>11300</u>	<u>1554</u>	<u>1172</u>		<u>180</u>	<u>245</u>	<u>205</u>	<u>1</u>
				<u>0</u>			<u>80</u>
<u>11400</u>	<u>1556</u>	<u>1174</u>		<u>190</u>	<u>258</u>	<u>216</u>	<u>1</u>
<u>11500</u>	<u>1559</u>	<u>1177</u>		<u>0</u>			<u>90</u>
<u>11600</u>	<u>1562</u>	<u>1179</u>		<u>200</u>	<u>271</u>	<u>227</u>	<u>2</u>
				<u>0</u>			<u>00</u>
<u>11700</u>	<u>1565</u>	<u>1182</u>		<u>210</u>	<u>285</u>	<u>239</u>	<u>2</u>
<u>11800</u>	<u>1568</u>	<u>1184</u>		<u>0</u>			<u>10</u>
<u>11900</u>	<u>1571</u>	<u>1187</u>		<u>220</u>	<u>298</u>	<u>250</u>	<u>2</u>
				<u>0</u>			<u>20</u>
<u>12000</u>	<u>1573</u>	<u>1190</u>		<u>230</u>	<u>311</u>	<u>261</u>	<u>2</u>
				<u>0</u>			<u>30</u>
COMBI				<u>240</u>	<u>325</u>	<u>272</u>	<u>2</u>
NED				<u>0</u>			<u>39</u>
MONTH	THREE	FOUR	FI				
LY	CHILDREN	CHILDRE	VE	<u>250</u>	<u>338</u>	<u>283</u>	<u>2</u>
		N	CH	<u>0</u>			<u>49</u>
NET	FAMILY	FAMILY	ILDRE	<u>260</u>	<u>351</u>	<u>294</u>	<u>2</u>
INCOM			N	<u>0</u>			<u>59</u>
E			FA	<u>270</u>	<u>365</u>	<u>305</u>	<u>2</u>
			MILY	<u>0</u>			<u>69</u>
				<u>280</u>	<u>378</u>	<u>317</u>	<u>2</u>
				<u>0</u>			<u>79</u>
				<u>290</u>	<u>391</u>	<u>328</u>	<u>2</u>
				<u>0</u>			<u>88</u>
				<u>300</u>	<u>405</u>	<u>339</u>	<u>2</u>
				<u>0</u>			<u>98</u>
<u>100</u>	<u>136</u>	<u>114</u>	<u>1</u>				
<u>0</u>			<u>00</u>	<u>310</u>	<u>418</u>	<u>350</u>	<u>3</u>
				<u>0</u>			<u>08</u>
<u>110</u>	<u>150</u>	<u>125</u>	<u>1</u>				
<u>0</u>			<u>10</u>	<u>320</u>	<u>431</u>	<u>361</u>	<u>3</u>
				<u>0</u>			<u>18</u>
<u>120</u>	<u>163</u>	<u>137</u>	<u>1</u>				
<u>0</u>			<u>20</u>	<u>330</u>	<u>444</u>	<u>372</u>	<u>3</u>
				<u>0</u>			<u>28</u>
<u>130</u>	<u>177</u>	<u>148</u>	<u>1</u>				
<u>0</u>			<u>30</u>	<u>340</u>	<u>458</u>	<u>384</u>	<u>3</u>
				<u>0</u>			<u>37</u>
<u>140</u>	<u>191</u>	<u>160</u>	<u>1</u>				
<u>0</u>			<u>41</u>	<u>350</u>	<u>471</u>	<u>395</u>	<u>3</u>
				<u>0</u>			<u>47</u>
<u>150</u>	<u>204</u>	<u>171</u>	<u>1</u>				
<u>0</u>			<u>51</u>	<u>360</u>	<u>484</u>	<u>406</u>	<u>3</u>
				<u>0</u>			<u>57</u>
<u>160</u>	<u>218</u>	<u>182</u>	<u>1</u>				
<u>0</u>			<u>61</u>	<u>370</u>	<u>496</u>	<u>416</u>	<u>3</u>
				<u>0</u>			<u>66</u>
<u>170</u>	<u>231</u>	<u>194</u>	<u>1</u>				
<u>0</u>			<u>71</u>	<u>380</u>	<u>503</u>	<u>422</u>	<u>3</u>
				<u>0</u>			<u>71</u>

For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).

<u>0</u>	<u>390</u>	<u>511</u>	<u>428</u>	<u>77</u> ³	<u>0</u>	<u>600</u>	<u>637</u>	<u>534</u>	<u>70</u> ⁴
<u>0</u>	<u>400</u>	<u>518</u>	<u>434</u>	<u>82</u> ³	<u>0</u>	<u>610</u>	<u>641</u>	<u>537</u>	<u>72</u> ⁴
<u>0</u>	<u>410</u>	<u>526</u>	<u>440</u>	<u>88</u> ³	<u>0</u>	<u>620</u>	<u>644</u>	<u>540</u>	<u>75</u> ⁴
<u>0</u>	<u>420</u>	<u>531</u>	<u>445</u>	<u>92</u> ³	<u>0</u>	<u>630</u>	<u>648</u>	<u>543</u>	<u>77</u> ⁴
<u>0</u>	<u>430</u>	<u>537</u>	<u>450</u>	<u>96</u> ³	<u>0</u>	<u>640</u>	<u>651</u>	<u>545</u>	<u>80</u> ⁴
<u>0</u>	<u>440</u>	<u>543</u>	<u>455</u>	<u>00</u> ⁴	<u>0</u>	<u>650</u>	<u>656</u>	<u>549</u>	<u>83</u> ⁴
<u>0</u>	<u>450</u>	<u>548</u>	<u>459</u>	<u>04</u> ⁴	<u>0</u>	<u>660</u>	<u>665</u>	<u>557</u>	<u>90</u> ⁴
<u>0</u>	<u>460</u>	<u>554</u>	<u>464</u>	<u>08</u> ⁴	<u>0</u>	<u>670</u>	<u>674</u>	<u>564</u>	<u>97</u> ⁴
<u>0</u>	<u>470</u>	<u>559</u>	<u>469</u>	<u>12</u> ⁴	<u>0</u>	<u>680</u>	<u>683</u>	<u>572</u>	<u>03</u> ⁵
<u>0</u>	<u>480</u>	<u>566</u>	<u>474</u>	<u>17</u> ⁴	<u>0</u>	<u>690</u>	<u>692</u>	<u>579</u>	<u>10</u> ⁵
<u>0</u>	<u>490</u>	<u>573</u>	<u>480</u>	<u>22</u> ⁴	<u>0</u>	<u>700</u>	<u>701</u>	<u>587</u>	<u>16</u> ⁵
<u>0</u>	<u>500</u>	<u>580</u>	<u>486</u>	<u>28</u> ⁴	<u>0</u>	<u>710</u>	<u>710</u>	<u>594</u>	<u>23</u> ⁵
<u>0</u>	<u>510</u>	<u>587</u>	<u>492</u>	<u>33</u> ⁴	<u>0</u>	<u>720</u>	<u>719</u>	<u>602</u>	<u>30</u> ⁵
<u>0</u>	<u>520</u>	<u>594</u>	<u>498</u>	<u>38</u> ⁴	<u>0</u>	<u>730</u>	<u>727</u>	<u>609</u>	<u>36</u> ⁵
<u>0</u>	<u>530</u>	<u>602</u>	<u>504</u>	<u>43</u> ⁴	<u>0</u>	<u>740</u>	<u>734</u>	<u>615</u>	<u>41</u> ⁵
<u>0</u>	<u>540</u>	<u>609</u>	<u>510</u>	<u>49</u> ⁴	<u>0</u>	<u>750</u>	<u>740</u>	<u>620</u>	<u>45</u> ⁵
<u>0</u>	<u>550</u>	<u>616</u>	<u>516</u>	<u>54</u> ⁴	<u>0</u>	<u>760</u>	<u>745</u>	<u>624</u>	<u>49</u> ⁵
<u>0</u>	<u>560</u>	<u>623</u>	<u>522</u>	<u>59</u> ⁴	<u>0</u>	<u>770</u>	<u>751</u>	<u>629</u>	<u>54</u> ⁵
<u>0</u>	<u>570</u>	<u>627</u>	<u>525</u>	<u>62</u> ⁴	<u>0</u>	<u>780</u>	<u>756</u>	<u>634</u>	<u>58</u> ⁵
<u>0</u>	<u>580</u>	<u>630</u>	<u>528</u>	<u>65</u> ⁴	<u>0</u>	<u>790</u>	<u>762</u>	<u>638</u>	<u>62</u> ⁵
<u>0</u>	<u>590</u>	<u>634</u>	<u>531</u>	<u>67</u> ⁴	<u>0</u>	<u>800</u>	<u>767</u>	<u>643</u>	<u>66</u> ⁵

<u>0</u>	<u>810</u>	<u>773</u>	<u>647</u>	<u>70</u> ⁵	<u>00</u>	<u>102</u>	<u>890</u>	<u>745</u>	<u>56</u> ⁶
<u>0</u>	<u>820</u>	<u>778</u>	<u>652</u>	<u>74</u> ⁵	<u>00</u>	<u>103</u>	<u>895</u>	<u>750</u>	<u>60</u> ⁶
<u>0</u>	<u>830</u>	<u>783</u>	<u>656</u>	<u>77</u> ⁵	<u>00</u>	<u>104</u>	<u>900</u>	<u>754</u>	<u>64</u> ⁶
<u>0</u>	<u>840</u>	<u>788</u>	<u>660</u>	<u>81</u> ⁵	<u>00</u>	<u>105</u>	<u>906</u>	<u>759</u>	<u>68</u> ⁶
<u>0</u>	<u>850</u>	<u>793</u>	<u>664</u>	<u>84</u> ⁵	<u>00</u>	<u>106</u>	<u>911</u>	<u>763</u>	<u>72</u> ⁶
<u>0</u>	<u>860</u>	<u>797</u>	<u>668</u>	<u>88</u> ⁵	<u>00</u>	<u>107</u>	<u>916</u>	<u>767</u>	<u>75</u> ⁶
<u>0</u>	<u>870</u>	<u>802</u>	<u>672</u>	<u>91</u> ⁵	<u>00</u>	<u>108</u>	<u>921</u>	<u>772</u>	<u>79</u> ⁶
<u>0</u>	<u>880</u>	<u>807</u>	<u>676</u>	<u>95</u> ⁵	<u>00</u>	<u>109</u>	<u>924</u>	<u>774</u>	<u>81</u> ⁶
<u>0</u>	<u>890</u>	<u>812</u>	<u>680</u>	<u>99</u> ⁵	<u>00</u>	<u>110</u>	<u>926</u>	<u>776</u>	<u>83</u> ⁶
<u>0</u>	<u>900</u>	<u>817</u>	<u>684</u>	<u>02</u> ⁶	<u>00</u>	<u>111</u>	<u>928</u>	<u>778</u>	<u>84</u> ⁶
<u>0</u>	<u>910</u>	<u>822</u>	<u>689</u>	<u>06</u> ⁶	<u>00</u>	<u>112</u>	<u>931</u>	<u>780</u>	<u>86</u> ⁶
<u>0</u>	<u>920</u>	<u>828</u>	<u>694</u>	<u>11</u> ⁶	<u>00</u>	<u>113</u>	<u>933</u>	<u>782</u>	<u>88</u> ⁶
<u>0</u>	<u>930</u>	<u>835</u>	<u>699</u>	<u>16</u> ⁶	<u>00</u>	<u>114</u>	<u>936</u>	<u>784</u>	<u>90</u> ⁶
<u>0</u>	<u>940</u>	<u>841</u>	<u>705</u>	<u>20</u> ⁶	<u>00</u>	<u>115</u>	<u>938</u>	<u>786</u>	<u>92</u> ⁶
<u>0</u>	<u>950</u>	<u>848</u>	<u>710</u>	<u>25</u> ⁶	<u>00</u>	<u>116</u>	<u>940</u>	<u>788</u>	<u>93</u> ⁶
<u>0</u>	<u>960</u>	<u>854</u>	<u>716</u>	<u>30</u> ⁶	<u>00</u>	<u>117</u>	<u>943</u>	<u>790</u>	<u>95</u> ⁶
<u>0</u>	<u>970</u>	<u>861</u>	<u>721</u>	<u>35</u> ⁶	<u>00</u>	<u>118</u>	<u>945</u>	<u>792</u>	<u>97</u> ⁶
<u>0</u>	<u>980</u>	<u>867</u>	<u>727</u>	<u>39</u> ⁶	<u>00</u>	<u>119</u>	<u>948</u>	<u>794</u>	<u>99</u> ⁶
<u>0</u>	<u>990</u>	<u>874</u>	<u>732</u>	<u>44</u> ⁶	<u>00</u>	<u>120</u>	<u>950</u>	<u>796</u>	<u>00</u> ⁷
<u>00</u>	<u>100</u>	<u>879</u>	<u>737</u>	<u>48</u> ⁶					
<u>00</u>	<u>101</u>	<u>885</u>	<u>741</u>	<u>52</u> ⁶					

The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support

set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

PART IV

SELF-SUPPORT RESERVE

Sec. 401. RCW 26.19.065 and 2009 c 84 s 2 are each amended to read as follows:

(1) **Limit at forty-five percent of a parent's net income.** Neither parent's child support obligation owed for all his or her biological or legal children may exceed forty-five percent of net income except for good cause shown.

(a) Each child is entitled to a pro rata share of the income available for support, but the court only applies the pro rata share to the children in the case before the court.

(b) Before determining whether to apply the forty-five percent limitation, the court must consider whether it would be unjust to apply the limitation after considering the best interests of the child and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and any involuntary limits on either parent's earning capacity including incarceration, disabilities, or incapacity.

(c) Good cause includes, but is not limited to, possession of substantial wealth, children with day care expenses, special medical need, educational need, psychological need, and larger families.

(2) **Presumptive minimum support obligation.** (a) When a parent's monthly net income is below one hundred twenty-five percent of the federal poverty guideline for a one-person family, a support order of not less than fifty dollars per child per month shall be entered unless the obligor parent establishes that it would be unjust to do so in that particular case. The decision whether there is a sufficient basis to deviate below the presumptive minimum payment must take into consideration the best interests of the child and the circumstances of each parent. Such circumstances can include leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship

to the affected households, assets or liabilities, and earning capacity.

(b) The basic support obligation of the parent making the transfer payment, excluding health care, day care, and special child-rearing expenses, shall not reduce his or her net income below the self-support reserve of one hundred twenty-five percent of the federal poverty level for a one-person family, except for the presumptive minimum payment of fifty dollars per child per month or when it would be unjust to apply the self-support reserve limitation after considering the best interests of the child and the circumstances of each parent. Such circumstances include, but are not limited to, leaving insufficient funds in the custodial parent's household to meet the basic needs of the child, comparative hardship to the affected households, assets or liabilities, and earning capacity. This section shall not be construed to require monthly substantiation of income.

(3) **Income above twelve thousand dollars.** The economic table is presumptive for combined monthly net incomes up to and including twelve thousand dollars. When combined monthly net income exceeds twelve thousand dollars, the court may exceed the presumptive amount of support set for combined monthly net incomes of twelve thousand dollars upon written findings of fact.

PART V

MISCELLANEOUS

NEW SECTION. **Sec. 501.** Sections 201 through 401 of this act take effect January 1, 2019."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 22, 2018

SSB 6347

Prime Sponsor, Committee on Ways & Means: Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This section is the tax preference performance statement for the tax preferences contained in chapter . . ., Laws of 2018 (this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes these tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2) (a).

(2) It is the legislature's specific public policy objective to incentivize developers to construct new multifamily housing and to increase the number of affordable housing units for low to moderate-income residents in certain urban growth areas.

(3) The legislature intends to extend the expiration date of the tax preferences in this act, if a review finds that for properties applying under RCW 84.14.020(1)(a)(ii) (B) or (C), at least twenty percent of the new housing is developed for and occupied by households earning:

(a) At or below sixty percent of the area median income, at the time of occupancy, adjusted for family size for the county in which the project is located;

(b) At or below eighty percent of the area median income, at the time of occupancy, adjusted for family size for the county in which the project is located; or

(c) When the housing is intended exclusively for owner occupancy, up to one hundred fifteen percent of the area median income, at the time of sale, adjusted for family size for the county in which the project is located.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to data provided by cities or

towns in which persons are utilizing these tax preferences, the office of financial management, the department of commerce, the United States department of housing and urban development, and any other data sources, as needed by the joint legislative audit and review committee.

Sec. 2. RCW 84.14.010 and 2017 c 52 s 16 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(2) "Campus facilities master plan" means the area that is defined by the University of Washington as necessary for the future growth and development of its campus facilities for campuses authorized under RCW 28B.45.020.

(3)(a) Until July 1, 2023, "city" means either (i) a city or town with a population of at least fifteen thousand, (ii) the largest city or town, if there is no city or town with a population of at least fifteen thousand, located in a county planning under the growth management act, or (iii) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215, except as otherwise provided in RCW 84.14.020(1)(a)(ii) (B) and (C).

(b) Beginning July 1, 2023, "city" means either ~~((a))~~ (i) a city or town with a population of at least fifteen thousand, ~~((b))~~ (ii) the largest city or town, if there is no city or town with a population of at least fifteen thousand, located in a county planning under the growth management act, or ~~((c))~~ (iii) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215.

(4) "County" means a county with an unincorporated population of at least three hundred fifty thousand.

(5) "Governing authority" means the local legislative authority of a city or a county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(6) "Growth management act" means chapter 36.70A RCW.

(7) "High cost area" means a county where the third quarter median house price for the previous year as reported by the Washington center for real estate research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

(8) "Household" means a single person, family, or unrelated persons living together.

(9) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located.

(10) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.

(11) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(12) "Owner" means the property owner of record.

(13) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(14) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(15) "Residential targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan.

(16) "Rural county" means a county with a population between fifty thousand and seventy-one thousand and bordering Puget Sound.

(17) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(18) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

Sec. 3. RCW 84.14.020 and 2007 c 430 s 4 are each amended to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows:

(i) For properties for which applications for certificates of tax exemption eligibility are submitted under this chapter (~~(84.14 RCW)~~) before July 22, 2007, the value is exempt for ten successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate; and

(ii) For properties for which applications for certificates of tax exemption eligibility are submitted under this chapter (~~(84.14 RCW)~~) on or after July 22, 2007, the value is exempt:

(A) For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate; or

(B)(I) For twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under this chapter (~~(84.14 RCW)~~) and meets the conditions in this subsection (1)(a)(ii)(B). For the property to qualify for the twelve-year exemption under this subsection, the applicant must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (1)(a)(ii)(B) may be satisfied solely through housing affordable to moderate-income households.

(II) Until July 1, 2023, property qualifying for the twelve-year exemption under this subsection (1)(a)(ii)(B), where the applicant has committed to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low-income households, includes property located in a city or town with a population of less than fifteen thousand.

(C) Until July 1, 2023, for fifteen successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property is intended for rental, is located in a city or town with a population of less than fifteen thousand, otherwise qualifies for the exemption under this chapter, and meets the conditions in this subsection (1)(a)(ii)(C). For the property to qualify for the fifteen-year exemption under this subsection, the applicant must commit to renting at least twenty percent of the multifamily housing units as affordable housing units to households whose adjusted income is at or below sixty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development; the property must be financed by the Washington state housing finance commission under a program using bonds exempt from federal income tax; and the property must satisfy any additional affordability and income eligibility conditions adopted by the local government under this chapter.

(b) The exemptions provided in (a)(i) and (ii) of this subsection do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) When a local government adopts guidelines pursuant to RCW 84.14.030(2) and includes conditions that must be satisfied with respect to individual dwelling units, rather than with respect to the multiple-unit housing as a whole or some minimum portion thereof, the exemption may, at the local government's discretion, be limited to the value of the qualifying improvements allocable to those dwelling units that meet the local guidelines.

(3) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(4) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a

county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(5) At the conclusion of the exemption period, the new or rehabilitated housing cost (~~shall~~) must be considered as new construction for the purposes of chapter 84.55 RCW."

Correct the title.

Signed by Representatives Ryu, Chair; Macri, Vice Chair; McCabe, Assistant Ranking Minority Member; Jenkin; Reeves and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representative Barkis, Ranking Minority Member.

Referred to Committee on Finance.

February 23, 2018

SB 6351 Prime Sponsor, Senator Van De Wege: Authorizing the health care authority to require fingerprint-based background checks and conviction record checks for the nonemergency medical transportation program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 23, 2018

SB 6404 Prime Sponsor, Senator Wellman: Concerning background checks for persons providing child care services. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

February 22, 2018

SB 6408 Prime Sponsor, Senator Padden: Regulating body worn cameras. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Rodne; Shea and Valdez.

Referred to Committee on Rules for second reading.

February 23, 2018

ESSB 6486 Prime Sponsor, Committee on Higher Education & Workforce Development: Expanding registered apprenticeship programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The apprenticeship council under chapter 49.04 RCW and the workforce training and education coordinating board under RCW 28C.18.020 shall develop a strategic plan focused on apprenticeship. In consultation with the governor's office, the department of labor and industries, the apprenticeship council and the workforce training and education coordinating board shall collaborate with the state board for community and technical colleges, the employment security department, and the office of the superintendent of public instruction to:

(a) Review existing registered apprenticeship programs;

(b) Analyze opportunities for statewide expansion of registered apprenticeship programs and preapprenticeship programs; and

(c) Recommend policies to implement strategies that increase registered youth and adult apprenticeships.

(2) The apprenticeship council and the workforce training and education coordinating board shall consult individuals from the public and private sectors with expertise in apprenticeships, including representatives of labor unions, professional technical organizations, and business and industry in the development of their recommendations.

(3) The apprenticeship work group is established to review the work being done under subsection (1) of this section by the governor's office concerning students' preparation for pathways towards a living wage, to study policy recommendations, and to advise the legislature on a future statewide cross-sector registered apprenticeship system.

(a) The work group shall consist of the following members:

(i) Four senators, two from each of the two largest caucuses, appointed by the president of the senate;

(ii) Four members of the house of representatives, two from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(iii) One representative from each of the agencies collaborating in subsection (1) of this section;

(iv) Two representatives from the governor's office;

(v) Six business representatives from different industry sectors; and

(vi) Two representatives with subject matter expertise in apprenticeship models.

(b) The work group shall choose two cochairs, one from among its business membership and one representative from state government.

(c) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(d) The work group shall meet at least three times before October 15, 2018.

(4) The work group shall consolidate its findings and recommendations into one report delivered to the governor and the higher education and labor committees of the legislature by October 15, 2018.

(5) This section expires December 31, 2018.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.04 RCW to read as follows:

(1) Within existing resources, the complete Washington program is created for the purpose of connecting prior learning, including registered apprenticeships and other skills-based work experience, with postsecondary degree completion. The office of the lieutenant governor, in consultation with the Washington student achievement council and the academic credit for prior learning work group in RCW 28B.77.230, shall coordinate the program. The program's purpose is to expand postsecondary degree pathways that recognize prior learning in the form of registered apprenticeship programs.

(2) Moneys deposited into the student achievement council fund for innovation and quality established in RCW 28B.120.040 may be spent by the student achievement council for the purposes of incentive grants to organizations consistent with the overall goals of the complete Washington program and consistent with the guidelines established by the student achievement council and the office of the lieutenant governor in RCW 28B.120.005.

Sec. 3. RCW 28B.120.005 and 2010 c 245 s 6 are each amended to read as follows:

The legislature finds that encouraging collaboration among the various (~~educational~~) sectors to meet statewide productivity and educational attainment needs as described in the system design plan developed by the (~~higher education coordinating board~~) student achievement council and the office of the lieutenant governor will strengthen the entire educational system through to careers, from kindergarten through twelfth grade (~~and~~), to higher education or registered apprenticeships. The legislature also recognizes that the most effective way to develop innovative and collaborative programs is to encourage institutions to develop them voluntarily, in line with established state goals. Through a system of competitive grants, the legislature shall encourage the development of innovative and collaborative and cost-effective solutions to issues of critical statewide need, including:

(1) Raising educational attainment and access to occupation-oriented learning through planning and piloting innovative initiatives to reach new locations and populations;

(2) Recognizing needs of special populations of students, including access and completion efforts targeting underrepresented populations;

(3) Furthering the development of learner-centered, technology-assisted course delivery, including expansion of online and hybrid coursework, open courseware, and other uses of technology in order to effectively and efficiently share costs, improve the quality of instruction and student, faculty, and administrative services, increase undergraduate and graduate student access, retention, and graduation, and to enhance transfer capability;

(4) Furthering the development of competency-based measurements of student achievement to be used as the basis for awarding degrees and certificates;

(5) Increasing the collaboration among both public and private sector institutions of higher education; (~~and~~)

(6) Expanding postsecondary degree pathways that recognize prior learning in the form of registered apprenticeship programs; and

(7) Improving productivity through innovations such as accelerated programs and alternative scheduling.

Sec. 4. RCW 28B.120.010 and 2012 c 229 s 571 are each amended to read as follows:

Within existing resources, the Washington fund for innovation and quality in higher education program is established. The student achievement council shall administer the program and shall work in close collaboration with the office of the lieutenant governor, the state board for community and technical colleges, and other local and regional entities. Through this program the student achievement council may award on a competitive basis incentive grants to state public or private nonprofit institutions of higher education or consortia of institutions to encourage programs designed to address specific system problems. Each institution or consortia of institutions receiving the award shall contribute some financial support, either by covering part of the costs for the program during its implementation, or by assuming continuing support at the end of the grant period. Strong priority will be given to proposals that involve more than

one sector of education or workforce development. Institutions are encouraged to solicit nonstate funds to support these cooperative programs.

Sec. 5. RCW 28B.120.030 and 2012 c 229 s 574 are each amended to read as follows:

Within existing resources, the student achievement council and the ((state board for community and technical colleges)) office of the lieutenant governor may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 6. RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The student achievement council fund for innovation and quality is hereby established in the custody of the state treasurer. The student achievement council and the office of the lieutenant governor shall deposit in the fund all moneys received under RCW 28B.120.030. Moneys in the fund may be spent only for the purposes of RCW 28B.120.010 ((and)), 28B.120.020, and the complete Washington program in section 2 of this act. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler; Orwall; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representative Van Werven, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Holy.

Referred to Committee on Appropriations.

February 22, 2018

ESSB 6491 Prime Sponsor, Committee on Ways & Means: Increasing the availability of assisted outpatient behavioral health

treatment. Reported by Committee on
Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting
clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2017 3rd
sp.s. c 14 s 14 are each amended to read
as follows:

The definitions in this section apply
throughout this chapter unless the
context clearly requires otherwise.

(1) "Admission" or "admit" means a
decision by a physician, physician
assistant, or psychiatric advanced
registered nurse practitioner that a
person should be examined or treated as
a patient in a hospital;

(2) "Alcoholism" means a disease,
characterized by a dependency on
alcoholic beverages, loss of control over
the amount and circumstances of use,
symptoms of tolerance, physiological or
psychological withdrawal, or both, if use
is reduced or discontinued, and
impairment of health or disruption of
social or economic functioning;

(3) "Antipsychotic medications" means
that class of drugs primarily used to
treat serious manifestations of mental
illness associated with thought
disorders, which includes, but is not
limited to atypical antipsychotic
medications;

(4) "Approved substance use disorder
treatment program" means a program for
persons with a substance use disorder
provided by a treatment program certified
by the department as meeting standards
adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person
on the staff of a public or private
agency having responsibility for the care
and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or
more psychoactive chemicals, as the
context requires;

(7) "Chemical dependency professional"
means a person certified as a chemical
dependency professional by the

department of health under chapter 18.205
RCW;

(8) "Commitment" means the
determination by a court that a person
should be detained for a period of either
evaluation or treatment, or both, in an
inpatient or a less restrictive setting;

(9) "Conditional release" means a
revocable modification of a commitment,
which may be revoked upon violation of
any of its terms;

(10) "Crisis stabilization unit" means
a short-term facility or a portion of a
facility licensed by the department of
health and certified by the department of
social and health services under RCW
71.24.035, such as an evaluation and
treatment facility or a hospital, which
has been designed to assess, diagnose,
and treat individuals experiencing an
acute crisis without the use of long-term
hospitalization;

(11) "Custody" means involuntary
detention under the provisions of this
chapter or chapter 10.77 RCW,
uninterrupted by any period of
unconditional release from commitment
from a facility providing involuntary
care and treatment;

(12) "Department" means the department
of social and health services;

(13) "Designated crisis responder"
means a mental health professional
appointed by the county, an entity
appointed by the county, or the
behavioral health organization to
perform the duties specified in this
chapter;

(14) "Detention" or "detain" means the
lawful confinement of a person, under the
provisions of this chapter;

(15) "Developmental disabilities
professional" means a person who has
specialized training and three years of
experience in directly treating or
working with persons with developmental
disabilities and is a psychiatrist,
physician assistant working with a
supervising psychiatrist, psychologist,
psychiatric advanced registered nurse
practitioner, or social worker, and such
other developmental disabilities
professionals as may be defined by rules
adopted by the secretary;

(16) "Developmental disability" means
that condition defined in RCW
71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person

being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or

10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient ~~((mental))~~ behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) ~~((Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle, (b-))~~ Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, ((in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e)) based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time~~((For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation))~~);

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health

and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under

this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate

training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less

restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and

health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2. RCW 71.05.585 and 2016 sp.s. c 29 s 241 and 2016 c 45 s 5 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation;

(d) ~~((Medication management,~~

~~(e)))~~ A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

~~((f)))~~ (e) A transition plan addressing access to continued services at the expiration of the order; ~~(and~~

~~(g)))~~ (f) An individual crisis plan; and

(g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

(a) Medication management;

(b) Psychotherapy;

~~((b)))~~ (c) Nursing;

~~((c)))~~ (d) Substance abuse counseling;

~~((d)))~~ (e) Residential treatment; and

~~((e)))~~ (f) Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(5) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

This section establishes a process for initial evaluation and filing of a petition for assisted outpatient behavioral health treatment, but however does not preclude the filing of a petition for assisted outpatient behavioral health treatment following a period of inpatient detention in appropriate circumstances:

(1) The designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a mental health facility, secure detoxification facility, or approved substance use disorder treatment program.

(2) The designated crisis responder must investigate and evaluate the specific facts alleged and the reliability or credibility of any person providing information. The designated

crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153.

(3) If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to ninety days less restrictive alternative treatment. The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and stating that there is evidence, as a result of the designated crisis responder's personal observation or investigation, that the person is in need of assisted outpatient behavioral health treatment, and stating the specific facts known as a result of personal observation or investigation, upon which the designated crisis responder bases this belief;

(b) The declaration of additional witnesses, if any, supporting the petition for assisted outpatient behavioral health treatment;

(c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;

(d) The name of an agency or facility which agreed to assume the responsibility of providing less restrictive alternative treatment if the petition is granted by the court;

(e) A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section.

(4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date,

provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.

(6) A petition for assisted outpatient behavioral health treatment filed under this section must be adjudicated under RCW 71.05.240.

Sec. 4. RCW 71.05.150 and 2016 sp.s. c 29 s 210 are each amended to read as follows:

(1)~~((a))~~ When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~((mental))~~ behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient ~~((evaluation))~~ treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed~~

~~less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~(b))~~ under this section or a petition for involuntary outpatient behavioral health treatment under section 3 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2) (a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period ~~((, or an order for an involuntary outpatient evaluation,))~~ may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention ~~((or involuntary outpatient evaluation))~~, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure

detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention (~~(or involuntary outpatient evaluation)~~). After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 5. RCW 71.05.150 and 2016 sp.s. c 29 s 211 are each amended to read as follows:

(1) ~~((a))~~ When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~((mental))~~ behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient ~~((evaluation))~~ treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~((b))~~ under this section or a petition for involuntary outpatient behavioral health treatment under section 3 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2) (a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to

detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period(~~(, or an order for an involuntary outpatient evaluation,)~~) may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention (~~(or involuntary outpatient evaluation)~~), signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention (~~(or involuntary outpatient evaluation)~~). After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of

evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 6. RCW 71.05.230 and 2017 3rd sp.s. c 14 s 17 are each amended to read as follows:

A person detained (~~(or committed)~~) for seventy-two hour evaluation and treatment (~~(or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order)~~) may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative (~~(to involuntary intensive)~~) treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the (~~(agency or)~~) facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient (~~(mental)~~) behavioral health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The (~~(agency or)~~) facility providing intensive treatment (~~(or which~~

~~proposes to supervise the less restrictive alternative))~~ is certified to provide such treatment by the department; and

(4)(a)(i) The professional staff of the ~~((agency or))~~ facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient ~~((mental))~~ behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained ~~((or committed))~~ person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 7. RCW 71.05.240 and 2016 sp.s. c 29 s 232 and 2016 c 45 s 2 are each reenacted and amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention ~~((or involuntary outpatient evaluation))~~ of such person as determined in RCW 71.05.180, or at a time determined under section 3 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) (a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of assisted outpatient (~~mental~~) behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days (~~and may not order inpatient treatment~~).

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate

with the services planned by the mental health service provider.

~~((4))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 8. RCW 71.05.240 and 2016 sp.s. c 29 s 233 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention (~~or involuntary outpatient evaluation~~) of such person as determined in RCW 71.05.180, or at a time determined under section 3 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) (a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled,

and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of assisted outpatient (~~mental~~) behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days (~~and may not order inpatient treatment~~).

~~((c))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((4))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice

that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 9. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 9 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification

is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis

responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4) (a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of

the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

~~((c) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6) (a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under section 3 of this act, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within seventy-two hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 10. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 10 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court

order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4) (a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this

section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

~~((c) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(6) (a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate.

A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under section 3 of this act, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 11. RCW 71.05.201 and 2017 3rd sp.s. c 14 s 2 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all

information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures

must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 12. RCW 71.05.156 and 2016 sp.s. c 29 s 215 are each amended to read as follows:

A designated crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention, and to determine whether the person is in need of assisted outpatient (~~mental~~) behavioral health treatment.

Sec. 13. RCW 71.05.212 and 2016 sp.s. c 29 s 226 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated

crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~mental~~) behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 14. RCW 71.05.245 and 2015 c 250 s 8 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient (~~mental~~) behavioral health treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~mental~~) behavioral health treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent

acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

Sec. 15. RCW 71.05.280 and 2016 sp.s. c 29 s 234 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder or substance use disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder or substance use disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient (~~(mental)~~) behavioral health treatment.

Sec. 16. RCW 71.05.595 and 2015 c 250 s 17 are each amended to read as follows:

A court order for less restrictive alternative treatment for a person found to be in need of assisted outpatient (~~(mental)~~) behavioral health treatment must be terminated prior to the expiration of the order when, in the opinion of the professional person in charge of the less restrictive alternative treatment provider, (1) the person is prepared to accept voluntary treatment, or (2) the outpatient treatment ordered is no longer necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

NEW SECTION. **Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** Sections 1 through 4, 6, 7, 9, 11, 12, 13, and 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2018.

NEW SECTION. **Sec. 19.** Sections 5, 8, and 10 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 20.** Sections 4, 7, and 9 of this act expire July 1, 2026."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Graves, Ranking Minority Member; Haler; Kirby; Klippert; Muri; Rodne and Valdez.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Goodman.

Referred to Committee on Appropriations.

February 23, 2018

SSB 6493 Prime Sponsor, Committee on Higher Education & Workforce Development: Increasing transparency and accountability for intercollegiate athletic programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Rules for second reading.

February 23, 2018

SSB 6514 Prime Sponsor, Committee on Higher Education & Workforce Development: Concerning suicide prevention and behavioral health in higher education, with enhanced services to student veterans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Washington has been a leader in addressing suicide as a public health issue. The legislature intends for Washington to continue its leadership by supporting the creation of comprehensive suicide prevention and behavioral health initiatives for postsecondary students. In 2015, the legislature created the mental health and suicide prevention in higher education task force. The task force was charged with determining the policies, resources, and technical assistance needed to support postsecondary institutions in improving access to behavioral health services and improving suicide prevention responses. In

November 2016, the task force issued its report on mental health and suicide prevention in higher education.

(2) According to the task force report:

(a) The 2005 American college health assessment survey found that nine and one-half percent of students seriously considered suicide, one and one-half percent of students nationwide have attempted suicide, and less than twenty percent were in treatment. According to the 2015 American college health association national college health assessment, seventy-five percent of postsecondary students reported feeling overwhelmed and thirty percent reported feeling so depressed it was difficult to function. More than one-third of students reported anxiety as negatively impacting academics and almost one-quarter said depression negatively impacted academics;

(b) There is incomplete data on suicide deaths among Washington's postsecondary students and the availability of behavioral health resources on Washington's campuses. There is currently no statewide system in place to track this data;

(c) Lack of funding for behavioral health resources across all sectors is the largest barrier to providing services for postsecondary students statewide;

(d) Due to funding constraints, the level of professional mental and behavioral health counseling is often limited for postsecondary institutions in all sectors. For example, six institutions in the public two-year sector servicing nearly fifty thousand students have either no professional mental health providers to counsel students or have such limited resources that the counselor to student ratio was as low as one to nearly eight thousand five hundred in 2014-2015.

(3) The legislature also recognizes that, as of 2016, there were over sixteen thousand student veterans and dependents enrolled in Washington's community and technical colleges, and approximately four thousand veterans and dependents enrolled in Washington's four-year institutions of higher education. The legislature recognizes that the risk for suicide is significantly higher among veterans when compared to nonveteran adults in the United States and that student veterans face unique challenges

and often have vastly different life experiences from traditional students. According to a study presented a few years ago at an annual convention of the American psychological association, almost half of military veterans who are enrolled in college have contemplated suicide at some point and twenty percent have planned to kill themselves.

(4) The legislature intends to implement task force recommendations by:

(a) Creating a publicly available statewide resource for postsecondary institutions;

(b) Developing and centralizing data collection; and

(c) Creating a grant program for resource-challenged institutions to help develop suicide prevention programs in those institutions, which may include for example, enhancing treatment services to student veterans; creating campus-wide crisis services; expanding existing crisis plans to integrate suicide intervention; reentry, including medical leave that supports reentry; postvention; and creating links and referral systems between campus behavioral health resources and community-based mental health resources.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, an entity within the University of Washington school of social work that has expertise in suicide prevention, in collaboration with the student achievement council, shall develop a statewide resource for behavioral health and suicide prevention for the state's postsecondary institutions.

(2) To establish the components of the statewide resource, the entity shall convene and consult with a work group that consists of representatives from stakeholder groups the entity deems appropriate. The entity must consider representatives from those organizations listed in the mental health and suicide prevention in higher education task force, created by chapter 67, Laws of 2015. At a minimum, the stakeholders in the work group must include:

(a) Representation from a tribal college;

(b) Representation from a veterans training support center;

(c) Representation from students and families;

(d) Representatives selected by the educational opportunity gap oversight and accountability committee;

(e) Representation from a community behavioral health provider;

(f) A suicide prevention expert;

(g) Representation from the department of health; and

(h) Three institutional counseling center directors or executive directors to include one from each of the following: A public four-year college or university, a private, nonprofit institution, and a community and technical college.

(3) The entity must be responsible for constructing and hosting the statewide resource and linking the resource to the student achievement council's and the department of health's web sites.

(4) At a minimum, the statewide resource must:

(a) Be made publicly available through a web-based portal or a support line;

(b) Provide a free curriculum to train faculty, staff, and students in suicide recognition and referral skills and in the specific needs of student veterans;

(c) Provide a resource to build capacity within the institutions to train individuals to deliver training in person;

(d) Contain model crisis protocols, per sector, that include behavioral health and suicide identification, intervention, reentry, and postvention;

(e) Contain model marketing materials and messages that promote student behavioral health on college campuses;

(f) Develop capacity for an annual conference for postsecondary institutions seeking to address students' behavioral health and suicide prevention needs. The entity must be responsible for hosting the first conference for postsecondary institutions; and

(g) Include resources that will serve diverse communities and underrepresented

populations, including resources that are culturally relevant.

(5) The statewide resource must be made available to postsecondary institutions by June 30, 2020.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.77 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the suicide prevention in higher education grant program is established. The purpose of the grant program is to provide funding to postsecondary institutions for the institutions to create partnerships with health care entities to provide mental health, behavioral health, and suicide prevention to students in their institutions.

(2)(a) The council shall administer the grant program in accordance with this section and in collaboration with the work group convened by the entity within the University of Washington school of social work specified under section 2 of this act. The council shall establish minimum criteria that grant recipients must meet to be awarded a grant. The grant program must be implemented by November 1, 2019.

(b) The council must award the first six grants created under this section to public institutions of higher education. When selecting the recipients of the first six grants under this subsection, the council must consult with the state board for community and technical colleges. The council must identify which public institutions of higher education have the greatest need, have a clear and strong demonstration of willingness from leadership to utilize the statewide resources created under section 2 of this act, and can develop partnerships to enhance capacity. From those identified public institutions of higher education, proposals that enhance treatment services to student veterans must be given priority. Once the first six grants are awarded, the council may award grants to other postsecondary institutions that meet the council's criteria.

(3) For the purposes of this section, "postsecondary institutions" means institutions of higher education as defined in RCW 28B.10.016, degree-granting institutions as defined in RCW 28B.85.010, private vocational schools

as defined under RCW 28C.10.020, and school as defined in RCW 18.16.020.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Beginning June 1, 2019, and every June 1st thereafter until 2022, postsecondary institutions shall submit a report to the entity within the University of Washington school of social work specified under section 2 of this act for the purposes of establishing a baseline for behavioral health concerns and responses at the institutions of higher education.

(2) The annual report must include the following information as reported to the postsecondary institution, in compliance with the entity's established data collection requirements, and if an institution does not collect or have access to the information it must indicate this in the report:

(a) The awareness of students, faculty, and staff regarding behavioral health and suicide prevention resources;

(b) The institution's counselor-to-student ratio;

(c) The number of students referred to off-campus behavioral health providers;

(d) The number of students identifying emotional distress as reasons for withdrawal;

(e) The number of student suicide deaths;

(f) The number of student suicide attempts that result in hospitalization;

(g) Information about dissemination of material to students about behavioral health resources that are available on and off campus;

(h) Confirmation of campus plans for suicide recognition and referral training that identifies groups receiving the required training and which groups are recommended to receive training in the future;

(i) The entity or entities on campus responsible for the development and maintenance of the campus crisis plan that integrate policies for suicide identification, intervention, reentry, and postvention;

(j) The campus point person or persons responsible for the crisis plan; and

(k) Information about behavioral health services and supports available to veterans on campus.

(3) For purposes of this section, "postsecondary institutions" has the same meaning as that term is defined in section 3 of this act.

(4) This section expires December 31, 2022.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.20 RCW to read as follows:

(1) By December 31, 2018, for the purposes of collecting data on suicide prevention and behavioral health in higher education, the entity within the University of Washington school of social work specified under section 2 of this act shall identify data, methods for data collection, and data definitions to be used by postsecondary institutions required to submit annual reports under section 4 of this act. The entity shall collaborate with the postsecondary institutions, as defined in section 3 of this act, in establishing data collection requirements and criteria.

(2) The entity shall aggregate the information it receives by sector and, by December 1st of each year, the entity must submit an aggregated summary report to the relevant committees of the legislature. The entity shall serve as the depository for annual reports submitted by institutions of higher education under section 4 of this act."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

February 23, 2018

E2SSB 6529 Prime Sponsor, Committee on Ways & Means: Establishing a pesticide application safety work group. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Calder; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Rules for second reading.

February 23, 2018

SSB 6544 Prime Sponsor, Committee on Ways & Means: Establishing the future of work task force. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler; Orwall; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Van Werven, Ranking Minority Member and Holy.

MINORITY recommendation: Without recommendation. Signed by Representative Stambaugh.

Referred to Committee on Appropriations.

February 23, 2018

SSB 6549 Prime Sponsor, Committee on Ways & Means: Expanding the access to baby and child dentistry program to serve children with disabilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Harris; Jinkins; MacEwen; Maycumber; Riccelli; Robinson; Rodne; Slatter; Stonier and Tharinger.

Referred to Committee on Appropriations.

February 23, 2018

SSB 6560 Prime Sponsor, Committee on Human Services & Corrections: Ensuring that no youth is discharged from a public system of care into homelessness. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) In accordance with RCW 43.330.700(5) (a), it is the goal of the legislature, that beginning January 1, 2021, any unaccompanied youth discharged from a publicly funded system of care in our state will be discharged into safe and stable housing, and that this policy applies to any judicial proceeding

through which the youth has been committed to the publicly funded system of care or in any collateral proceeding that involves the custody of the youth in that system.

(2) The department of children, youth, and families and the office of homeless youth prevention and protection programs must jointly develop a plan to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. The plan must specify actions that state agencies will need to take, any necessary statutory and funding legislative action, and the assignment of those specific state agency actions to effectuate all parts of the plan. By December 31, 2019, the department of children, youth, and families must issue the plan to the appropriate committees of the legislature and the governor.

(3) For the purposes of this section, "publicly funded system of care" means the child welfare system, the behavioral health system, the juvenile justice system, and programs administered by the office of homeless youth prevention and protection programs.

Sec. 2. RCW 46.20.117 and 2017 c 122 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; (~~(e)~~)

(ii) Under the age of eighteen and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an

individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c) (i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2) (a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

NEW SECTION. **Sec. 3.** Section 2 of this act takes effect January 1, 2019."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

Referred to Committee on Rules for second reading.

February 22, 2018

SB 6563 Prime Sponsor, Senator Billig; Reestablishing the sustainable aviation biofuels work group. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Fey; Harmsworth; Hudgins; Manweller; Nealey; Santos; Slatter; Steele and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

February 23, 2018

SSB 6566 Prime Sponsor, Committee on Human Services & Corrections: Concerning juvenile offenses. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.050 and 2017 c 126 s 3 are each amended to read as follows:

(1) (a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the first degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2) (a) Except as provided in subsection (3) of this section, a person commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the second degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of dealing in one or more depictions or images of visual or printed matter constitutes a separate offense.

(3) This section shall not apply to a minor who (a) knowingly develops, duplicates, publishes, or prints a visual or printed matter that depicts any minor over the age of twelve engaged in an act of sexually explicit conduct; (b) possesses any depiction of any minor over the age of twelve engaged in an act of sexually explicit conduct with the intent to develop, duplicate, publish, print, disseminate, or exchange such depiction; or (c) knowingly distributes, transfers,

disseminates, or exchanges a visual or printed matter that depicts themselves engaged in an act of sexually explicit conduct.

(4) (a) Any minor who knowingly distributes, transfers, disseminates, or exchanges a visual or printed matter that depicts any other minor over the age of twelve engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g) shall be guilty of a misdemeanor.

(b) Any minor who knowingly distributes, transfers, disseminates, or exchanges a visual or printed matter that depicts any other minor over the age of twelve engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e) shall be guilty of a gross misdemeanor.

Sec. 2. RCW 9.68A.060 and 2017 c 126 s 4 are each amended to read as follows:

(1) (a) Except as provided in subsection (3) of this section, a person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, a visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2) (a) Except as provided in subsection (3) of this section, a person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of sending or bringing into the state one or more depictions or images of visual or printed matter constitutes a separate offense.

(3) This section does not apply to a minor who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for distribution, visual or printed matter depicting any minor over the age of twelve engaged in sexually explicit conduct.

Sec. 3. RCW 9.68A.070 and 2017 c 126 s 2 are each amended to read as follows:

(1) (a) Except as provided in subsection (3) of this section, a person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2) (a) Except as provided in subsection (3) of this section, a person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly possesses any visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of possession of one or more depictions or images of

visual or printed matter constitutes a separate offense.

(3) This section shall not apply to a minor's possession of visual or printed matter depicting any minor over the age of twelve engaged in sexually explicit conduct.

Sec. 4. RCW 9.68A.075 and 2010 c 227 s 7 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section, a person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the first degree, a class B felony punishable under chapter 9A.20 RCW.

(2) Except as provided in subsection (5) of this section, a person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the second degree, a class C felony punishable under chapter 9A.20 RCW.

(3) For the purposes of determining whether a person intentionally viewed over the internet a visual or printed matter depicting a minor engaged in sexually explicit conduct in subsection (1) or (2) of this section, the trier of fact shall consider the title, text, and content of the visual or printed matter, as well as the internet history, search terms, thumbnail images, downloading activity, expert computer forensic testimony, number of visual or printed matter depicting minors engaged in sexually explicit conduct, defendant's access to and control over the electronic device and its contents upon which the visual or printed matter was found, or any other relevant evidence. The state must prove beyond a reasonable doubt that the viewing was initiated by the user of the computer where the viewing occurred.

(4) For the purposes of this section, each separate internet session of intentionally viewing over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct constitutes a separate offense.

(5) This section shall not apply to a minor who intentionally views over the internet visual or printed matter depicting a minor over the age of twelve engaged in sexually explicit conduct.

Sec. 5. RCW 13.40.070 and 2017 c 292 s 2 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Except as provided in RCW 13.40.213 and subsection (7) of this section, where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.411(2) as a crime against persons or listed in

RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(2)(a)(iv); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has three or more diversion agreements on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) Either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case; (~~or~~)

(b) A distribution, transfer, dissemination, or exchange of sexually explicit images of other minors over the age of twelve is a violation as provided in RCW 9.68A.050(4) and the alleged offense is the offender's first violation of RCW 9.68A.050(4), the prosecutor shall divert the case; or

(c) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 6. RCW 13.40.080 and 2015 c 265 s 25 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community restitution not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. If an assessment identifies mental health or chemical dependency needs, a youth may access up to thirty hours of counseling. The counseling sessions may include services demonstrated to improve behavioral health and reduce recidivism. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, a physician, a counselor, a school, or a treatment provider, if approved by the diversion unit. The state shall not be liable for costs resulting from the diversion unit exercising the option to permit diversion agreements to mandate attendance at up to thirty hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(e) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to RCW 13.40.630.

(4) In assessing periods of community restitution to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian. To the extent possible, the court officer shall advise the victims of the juvenile offender of the diversion process, offer victim impact letter forms and restitution claim forms, and involve

members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diverttee.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of a civil order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may relieve the juvenile of the requirement to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. If the court relieves the juvenile of the requirement to pay full or partial restitution, the court may order an amount of community restitution that the court deems appropriate. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(7) Diverttees and potential diverttees shall be afforded due process in all contacts with a diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diverttee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diverttee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diverttee has substantially violated the terms of his or her diversion agreement;

(e) The prosecutor may file an information on the offense for which the diverttee was diverted:

(i) In juvenile court if the diverttee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diverttee is eighteen years of age or older.

(8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(9) The diversion unit shall be responsible for advising a diverttee of

his or her rights as provided in this chapter.

(10) The diversion unit may refer a juvenile to a restorative justice program, community-based counseling, or treatment programs.

(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

(12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

(a) The fact that a charge or charges were made;

(b) The fact that a diversion agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the alleged offender performed his or her obligations under such agreement; and

(e) The facts of the alleged offense.

(13) A diversion unit may refuse to enter into a diversion agreement with a juvenile. When a diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and

shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

(14) A diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs or a restorative justice program. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(8). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

(15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diverttee's eighteenth birthday.

(16) If restitution required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diverttee and with the

concurrence of the diversion unit to convert unpaid restitution into community restitution. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community restitution in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) Consistent with the requirements provided in this section, a juvenile diversion unit entering into a diversion agreement with a juvenile for distribution, transfer, dissemination, or exchange of sexually explicit images of other minors over the age of twelve as provided in RCW 9.68A.050(4) shall:

(a) Conduct an assessment of the factors and behaviors that led to the alleged offense; and

(b) Develop a treatment plan that addresses those factors.

NEW SECTION. Sec. 7. A new section is added to chapter 13.40 RCW to read as follows:

(1) The legislature finds that exchange of intimate images by minors is increasingly common, and that such actions may lead to harm and long-term consequences. The legislature intends to develop age-appropriate prevention and interventions to prevent harm and to hold accountable youth who harm others through exchange of intimate images.

(2) The Washington coalition of sexual assault programs, in consultation with the office of the superintendent of public instruction, the Washington association for the treatment of sexual abusers, the department of children, youth, and families, the Washington association of prosecuting attorneys, representatives from public defense, and other relevant stakeholders, shall convene a work group to make recommendations to the legislature regarding age-appropriate prevention and intervention strategies to address potential harms caused by exchange of intimate images by minors.

(3) By November 1, 2018, the work group shall make a report to the legislature identifying education, prevention, and other responses to the harms that may be associated with exchange of intimate images by minors.

(4) This section expires July 1, 2019.

Sec. 8. RCW 9.94A.030 and 2016 c 81 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the

circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that

is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v) (i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1) (c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1) (c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(34) "Nonviolent offense" means an offense which is not a violent offense.

(35) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms

"offender" and "defendant" are used interchangeably.

(36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

- (xi) Residential Burglary (RCW 9A.52.025);
- (xii) Burglary 2 (RCW 9A.52.030);
- (xiii) Malicious Mischief 1 (RCW 9A.48.070);
- (xiv) Malicious Mischief 2 (RCW 9A.48.080);
- (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
- (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
- (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);
- (xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);
- (xix) Extortion 1 (RCW 9A.56.120);
- (xx) Extortion 2 (RCW 9A.56.130);
- (xxi) Intimidating a Witness (RCW 9A.72.110);
- (xxii) Tampering with a Witness (RCW 9A.72.120);
- (xxiii) Reckless Endangerment (RCW 9A.36.050);
- (xxiv) Coercion (RCW 9A.36.070);
- (xxv) Harassment (RCW 9A.46.020); or
- (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and

would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (38)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her

authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Repetitive domestic violence offense" means any:

(a) (i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing

court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a) (i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a) (i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.050(4) and 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The

transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony

classified as a violent offense under (a) or (b) of this subsection.

(56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 9. A new section is added to chapter 9.68A RCW to read as follows:

A minor who possesses any depiction or depictions of any other minor engaged in an act of sexually explicit conduct shall be deemed to forfeit any right to continued possession of the depiction or depictions and shall be ordered by a court of competent jurisdiction to forfeit possession of the depiction or depictions to the custody of law enforcement.

NEW SECTION. Sec. 10. A new section is added to chapter 9A.86 RCW to read as follows:

A minor who possesses any image of any other minor which constitutes an intimate image as defined in RCW 9A.86.010 shall be deemed to forfeit any right to continued possession of the image and shall be ordered by a court of competent jurisdiction to forfeit possession of the image to the custody of law enforcement. This section does not limit a court's authority under other law or court rule to order forfeiture of any intimate image as defined by RCW 9A.86.010."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Eslick; Frame;

Goodman; Griffey; Kilduff; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin, Assistant Ranking Minority Member and Klippert.

Referred to Committee on Rules for second reading.

February 23, 2018

SB 6582

Prime Sponsor, Senator Chase: Concerning the criminal history of applicants to institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admissions application" means an individual application to enroll as an undergraduate or graduate student at an institution of higher education.

(2) "Criminal record" or "criminal history" includes any record about a citation or arrest for criminal conduct, including any records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges that receive state funds.

(4) "Third-party admissions application" means an admissions application not controlled by the institution.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (2) of this section, an institution of higher education may not use an initial admissions application that requests information about the criminal history of the applicant.

(2) An institution of higher education may, but is not required to, use a third-party admissions application that contains information about the criminal history of the applicant if the

institution of higher education posts a notice on its web site stating that the institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history.

NEW SECTION. **Sec. 3.** (1) After an applicant has otherwise been determined to be qualified for admission, an institution of higher education may, but is not required to, inquire into or obtain information about an applicant's criminal history for the purpose of:

(a) Accepting or denying an applicant for admission to the institution of higher education or restricting access to campus residency; or

(b) Offering supportive counseling or services to help rehabilitate and educate the student on barriers a criminal record may present.

(2) After inquiring into or obtaining information under this section, an institution of higher education may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on that applicant's criminal history.

NEW SECTION. **Sec. 4.** (1) Each institution of higher education shall develop a process to determine whether or not there is a relationship between an applicant's criminal history and a specific academic program or campus residency to justify denial of admission or restrict access to campus residency.

(2) The process developed under this section shall be set forth in writing and shall include consideration of:

(a) The age of the applicant at the time any aspect of the applicant's criminal history occurred;

(b) The time that has elapsed since any aspect of the applicant's criminal history occurred;

(c) The nature of the criminal history, including but not limited to whether the applicant was convicted of a "serious violent offense" or a "sex offense" as those terms are defined in RCW 9.94A.030; and

(d) Evidence of rehabilitation or good conduct produced by the applicant.

NEW SECTION. **Sec. 5.** This act may be known and cited as the Washington fair chance to education act.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 28B RCW."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Van Werven, Ranking Minority Member; Haler; Holy; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Rules for second reading.

February 22, 2018

ESJM 8008 Prime Sponsor, Senator Chase: Requesting Congress to reform the harbor maintenance tax. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Vice Chair; Tarleton, Vice Chair; Doglio; Fey; Harmsworth; Hudgins; Manweller; Santos; Slatter; Steele; Wylie and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's 1st and 2nd Supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 11:00 a.m., February 26, 2018, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, February 26, 2018

The House was called to order at 11:00 a.m. by the Speaker (Representative Stonier presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

February 23, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
6032,
ENGROSSED SUBSTITUTE SENATE BILL NO.
6095,
ENGROSSED SUBSTITUTE SENATE BILL NO.
6106,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2018-4677, by
**Representatives Volz, McCaslin, Santos, Harris, Dye,
Haler, Dolan, Ryu, Kilduff, Lovick, Kraft, McCabe,
Muri, and Nealey**

WHEREAS, The Washington State Assistant Principal of the Year is selected each year alternately between middle level principals and high school principals from regional finalists from across the state; and

WHEREAS, The Assistant Principal of the Year earns the respect and admiration of their colleagues, is an expert in their field, guides teachers and students to excellence, and collaborates with colleagues, students, and families; and

WHEREAS, The Assistant Principal of the Year demonstrates leadership and innovation in their school and embodies leadership development among both school administrators and students; and

WHEREAS, The Assistant Principal of the Year represents Washington state at all National Assistant Principal of the Year events; and

WHEREAS, The Assistant Principal of the Year meets or exceeds eight specific criteria to be selected: Creating culture in the workplace, ensuring school safety, planning with data, aligning curriculum, improving instruction, managing resources, engaging communities, and closing the gap; and

WHEREAS, The honor of being named Washington State Assistant Principal of the Year is representative of leadership excellence in Washington state schools and the dedication of teachers, administrators, and families for student success in learning;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives demonstrate its deep respect and appreciation for the 2018 Washington State Assistant Principal of the Year, Tami Skillingstad, of Cheney School District for her years of teaching excellence, leadership development, and curriculum alignment; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of all Washington state education administrators and educators embodied in this most prestigious award; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Tami Skillingstad, the 2018 Washington State Assistant Principal of the Year, the Office of the Superintendent of Public Instruction, and the Association of Washington School Principals.

There being no objection, HOUSE RESOLUTION NO. 4677 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4680, by
Representative Kraft

WHEREAS, Philip Meng, an esteemed resident of Vancouver and a student at Union High School has achieved national recognition for exemplary volunteer service; and

WHEREAS, Mr. Meng, by receiving the 2018 Prudential Spirit of Community Award has displayed exceptional devotion to serving his community; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mr. Meng earned this award by giving generously of his time and energy to educating students about geography through his nonprofit, which has expanded both throughout the United States and more than 15 nations around the world; and

WHEREAS, Mr. Meng has partnered with institutions and governments to disseminate and implement his programs, which have included lectures, seminars, workshops, conferences, and a world geography competition for students; and

WHEREAS, The success of the State of Washington, strength of our communities, and overall vitality of American society, depend, in great measure, upon the dedication of young people like Mr. Meng who use their considerable talents and resources to serve others; and

WHEREAS, Knowledge and understanding of others in our own communities and around the world is paramount to a peaceful and prosperous future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby congratulate and honor Mr. Meng as a recipient of a Prudential Spirit of Community Award for his outstanding record of volunteer service and extend best wishes for his continued success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Philip Meng.

There being no objection, HOUSE RESOLUTION NO. 4680 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4681, by Representatives Stambaugh, Sawyer, Dolan, Haler, Irwin, Jinkins, McDonald, Peterson, McCabe, Barkis, Muri, Johnson, Ryu, Stanford, and Fey

WHEREAS, July 28, 2018, in the Puyallup Indian Reservation, upwards of 20,000 visitors will enthusiastically welcome the arrival of more than 100 tribal canoes as they conclude long distance journeys as participants in this year's Tribal Canoe Journey, "2018 Paddle to Puyallup," hosted by the Puyallup Tribe, whose homeland is south Puget Sound; and

WHEREAS, The Puyallup Tribe whose name translates to, "generous and welcoming to all people," will welcome those at the end of their canoe journey; and

WHEREAS, The canoes will arrive in Commencement Bay and represent over 60 tribes from Washington, California, Idaho, Oregon, Alaska, British Columbia, and other states and countries; and

WHEREAS, Following their arrival on Puyallup Indian Lands, the canoes will join together at the Puyallup Tribe's Chief Leschi School in multiday cultural festivities, which are open to the public and last until August 4, 2018; and

WHEREAS, The Tribal Canoe Journey, "2018 Paddle to Puyallup," represents a revival of traditional canoe culture fundamental to traditional Native American life around Puget Sound, the Salish Sea, the Strait of Juan de Fuca, the Pacific Ocean, and other Pacific Northwest marine waters that frequently involved long journeys for economic, social, and cultural purposes; and

WHEREAS, Tribal Canoe Journeys have become a vital activity for the revitalization of cultural expression for Native American families to pass along their traditional way of life to younger generations; and

WHEREAS, The inaugural Tribal Canoe Journey, "Paddle to Seattle," coincided with the 1989 State of Washington's Centennial Celebration and brought 17 tribes together as a tribute to the Salish Sea's tribal canoe tradition and cultural heritage; and

WHEREAS, "2018 Paddle to Puyallup" is a community-building, youth-focused, drug-free, alcohol-free, and waste-free event, with the motto "Honoring our Medicine";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives heartily welcome to the state capitol the many tribal members and tribal paddlers, support teams, hundreds of volunteers, and thousands of enthusiastic visitors who will participate in this historic gathering, Tribal Canoe Journey, "2018 Paddle to Puyallup"; and

BE IT FURTHER RESOLVED, That the House of Representatives congratulate the Puyallup Tribe for its leadership in organizing and hosting the Tribal Canoe Journey, "2018 Paddle to Puyallup" event and further express their appreciation to the City of Tacoma, the Port of Tacoma, Pierce County, and hundreds of volunteers for their active support of this historic event; and

BE IT FURTHER RESOLVED, That the House of Representatives express their admiration for the personal fitness and endurance of the tribal paddlers, many of whom will have paddled for hundreds of miles to Puyallup; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives, to the Puyallup Tribe, the City of Tacoma, the Port of Tacoma, and Pierce County.

There being no objection, HOUSE RESOLUTION NO. 4681 was adopted.

The Speaker (Representative Stonier presiding) called upon Representative Reeves to preside.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 3000 by Representatives Vick, Harris, Kraft, Walsh, Hayes, Manweller, Taylor, Pike, Young, Maycumber, Van Werven, Hargrove, Caldier and Chandler

AN ACT Relating to providing property tax relief to all Washingtonians for taxes levied for collection in 2018; amending RCW 84.52.065 and 84.69.020; and creating new sections.

Referred to Committee on Finance.

SUPPLEMENTAL INTRODUCTION & FIRST READING

HB 3001 by Representatives Blake, Kretz, Tharinger and Walsh

AN ACT Relating to designating the Pacific razor clam as the state clam; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government, Elections & Information Technology.

HB 3002 by Representative Ormsby

AN ACT Relating to making expenditures from the budget stabilization account for declared catastrophic events.

Referred to Committee on Appropriations.

HB 3003 by Representatives Goodman and Hayes

AN ACT Relating to law enforcement.

Referred to Committee on Public Safety.

HB 3004 by Representatives Jinkins, Kagi, Senn, Doglio, Pollet, Peterson, Stanford, Fey, Appleton, Ryu, Robinson, Ormsby, Slatter, Kloba, Valdez and Bergquist

AN ACT Relating to improving security in schools and the safety of students by: Creating a grant program for school districts to implement emergency response systems; creating a program to provide students and the community with the means to report unsafe or violent activities; requiring the same background check process to purchase certain rifles and shotguns as is currently required for pistols; prohibiting persons under the age of 21 from purchasing certain rifles and shotguns; and generating funds; amending RCW 9.41.090, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.113, 9.41.124, 36.28A.420, and 9.41.240; reenacting and amending RCW 42.56.240 and 9.41.010; adding a new section to chapter 43.10 RCW; adding a new section to chapter 28A.320 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 3005 by Representatives Sullivan, Lytton and Ormsby

AN ACT Relating to state property tax relief.

Referred to Committee on Finance.

HB 3006 by Representatives Sullivan, Lytton and Ormsby

AN ACT Relating to making appropriations from the budget stabilization account for state property tax relief.

Referred to Committee on Appropriations.

HB 3007 by Representatives Young, Van Werven, Holy, McCaslin and Muri

AN ACT Relating to preparing for and responding to active shooter events and other acts of mass violence at schools; amending RCW 9.41.280 and 9.41.280; adding a new chapter to Title 28A RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

ESSB 6032 by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes and Braun)

AN ACT Relating to fiscal matters; amending RCW 43.41.433, 43.79.445, 28B.20.476, 41.26.802, 70.105D.070, 79.105.150, 86.26.007, 69.50.540, 39.12.080, 76.04.610, and 90.56.500; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 509, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 722, 723, 724, 718, 718, 801, 805, 936, 937, 942, and 944 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); adding a new section to chapter 43.79 RCW; creating a new section; repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; and declaring an emergency.

ESSB 6095 by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Mullet, Liias, Keiser and Saldaña)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2018 c 2 ss 1006, 1016, 1018, 1020, 1021, 1026, 1027, 1031, 1032, 1040, 1041, 1042, 1045, 1049, 1050, 1051, 1052, 2009, 2012, 2025, 2026, 2002, 2024, 2046, 2047, 3010, 3025, 3027, 3028, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3044, 3045, 3046, 3047, 3048, 3049, 3051, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065,

3067, 3068, 3073, 3075, 3092, 3029, 3069, 3015, 4001, 5002, 5005, 5006, 5007, 5008, 5009, 5010, 5015, 5021, 5035, 5038, 5039, 5041, 5046, 5053, 5070, 5071, 5072, 5073, 7001, 7002, 7024, 7025, and 7028 (uncodified); amending 2016 sp.s. c 35 s 1012 (uncodified); amending 2017 3rd sp.s. c 4 ss 1003, 2009, 3046, 3072, 5011, 5016, and 5048 (uncodified); adding new sections to 2018 c 2 (uncodified); creating a new section; repealing 2018 c 2 ss 1030, 1033, 2030, and 3030 (uncodified); making appropriations; and declaring an emergency.

ESSB 6106 by Senate Committee on Transportation (originally sponsored by Senator Hobbs)

AN ACT Relating to transportation funding and appropriations; amending 2017 c 313 ss 101, 103, 105, 106, 102, 108, 202-223, 301-312, 401-404, 406-408, 601, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 995, 726-733, 735, and 736 (uncodified); adding new sections to 2017 c 313 (uncodified); repealing 2017 c 288 s 5 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet and supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of the following bills which were read the first time, and under suspension of the rules, were placed on the second reading calendar:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6106

The Speaker (Representative Reeves presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes and Braun)

Making supplemental operating appropriations. Revised for 1st Substitute: Making 2018 supplemental operating appropriations.

The bill was read the second time.

Representative Ormsby moved the adoption of amendment (1195):

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund-State Appropriation (FY 2018).....(~~\$37,642,000~~)

\$35,492,000

General Fund-State Appropriation (FY 2019).....(~~\$39,205,000~~)

\$37,096,000

(~~Motor Vehicle Account State Appropriation.....\$2,011,000~~)

Pension Funding Stabilization Account-State

Appropriation.....\$4,280,000

TOTAL APPROPRIATION.....~~\$78,858,000~~

\$76,868,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the tax structure reform work group. The speaker shall designate one member from each of the major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

(2) The joint select committee on health care oversight shall collaborate

with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

\$8,668,000

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund–State Appropriation (FY 2018) (~~(\$26,369,000)~~)
\$24,908,000

General Fund–State Appropriation (FY 2019) (~~(\$29,451,000)~~)
\$27,998,000

(~~(Motor Vehicle Account State Appropriation~~ ~~\$1,903,000)~~)

Pension Funding Stabilization Account–State
Appropriation..... \$2,941,000

TOTAL APPROPRIATION..... \$57,723,000
\$55,847,000

The appropriations in this section are subject to the following conditions and limitations: The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund–State Appropriation (FY 2018) (~~(\$135,000)~~)
\$208,000

General Fund–State Appropriation (FY 2019) (~~(\$29,000)~~)
\$341,000

Performance Audits of Government–State Appropriation..... (~~(\$8,619,000)~~)
\$8,119,000

TOTAL APPROPRIATION..... \$8,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2017-2019 work plan as necessary to efficiently manage workload.

(2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

(3) \$308,000 of the performance audits of government account–state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

~~((5))~~ (4) \$100,000 of the performance audits of government account–state appropriation is provided solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth homelessness performance based contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

~~((6))~~ (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

~~((7))~~ (6)(a) \$250,000 of the performance audit of government–state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

(i) The costs and benefits associated with prevocational training programs;

(ii) The process of requesting and authorizing prevocational services;

(iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;

(iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;

(v) The costs and benefits associated with community access services; and

(vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$7,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 1154 (fishing and seafood processing). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(8) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2269 (adaptive automotive equipment tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 2448 (developmental disability housing/tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(10) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for implementation of Substitute House Bill No. 2550 (disabled veteran assistance/tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(11) \$22,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$2,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of House Bill No. 2928 (cooperative finance organizations B&O). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(13) \$9,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of House Bill No. 2947 (rural manufacturers B&O tax). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(14) \$220,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Third Substitute House Bill No. 1144 (greenhouse gas emissions). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) (a) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the joint legislative audit and review committee to identify the following:

(i) The currently operating guardianship monitoring practices in each county of the state; and

(ii) The currently operating lay guardian training practices in each county of the state.

(b) The results of the review in (a) of this subsection must be provided to the advisory group and the joint legislative executive committee on aging and disability, as described in section 206(29) of this act, with sufficient time for the advisory group to present to the

joint legislative executive committee on aging and disability by December 1, 2018.

(16) \$13,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2396 (child care access). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 104. 2017 3rd sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government-State
Appropriation..... (~~(\$4,175,000)~~)
\$4,350,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

(2) \$175,000 of the appropriation is provided solely to provide a plan for improving the accuracy and consistency of estimated fiscal impacts by individual school districts of major K-12 budget proposals and enacted K-12 budgets. The legislative evaluation and accountability program administrator must prepare an implementation plan for achieving the purposes of this subsection over the next several biennia. In developing the plan, the legislative evaluation and accountability program committee must seek input from the house appropriations committee, the senate ways and means committee, the office of the superintendent of public instruction, the office of financial management, and senior fiscal staff of educational service districts. The plan must include performance measures that will be used to judge progress towards improving accuracy and consistency of K-12 fiscal analysis and information. The plan must be submitted to the appropriate fiscal committees of the legislature by January 1, 2019.

Sec. 105. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund-State Appropriation (FY 2018)..... (~~(\$10,730,000)~~)
\$10,317,000

General Fund-State Appropriation (FY 2019)..... (~~(\$10,254,000)~~)
\$10,724,000

Pension Funding Stabilization Account-State

Appropriation.....\$825,000
TOTAL APPROPRIATION.....~~(\$20,984,000)~~
\$21,866,000

Sec. 106. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund-State Appropriation (FY 2018)..... (~~(\$302,000)~~)
\$288,000

General Fund-State Appropriation (FY 2019)..... (~~(\$308,000)~~)
\$294,000

State Health Care Authority
Administrative Account-State

Appropriation.....\$406,000

Department of Retirement Systems
Expense

Account-State Appropriation \$5,110,000

Pension Funding Stabilization Account-State

Appropriation.....\$28,000
TOTAL APPROPRIATION.....\$6,126,000

Sec. 107. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund-State Appropriation (FY 2018)..... (~~(\$4,936,000)~~)
\$4,650,000

General Fund-State Appropriation (FY 2019)..... (~~(\$5,455,000)~~)
\$5,171,000

Pension Funding Stabilization Account-State

Appropriation.....\$568,000

Appropriation.....	(\$58,486,000)
	<u>\$61,141,000</u>
Judicial Stabilization Trust Account— State	
Appropriation.....	(\$6,691,000)
	<u>\$4,851,000</u>
<u>Pension Funding Stabilization Account— State</u>	
Appropriation.....	\$4,580,000
TOTAL APPROPRIATION.....	\$183,690,000
	<u>\$190,906,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund-state appropriation for fiscal year 2018 and \$1,399,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3) (a) \$7,313,000 of the general fund-state appropriation for fiscal year 2018 and \$7,313,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall

neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2017-2019 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$12,000,000 of the judicial information systems account-state appropriation is provided solely for the continued implementation of the superior courts case management system. Of the amount appropriated, \$8,300,000 is provided solely for expenditures in fiscal year 2018. The remaining appropriation of \$3,700,000 is provided solely for expenditures in fiscal year 2019 and shall lapse and remain unexpended if the superior court case management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) (~~(\$4,339,000)~~) \$4,216,000 of the judicial information systems account-state appropriation is provided solely for the information network hub project.

(6) (a) (~~(\$10,000,000)~~) \$2,500,000 of the general fund-state appropriation for fiscal year 2019 and \$8,077,000 of the judicial information systems account-state appropriation (~~(\$5)~~) are provided solely for other judicial branch information technology projects, including:

- (i) The superior court case management system;
- (ii) The appellate court case management system;

(iii) The courts of limited jurisdiction case management system;

((~~(iii)~~)) (iv) Equipment replacement; and

((~~(iv)~~)) (v) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) (~~(\$406,000)~~) \$811,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$405,000)~~) \$811,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the statewide fiscal impact on Thurston county courts. The administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$58,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$570,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 1186 (court interpreter services). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$602,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 114. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund-State Appropriation (FY 2018)	(\$41,558,000)
	\$42,129,000
General Fund-State Appropriation (FY 2019)	(\$42,539,000)
	\$43,494,000
Judicial Stabilization Trust Account-State	
Appropriation	(\$3,710,000)
	\$3,709,000
Pension Funding Stabilization Account-State	
Appropriation	\$278,000
TOTAL APPROPRIATION	\$87,807,000
	\$89,610,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund-state appropriation for fiscal year 2018 and \$1,101,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund-state appropriation for fiscal year 2018 and \$900,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public defense services. The department

must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

\$33,863,000

(4) \$2,384,000 of the general fund-state appropriation for fiscal year 2018 and \$3,364,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund-state appropriation for fiscal year 2018 and \$490,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund-state appropriation for fiscal year 2018 and \$432,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

Sec. 115. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund-State Appropriation (FY 2018) (~~(\$14,855,000)~~)
\$14,833,000

General Fund-State Appropriation (FY 2019) (~~(\$16,490,000)~~)
\$17,523,000

Judicial Stabilization Trust Account-State

Appropriation..... \$1,463,000

Pension Funding Stabilization Account-State

Appropriation..... \$44,000

TOTAL APPROPRIATION..... ~~\$32,808,000~~

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund-state appropriation for fiscal year 2018 and an amount not to exceed \$40,000 of the general fund-state appropriation for fiscal year 2019 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$1,075,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,600,000)~~) \$3,275,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office to partially implement the civil legal aid reinvestment plan.

(3) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of civil legal aid to automate, deploy, and host a plain language family law form document assembly system.

(4)(a) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a statewide kinship care legal assistance support and training coordinator. The coordinator may be hosted at the office of civil legal aid or through a contract with an appropriate nonprofit legal aid provider.

(b) The office of civil legal aid must create a kinship care legal assistance advisory committee to define the scope of activities to be carried out by the coordinator, including, but not limited to, developing training and technical support and assisting volunteer attorneys and attorneys providing below-market rate legal services to kinship care providers.

Sec. 116. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund-State Appropriation (FY 2018) (~~(\$6,406,000)~~)
\$6,216,000

General Fund-State Appropriation (FY 2019) (~~(\$5,833,000)~~)

	<u>\$7,333,000</u>
<u>Pension Funding Stabilization Account—State</u>	
Appropriation.....	\$676,000
<u>Economic Development Strategic Reserve Account—State</u>	
Appropriation.....	\$4,000,000
TOTAL APPROPRIATION.....	<u>\$12,239,000</u>
	<u>\$18,225,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund-state appropriation for fiscal year 2018 and \$703,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(3) \$1,216,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$5,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided to the office of the governor to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy internship program.

(5) \$291,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 117. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund-State Appropriation (FY 2018).....(~~(\$833,000)~~)
\$807,000

General Fund-State Appropriation (FY 2019).....(~~(\$859,000)~~)
\$831,000

General Fund-Private/Local Appropriation.....\$90,000

Pension Funding Stabilization Account—State

Appropriation.....\$54,000

TOTAL APPROPRIATION.....\$1,782,000

Sec. 118. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund-State Appropriation (FY 2018).....(~~(\$2,826,000)~~)
\$2,696,000

General Fund-State Appropriation (FY 2019).....(~~(\$2,872,000)~~)
\$3,970,000

Pension Funding Stabilization Account—State

Appropriation.....\$260,000

TOTAL APPROPRIATION.....\$5,698,000

\$6,926,000

The appropriations in this section are subject to the following conditions and limitations: \$37,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for modernizing and migrating the public disclosure commission's business applications from an agency-based data center to the state data center or a cloud environment.

Sec. 119. 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund-State Appropriation (FY 2018)	(\$15,131,000)	
		<u>\$15,691,000</u>
General Fund-State Appropriation (FY 2019)	(\$13,465,000)	
		<u>\$13,554,000</u>
General Fund-Federal Appropriation	\$7,801,000	
Public Records Efficiency, Preservation, and Access		
Account-State Appropriation	(\$9,223,000)	
		<u>\$9,218,000</u>
Charitable Organization Education Account-State		
Appropriation.....	\$673,000	
Local Government Archives Account-State		
Appropriation.....	(\$10,946,000)	
		<u>\$10,943,000</u>
Election Account-Federal Appropriation	\$4,387,000	
Washington State Heritage Center Account-State		
Appropriation.....	(\$10,383,000)	
		<u>\$10,625,000</u>
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation.....</u>	<u>\$959,000</u>	
TOTAL APPROPRIATION.....	<u>\$72,009,000</u>	
		<u>\$73,851,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,301,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.
- (2) (a) \$2,932,000 of the general fund-state appropriation for fiscal year 2018 and \$3,011,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$15,000 of the general fund-state appropriation for fiscal year 2018, \$15,000 of the general fund-state appropriation for fiscal year 2019, \$4,000 of the public records efficiency, preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$102,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a study to determine any benefits, the full cost to the state, and any potential impact on voter turnout for reimbursing all counties for the cost of return postage on mail and absentee ballots for all elections.

Sec. 120. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund-State Appropriation (FY 2018) ((~~\$289,000~~))
\$274,000

General Fund-State Appropriation (FY 2019) ((~~\$276,000~~))
\$263,000

Pension Funding Stabilization Account-State

Appropriation..... \$28,000
TOTAL APPROPRIATION..... \$565,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees.

The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund-State Appropriation (FY 2018)..... ((~~\$253,000~~))
\$243,000

General Fund-State Appropriation (FY 2019)..... ((~~\$263,000~~))
\$253,000

Pension Funding Stabilization Account-State

Appropriation.....\$26,000
TOTAL APPROPRIATION.....~~\$516,000~~
\$522,000

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000 of the general fund-state appropriation for fiscal year 2019 are provided to the commission on Asian Pacific American affairs to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy, a ten-week summer internship program administered by the office of the governor. Funding is provided for, but not limited to, living expenses and travel costs.

Sec. 122. 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account-State

Appropriation.....((~~\$18,918,000~~))
\$19,376,000

The appropriation in this section is subject to the following conditions and

limitations: \$75,000 of the state treasurer's service account-state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

(3) \$303,000 of the state treasurer's service account-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2718 (civil

forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 123. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund-State Appropriation (FY 2018).....	\$28,000
General Fund-State Appropriation (FY 2019).....	\$32,000
State Auditing Services Revolving Account-State	
Appropriation.....	(\$10,219,000)
	\$10,916,000
Performance Audit of Government Account-State	
Appropriation.....	\$3,019,000
TOTAL APPROPRIATION.....	\$13,298,000
	\$13,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$774,000 of the performance audit of government account-state appropriation is provided solely for the state auditor's office to conduct a performance audit of the department of health focused on the fee setting for each health profession licensed by the department. The performance audit must include, but is not limited to:

(a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;

(b) A review of the costs of running each health profession program or board;

(c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and

(d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$1,585,000 of the performance audit of government account-state

appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$667,000 of the performance audits of government account-state appropriation (~~(for fiscal year 2018)~~) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by (~~June 30~~) December 31, 2018. The audit must include (~~eight~~) ten schools currently in (~~their first year of~~) operation and, subject to the availability of data, must (~~address the following questions~~) include, but is not limited to evaluating, the following operational and academic outcomes:

(a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;

(b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the state auditing services revolving account-state appropriation is provided solely for the state auditor's office to conduct ten additional program or agency audits.

Sec. 124. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund-State Appropriation (FY 2018).....	(\$204,000)
	<u>\$213,000</u>
General Fund-State Appropriation (FY 2019).....	(\$205,000)
	<u>\$218,000</u>
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	<u>\$30,000</u>
TOTAL APPROPRIATION.....	\$409,000
	<u>\$461,000</u>

Sec. 125. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund-State Appropriation (FY 2018).....	(\$8,641,000)
	<u>\$7,837,000</u>
General Fund-State Appropriation (FY 2019).....	(\$8,951,000)
	<u>\$8,234,000</u>
General Fund-Federal Appropriation.....	(\$6,969,000)
	<u>\$8,945,000</u>
<u>New Motor Vehicle Arbitration Account-State</u>	
Appropriation.....	<u>\$1,145,000</u>
<u>Legal Services Revolving Account-State</u>	
Appropriation.....	(\$245,290,000)
	<u>\$250,553,000</u>
<u>Tobacco Prevention and Control Account-State</u>	
Appropriation.....	<u>\$273,000</u>
<u>Medicaid Fraud Penalty Account-State</u>	
Appropriation.....	<u>\$3,526,000</u>

Public Service Revolving Account—State	
Appropriation.....	(\$2,373,000)
	<u>\$2,724,000</u>
Child Rescue Fund—State	
Appropriation	(\$550,000)
	<u>\$500,000</u>
Local Government Archives Account—	
State Appropriation	\$660,000
<u>Pension Funding Stabilization Account—</u>	
<u>State</u>	
<u>Appropriation.....</u>	<u>\$1,606,000</u>
TOTAL APPROPRIATION.....	\$278,378,000
	<u>\$286,003,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not

be printed on paper or distributed physically.

(4) \$353,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund—state appropriation for fiscal year 2018 and \$91,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund—state appropriation for fiscal year 2018 and \$259,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account—state appropriation and \$660,000 of the local government archives account—state appropriation are provided solely for implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$119,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091).

(15) \$78,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1298 (job applicants/arrests). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$350,000 of the public service revolving account-state appropriation is provided solely for additional expert witness assistance for the public counsel unit.

(17) \$72,000 of the legal services revolving account-state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds, creating). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 126. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund-State Appropriation (FY 2018) (~~(\$1,606,000)~~)
 \$1,562,000

General Fund-State Appropriation (FY 2019) (~~(\$1,576,000)~~)
 \$1,706,000

Pension Funding Stabilization Account-State
Appropriation..... \$169,000
 TOTAL APPROPRIATION..... ~~\$3,182,000~~
 \$3,437,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW.

(2) \$79,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$20,000 of the general fund-state appropriation for fiscal year 2018 and \$73,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the council to assist with the review of the sentencing reform act being conducted by the sentencing guidelines commission.

Sec. 127. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund-State Appropriation (FY 2018) (~~(\$64,989,000)~~)
 \$66,018,000

General Fund-State Appropriation (FY 2019) (~~(\$65,634,000)~~)
 \$75,666,000

General Fund-Federal
 Appropriation..... (~~(\$295,855,000)~~)
 \$295,861,000

General Fund-Private/Local
 Appropriation..... (~~(\$8,623,000)~~)
 \$9,026,000

Public Works Assistance Account-State
 Appropriation \$8,092,000

Drinking Water Assistance
 Administrative
 Account-State Appropriation .. \$508,000

Lead Paint Account-State Appropriation \$238,000

Building Code Council Account-State
 Appropriation..... \$15,000

Home Security Fund Account-State
 Appropriation..... (~~(\$48,400,000)~~)
 \$48,401,000

Affordable Housing for All Account-State
 Appropriation \$13,867,000

Financial Fraud and Identity Theft
 Crimes

Investigation and Prosecution Account-State

Appropriation.....	\$1,974,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account-State	
Appropriation.....	\$1,398,000
Community and Economic Development Fee Account-State	
Appropriation.....	\$4,630,000
Washington Housing Trust Account-State	
Appropriation.....	(\$12,617,000)
	<u>\$12,619,000</u>
Prostitution Prevention and Intervention Account-State	
State Appropriation.....	\$26,000
Public Facility Construction Loan Revolving Account-State	
Appropriation	(\$842,000)
	<u>\$843,000</u>
Drinking Water Assistance Account-State	
Appropriation.....	\$46,000
Liquor Revolving Account-State	
Appropriation	(\$5,613,000)
	<u>\$5,763,000</u>
Energy Freedom Account-State	
Appropriation	\$6,000
Liquor Excise Tax Account-State	
Appropriation	\$665,000
Economic Development Strategic Reserve Account-State	
Appropriation.....	(\$5,611,000)
	<u>\$2,651,000</u>
Financial Services Regulation Account-State	
Appropriation.....	\$468,000
Pension Funding Stabilization Account-State	
Appropriation.....	\$1,618,000
TOTAL APPROPRIATION.....	<u>\$540,117,000</u>
	<u>\$550,399,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) ~~(\$500,000)~~ \$750,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$500,000)~~ \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) ~~(\$5,602,000 of the economic development strategic reserve account state appropriation is)~~ \$1,480,000 of the general fund-state appropriation for fiscal year 2018, \$1,480,000 of the general fund-state appropriation for fiscal year 2019, and \$2,642,000 of the economic development strategic reserve account-state appropriation are provided solely for associate development organizations. During the 2017-2019 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation

decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,607,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8) (a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, \$24,734,000 of the home security fund—state appropriation, and \$8,860,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$700,000)~~) \$1,436,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and

renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(10) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(11) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(17) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(18) \$94,000 of the general fund-state appropriation for fiscal year 2018 and \$253,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund-state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund-state appropriation for fiscal year 2018 and \$643,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund-state appropriation for fiscal year 2018 and \$39,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$1,000,000 of the home security fund-state appropriation, \$2,000,000 of the Washington housing trust account-state appropriation, and \$1,000,000 of the affordable housing for all account-state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(24) (a) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$500,000 of the general fund-state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund-state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(ii) Support the development of an integrated services model, increase performance outcomes, and ensure providers have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age though increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(25) \$140,000 of the general fund-state appropriation for fiscal year 2018 and \$140,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aide in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26) (a) \$1,000,000 of the home security fund-state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund-state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund-state appropriation for fiscal year 2018 and \$1,980,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce

admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(28) \$557,000 of the general fund-state appropriation for fiscal year 2018 and \$557,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund-state appropriation for fiscal year 2018 and \$167,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood organizing, law enforcement-community partnerships,

neighborhood watch programs, youth mobilization, and business engagement.

(33)(a) \$83,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$83,000)~~) \$133,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

- (i) Is a county located in Washington or its designee;
- (ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;
- (iii) Has an identified gang problem;
- (iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;
- (v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by September 1, 2019, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at

the time of renewal of any existing contract.

(35) \$102,000 of the general fund-state appropriation for fiscal year 2018 and \$75,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund-state appropriation for fiscal year 2018 and \$12,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account-state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40)(a) \$250,000 of the public works assistance account-state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding.

The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state

appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18 experiencing homelessness.

(42) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund-state appropriation for fiscal year 2018 and \$600,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund-state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention pilot program. The pilot program shall be modeled after the Denver gang reduction initiative program, with the goal of creating a sustainable organized response to gang activity utilizing evidence-based principles.

(48) \$387,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to create the governor's rural broadband office. The purpose of the governor's rural broadband office is to provide grants to local governments and federally recognized tribes to build and deploy infrastructure to provide high-speed, open-access broadband service to rural unserved and underserved communities to improve economic development, public safety, and access to education.

(a) The office must, at a minimum:

(i) Identify unserved and underserved areas in rural parts of the state on an annual basis;

(ii) Conduct planning to prioritize and sequence the delivery of quality high-speed broadband to rural parts of the state;

(iii) Review existing federal communications commission data, unfunded community economic revitalization board proposals, denied United States department of agriculture grants for projects in Washington state, and proposals from previous state broadband efforts; and

(iv) Develop a list of projects for grant support that expand quality high-speed rural broadband access no later than six months after the effective date of this section.

(b) The department of commerce must work with the utilities and transportation commission, consolidated technology services, the office of privacy and data protection, the governor's office for regulatory innovation and assistance, and all other Washington executive and small cabinet agencies with pertinent regulatory jurisdiction in the implementation and operation of the governor's rural broadband office.

(49) (a) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract to study and report on independent contractor employment in Washington state. The contractor report shall be provided to the department by November 1, 2018. The report must include information on the needs of workers earning income as independent contractors including sources of income, the amount of their income derived from independent work, and

a discussion of the benefits provided to such workers.

(b) The department must convene an advisory committee to provide assistance with the development of the study. The advisory committee must comprise:

(i) Individuals from the public and private sector with expertise in labor laws;

(ii) Representatives of labor unions;

(iii) Representatives from nonprofit organizations promoting economic security and educational opportunity; and

(iv) Individuals from business and industry.

(50) \$240,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2367 (child care collaboration task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$174,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$114,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$31,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) (a) \$400,000 of the general fund-state appropriation for fiscal year 2019 and \$400,000 of the general fund-local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund-state funding provided in this subsection serves as a state match and may not be spent unless \$400,000 of local matching funds is transferred to the department. The department must seek

feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by December 1, 2019.

(55) \$1,276,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 16, Laws of 2017, 3rd sp.s. (E2SSB 5254).

(56) (a) \$150,000 of the liquor revolving account-state appropriation is provided solely for the department of commerce to conduct a study that analyzes counties' revenue capacity in relation to their constitutional and statutory obligations. At a minimum, the study must include:

(i) A comparison of county expenditures for services provided as agents of the state compared to the state and local revenue capacity for state services;

(ii) An analysis of where funding gaps are most pronounced, such as by issue area and specific areas of the state;

(iii) How the situation has changed over the last thirty years; and

(iv) Baseline data and a methodology that can be replicated in future studies and analysis.

(b) An interim report focusing on the results of (a) (i) of this section must be

presented to the governor and appropriate committees of the legislature by or before December 31, 2018. The final report must be presented to the governor and appropriate committees of the legislature by or before June 30, 2019.

(57) (a) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of commerce to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(i) The department of corrections to support offender betterment projects; and

(ii) The department of social and health services to provide access and visitation services.

(b) The grant recipient must provide data on program outcomes to the Washington statewide reentry council. This data must be included in the Washington statewide reentry council's report of activities and recommendations to the governor and appropriate committees of the legislature as required by RCW 43.380.050.

(58) \$45,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to a nonprofit organization that addresses the causes and barriers of poverty and homelessness with comprehensive and holistic services. The funding must be used to support food bank services and a summer meals program that serves at least ten different sites in the South King county region for children and families.

(59) \$1,500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit organization to provide Washington state residents with legal representation related to family and community safety.

(60) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a small business innovation exchange project to increase economic development opportunities for women, minority, and veteran owned small businesses in the south King county region.

(61) \$100,000 of the general fund-state appropriation for fiscal year 2019

is provided solely for a grant to the city of Federal Way for an emergency shelter to serve homeless families with children.

(62) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for capacity-building grants through the united Indians of all tribes foundation to promote and improve educational, cultural, and social services for Native American communities in Washington state.

(63) \$66,000 of the general fund-state appropriation for fiscal year 2018 and \$147,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2914 (postconsumer materials). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(64) \$41,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2101 (sexual assault nurse examiners). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(65) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to a museum to assist with armistice day activities in schools and other community settings to celebrate the 100th anniversary of World War I and armistice day. Funding must be used for a World War I America museum exhibit, new curriculum, teacher training, student and classroom visits, and visits from veterans and active duty military.

(66) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit economic development association with members that include cities, ports, and at least twenty associate development organizations to study strategies and best practices for economic development and job creation in rural and underserved communities. The study must include strategies used successfully both in Washington and in other states, including examples of how rural and underserved communities have recruited technology employers and increased technology jobs in their communities.

(67) \$149,000 of the general fund-state appropriation for fiscal year 2019

is provided solely for a pilot project in Clark county to increase access to local workforce training. The funding must be used to work with partners in careers to complete an assessment of basic literacy skills and connection to classes at Clark college or other programs to support the reading and math skills needed to complete workforce training; for case management to connect job seekers to community resources; and to support first time users or returners navigating the worksorce system and engagement in on the job training and industry specific training in high demand fields.

(68) \$40,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the Douglas county associate development organization that serves on the core leadership team of the Wenatchee valley's our valley our future community and economic development program to support communities adversely impacted by wildfire damage and the reduction of aluminum smelter facilities.

Sec. 128. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund-State Appropriation (FY 2018).....	(\$850,000)
	\$799,000
General Fund-State Appropriation (FY 2019).....	(\$905,000)
	\$854,000

Lottery Administrative Account-State Appropriation.....\$50,000

Pension Funding Stabilization Account-State

Appropriation.....\$102,000

TOTAL APPROPRIATION.....\$1,805,000

Sec. 129. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund-State Appropriation (FY 2018).....	(\$11,711,000)
	\$12,572,000

General Fund-State Appropriation (FY 2019).....~~(\$11,956,000)~~

	<u>\$12,185,000</u>
General Fund-Federal	
Appropriation	\$39,716,000
General Fund-Private/Local	
Appropriation	(\$501,000)
	<u>\$843,000</u>
Economic Development Strategic Reserve	
Account-State	
Appropriation.....	\$314,000
Recreation Access Pass Account-State	
Appropriation	<u>\$75,000</u>
Personnel Service Fund-State	
Appropriation	(\$8,882,000)
	<u>\$8,888,000</u>
Higher Education Personnel Services	
Account-State	
Appropriation.....	\$1,497,000
Performance Audits of Government	
Account-State	
Appropriation.....	\$621,000
Statewide Information Technology	
System Development	
Revolving Account-State	
Appropriation	(\$6,503,000)
	<u>\$10,022,000</u>
OFM Central Services-State	
Appropriation	(\$19,237,000)
	<u>\$19,308,000</u>
Pension Funding Stabilization Account-State	
Appropriation.....	\$2,448,000
TOTAL APPROPRIATION.....	<u>\$100,938,000</u>
	<u>\$108,489,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund-federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2) (a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of

the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

(b) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(3) \$149,000 of the general fund-state appropriation for fiscal year 2018 and \$144,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund-state appropriation for fiscal year 2018 and \$75,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection

of pricing data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$131,000 of the general fund-state appropriation for fiscal year 2019, and \$139,000 of the personnel service account-state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section 222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) (~~(\$4,503,000)~~) \$8,022,000 of the statewide information technology system development revolving account-state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative

fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund-federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund-state appropriation for fiscal year 2018 and \$140,000 of the general fund-federal appropriation are provided solely for the authority to incorporate long-term inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the

language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(12) \$75,000 of the recreation access pass account—state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D. Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

(a) Identify the types of recreational access pass products, exemption and discount types, and levels;

(b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;

(c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;

(d) Identify fiscal impacts of changing the state access pass to each of

the options identified including any combination state and federal recreational access pass options; and

(e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1851 (government contracting). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$412,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

(15) \$2,000,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds only after approval by the director of the office of financial management.

(16) (a) \$179,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the sentencing guidelines commission to conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(i) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(ii) Ensure Washington's sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(iii) Ensure Washington's sentencing laws and practices promote public safety by holding offenders accountable for their actions while also facilitating their successful reintegration into the community;

(iv) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(v) Eliminate inconsistencies, which may have developed through various amendatory changes.

(b) In conducting the review under (a) of this subsection, the sentencing guidelines commission shall:

(i) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including, but not limited to: Reviewing and simplifying RCW 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(ii) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(iii) Review fines, fees, and other legal financial obligations associated with criminal convictions, including, but not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(v) Review available alternatives to full confinement, including, but not limited to: Work crew under RCW 9.94A.725 and home detention and electronic home

monitoring under RCW 9.94A.734 through 9.94A.736.

(c) The sentencing guidelines commission shall report its findings and recommendations based on the review under (a) of this subsection to the governor and appropriate committees of the legislature by May 1, 2019.

(17) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided to the education research and data center within the office of financial management for the sole purpose of providing an annual report on postsecondary enrollment and completion of Washington students with demographic information included on race, ethnicity, gender, students with disabilities, English language proficiency, income level, region, and types of credentials, including but not limited to in- and out-of-state public and private traditional two- and four-year degree granting institutions, private vocational schools, state apprenticeship programs, and professional licenses. The appropriation must also be used to respond to data requests from researchers outside of state agencies and to develop a plan for improving data governance for more accurate and timely responses.

Sec. 130. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account-State

Appropriation ((\$38,898,000))

\$41,135,000

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the administrative hearings revolving account-state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a review of the agency's fee structure, billing methodology, and assumptions about employee productivity which impact the fee structure and billing methodology.

Sec. 131. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State
Appropriation..... (~~(\$28,028,000)~~)
\$28,050,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

NEW SECTION. **Sec. 132.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE GAMBLING COMMISSION**

Gambling Revolving Account—
State \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the gambling revolving account—state appropriation is provided solely for the gambling commission to contract for a study on problem gambling to determine the scope of pathological or problem gambling in the state. The gambling commission shall submit results of the study to the legislature by December 31, 2018. The study shall include, but not be limited to identifying:

(1) The prevalence of gambling-related problems among the adult and juvenile populations in Washington State;

(2) Which populations are most impacted by problem gambling;

(3) Services offered for individuals with gambling-related problems;

(4) Funding available for problem gambling programs and services; and

(5) Any deficit related to in-state problem gambling funding, services, or programs based on the calculated need determined in the study.

Sec. 133. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2018)..... (~~(\$258,000)~~)
\$255,000

General Fund—State Appropriation (FY 2019)..... (~~(\$268,000)~~)
\$255,000

Pension Funding Stabilization Account—
State

Appropriation.....\$26,000

TOTAL APPROPRIATION.....~~(\$526,000)~~
\$536,000

Sec. 134. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)..... (~~(\$268,000)~~)
\$269,000

General Fund—State Appropriation (FY 2019)..... (~~(\$254,000)~~)
\$242,000

Pension Funding Stabilization Account—
State

Appropriation.....\$26,000

TOTAL APPROPRIATION.....~~(\$522,000)~~
\$537,000

Sec. 135. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems
Expense

Account—State
Appropriation..... (~~(\$56,498,000)~~)
\$57,921,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$124,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 2786

(LEOFF/DOC, DSHS firefighters). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

\$313,809,000

(2) \$107,000 of the department of retirement systems expense account—state appropriation is provided solely to implement House Bill No. 1560 (retirement system defaults). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(3) \$255,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 1558 (PSERS/offender nursing care). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

Sec. 136. 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2018) ((~~\$140,954,000~~))
\$129,868,000

General Fund—State Appropriation (FY 2019) ((~~\$138,496,000~~))
\$130,864,000

Timber Tax Distribution Account—State
Appropriation..... ((~~\$6,772,000~~))
\$6,773,000

Waste Reduction/Recycling/Litter
Control—State
Appropriation..... \$157,000

State Toxics Control Account—State
Appropriation \$112,000

Business License Account—State
Appropriation ((~~\$28,211,000~~))
\$22,907,000

Performance Audits of Government
Account—State
Appropriation..... \$4,640,000

Pension Funding Stabilization Account—
State
Appropriation..... \$13,488,000

Financial Services Regulation Account—
State
Appropriations..... \$5,000,000

TOTAL APPROPRIATION..... ~~\$324,342,000~~

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,628,000 of the general fund—state appropriation for fiscal year 2018, \$5,628,000 of the general fund—state appropriation for fiscal year 2019, and \$11,257,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((4))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund—state appropriation for fiscal year 2018 and \$6,304,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(4) \$228,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$1,250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2967 (capital gains tax/property tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$1,745,000 of the general fund-state appropriation for fiscal year 2018 and \$2,019,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 209, Laws of 2017 (EHB 2005).

(7) \$72,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 137. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund-State Appropriation (FY 2018)	(\$1,409,000)	
		<u>\$1,387,000</u>
General Fund-State Appropriation (FY 2019)	(\$1,438,000)	
		<u>\$1,625,000</u>

Pension Funding Stabilization Account-State

Appropriation.....	\$162,000
TOTAL APPROPRIATION.....	\$2,847,000
	<u>\$3,174,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board of tax appeals to contract for or temporarily hire a tax referee to help resolve filed appeals.

Sec. 138. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General	Fund-Federal	
Appropriation	\$4,615,000	
Insurance Commissioners Regulatory Account-State		
Appropriation.....	(\$59,548,000)	
		<u>\$60,524,000</u>
TOTAL APPROPRIATION.....	\$64,163,000	
		<u>\$65,139,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

Sec. 139. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account-State	
Appropriation.....	(\$48,916,000)
	<u>\$48,908,000</u>

Sec. 140. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund-State Appropriation	
(FY 2018)	(\$10,400,000)
	<u>\$10,382,000</u>

Dedicated Marijuana Fund-State Appropriation	
(FY 2019)	(\$9,596,000)
	<u>\$10,620,000</u>

Liquor Revolving Account-State Appropriation.....	(\$69,578,000)
	<u>\$69,420,000</u>

General Fund-Federal Appropriation.....	\$2,912,000
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General Fund-State Appropriation (FY 2018)	(\$372,000)	
		<u>\$334,000</u>

General Fund-State Appropriation (FY 2019)	(\$393,000)	
		<u>\$353,000</u>

General Fund-Private/Local Appropriation.....	\$50,000
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Pension Funding Stabilization Account—
State

Appropriation.....\$78,000
TOTAL APPROPRIATION.....~~\$93,301,000~~
\$94,149,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 (~~of this act~~), chapter 1, Laws of 2017 3rd sp. sess.

(4) \$93,000 of the general fund—state appropriation for fiscal year 2018 and \$70,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement and enforce vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as

required by state liquor and cannabis board rule.

(6) Within the amounts appropriated within this section, the board shall, in consultation with the department of revenue, study the benefits and costs of restructuring the distillery licensing and fee structure as proposed in House Bill No. 2609 (distilled spirits production), including benefits resulting from the increased use of Washington-grown materials in spirits production in the state. As part of the study, the board shall convene meetings in at least three locations in the state at which stakeholders and the public have an opportunity to provide input on the proposal. The board shall submit a report to the appropriate committees of the legislature by December 1, 2018, reporting the study's findings and, if the board deems appropriate, any recommendations.

(7) (a) Within amounts appropriated in this section, the state liquor and cannabis board shall conduct a study regarding the development and implementation of a system for the home delivery of medical marijuana products to qualifying medical marijuana patients by licensed medical marijuana retailers. The board shall examine the legal and regulatory issues to be addressed in order to provide safe home delivery and to ensure effective monitoring of the delivery process to minimize the likelihood of illicit activity.

(b) The board shall consult with the department of health, industry representatives, local government officials, law enforcement officials, and any other person or entity deemed necessary to complete the study.

(c) In the course of the study, the board shall consider the following:

(i) Eligibility requirements for marijuana retailers applying for a medical marijuana delivery endorsement;

(ii) Verification procedures regarding age, identity, and registration in the medical marijuana authorization database with respect to the medical marijuana patient receiving delivery;

(iii) Qualifications for, and the training of, persons delivering medical marijuana products on behalf of the medical marijuana retailer;

(iv) Methods of ordering and payment;

(v) Maintaining the integrity of the marijuana traceability system during the course of the delivery process;

(vi) Safe and secure transportation of marijuana products from the retailer to the purchaser, including delivery vehicle requirements;

(vii) Methods of ensuring that a retailer's delivery employees and delivery system are in compliance with regulatory requirements;

(viii) Medical marijuana deliveries by retailers operating out of Indian country; and

(ix) Civil penalties and administrative actions for regulatory violations by a retailer holding a medical marijuana delivery endorsement.

(d) By December 1, 2018, the board must report to the legislature and the appropriate committees its findings and recommendations regarding the implementation of a medical marijuana home delivery system.

Sec. 141. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General	Fund-Private/Local	
Appropriation	\$16,464,000	
Public Service Revolving Account-State		
Appropriation.....	(\$40,248,000)	\$7,015,000
	\$40,240,000	
Pipeline	Safety	Account-State
Appropriation	(\$3,412,000)	\$3,411,000
Pipeline	Safety	Account-Federal
Appropriation	\$3,072,000	
TOTAL APPROPRIATION.....	\$63,196,000	\$63,187,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility

regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account-state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) Up to \$800,000 of the public service revolving account-state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

Sec. 142. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General	Fund-State	Appropriation (FY 2018).....	(\$7,676,000)	\$7,015,000
General	Fund-State	Appropriation (FY 2019).....	(\$7,910,000)	\$8,828,000
General	Fund-Federal	Appropriation.....	(\$118,521,000)	\$117,248,000
Enhanced	911	Account-State	Appropriation.....	(\$51,857,000)
				\$53,470,000
Disaster	Response	Account-State	Appropriation.....	(\$29,433,000)
				\$42,249,000
Disaster	Response	Account-Federal	Appropriation.....	(\$81,560,000)
				\$118,587,000
Military Department	Rent and Lease	Account-State		

Appropriation.....	\$615,000
Worker and Community Right-to-Know Account-State	
Appropriation.....	\$2,339,000
Oil Spill Prevention Account-State Appropriation	\$1,028,000
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	\$1,243,000
TOTAL APPROPRIATION.....	\$300,939,000
	<u>\$352,622,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2017-2019 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund-federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) (~~(\$5,389,000)~~) \$1,582,000 of the general fund-state appropriation for fiscal year 2019 and \$8,007,000 of the enhanced 911 account-state appropriation (~~(is)~~) are provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight

and review by the office of the chief information officer.

(5) \$11,000,000 of the enhanced 911 account-state appropriation is provided solely for financial assistance to counties.

(6) \$2,000,000 of the enhanced 911 account-state appropriation is provided solely for one-time grants to small and medium-sized, rural counties for replacement of equipment necessary to maintain 911 service after the state's transition to a next generation 911 system, including reimbursement of replacement and upgrades that have already been made.

(7) \$784,000 of the disaster response account-state appropriation is provided solely for fire suppression training (~~(and)~~), equipment, and supporting costs to national guard soldiers and airmen.

(8) \$38,000 of the enhanced 911 account-state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$372,000 of the disaster response account-state appropriation is provided solely for implementation of chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(10) Appropriations provided to the department are sufficient to fund the administrative costs associated with implementation of chapter 173, Laws of 2017 (E2SHB 1802) (veterans/shared leave access).

(11) (~~(\$951,000)~~) \$421,000 of the disaster response account-state appropriation is provided solely to Okanogan and Ferry counties to continue to address deficiencies within their communications infrastructure for 911 dispatch. Funding will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations.

Sec. 143. 2017 3rd sp.s. c 1 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund-State Appropriation (FY 2018) (~~(\$2,076,000)~~)

\$1,960,000

General Fund-State Appropriation (FY 2019) (~~(\$2,251,000)~~)

\$2,137,000

Higher Education Personnel Services Account-State

Appropriation..... \$1,327,000

Personnel Service Account-State Appropriation \$4,032,000

Pension Funding Stabilization Account-State

Appropriation..... \$228,000

TOTAL APPROPRIATION..... ~~\$9,686,000~~

\$9,684,000

Sec. 144. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account-State

Appropriation..... (~~(\$2,907,000)~~)

\$3,244,000

Sec. 145. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$4,368,000)~~)

\$4,364,000

General Fund-State Appropriation (FY 2019) (~~(\$4,405,000)~~)

\$4,381,000

General Fund-Private/Local Appropriation \$102,000

Building Code Council Account-State Appropriation (~~(\$1,056,000)~~)

\$1,481,000

TOTAL APPROPRIATION..... ~~\$9,931,000~~

\$10,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$4,031,000)~~) \$3,994,000 of the general fund-state appropriation for

fiscal year 2018 and (~~(\$4,082,000)~~) \$3,974,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under

RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$349,000 of the general fund-state appropriation is provided solely for the state building code council.

Sec. 146. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund-State Appropriation (FY 2018).....(~~\$1,607,000~~)

\$1,570,000

General Fund-State Appropriation (FY 2019).....(~~\$1,633,000~~)

\$1,643,000

General Fund-Federal Appropriation.....\$2,228,000

General Fund-Private/Local Appropriation.....\$264,000

Pension Funding Stabilization Account-State

Appropriation.....\$136,000

TOTAL APPROPRIATION.....~~\$5,732,000~~

\$5,841,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund-state appropriation for fiscal year 2018 and \$103,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of archaeology and historic preservation to collaborate with the department of commerce to facilitate a capital needs assessment study of public libraries in distressed counties as defined by RCW 43.168.020(3). The study must assess library facility backlogs and the local funding capacity for both nonhistoric libraries and libraries on local, state, or national historic registries.

Sec. 147. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund-State Appropriation (FY 2018).....\$187,000

General Fund-State Appropriation (FY 2019).....\$188,000

Consolidated Technology Services Revolving	
Account-State	Appropriation
.....	((\$19,136,000))
	<u>\$18,578,000</u>
TOTAL APPROPRIATION.....	\$19,511,000
	<u>\$18,953,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,263,000 of the consolidated technology services revolving account-state appropriation is for the office of the chief information officer.

(2) ((~~\$9,443,000~~)) \$10,668,000 of the consolidated technology services revolving account-state appropriation is for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information

technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(6) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(7) \$500,000 of the consolidated technology services revolving account-state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

~~((9))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

PART II

HUMAN SERVICES

Sec. 201. 2017 3rd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated

in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services

are subject to technical oversight by the office of the chief information officer.

(6) (a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9) (a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, unless prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2018 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) through (d) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2018 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, foster care, adoption support, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose.

(c) Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(d) Within the developmental disabilities program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(e) The department may not transfer appropriations, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of

conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	(\$348,992,000)
	\$346,043,000
General Fund—Federal Appropriation	(\$265,365,000)
	\$279,194,000
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation.....	\$1,002,000
Pension Funding Stabilization Account—State Appropriation.....	\$9,132,000
TOTAL APPROPRIATION.....	\$616,836,000
	\$636,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the

parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9) (a) \$539,000 of the general fund—state appropriation for fiscal year 2018,

\$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund-federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund-state appropriation for fiscal year 2018 and \$26,000 of the general fund-federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund-state appropriation for fiscal year 2018 and \$11,000 of the general fund-federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund-state appropriation for fiscal year 2018 and \$65,000 of the general fund-federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$56,000 of the general fund-federal appropriation are provided solely for the children's administration to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund-state appropriation for fiscal year 2018 and \$19,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund-state appropriation for fiscal year 2018 and \$160,000 of the general fund-federal appropriation are provided solely for a six percent base rate increase for child

care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund-state appropriation for fiscal year 2018 and \$78,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000 of the general fund-federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund-state appropriation for fiscal year 2018 and \$573,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund-state appropriation for fiscal year 2018 and \$174,000 of the general fund-federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund-State Appropriation (FY 2018) (~~(\$95,885,000)~~)
\$91,281,000

General Fund-State Appropriation (FY 2019) (~~(\$97,123,000)~~)
\$94,061,000

General Fund-Federal Appropriation \$3,464,000

General	Fund-Private/Local
Appropriation.....	\$1,985,000
Washington Auto Theft Prevention Authority Account-	
State Appropriation.....	\$196,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$8,721,000</u>
TOTAL APPROPRIATION.....	\$198,653,000
	<u>\$199,708,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund-state appropriation for fiscal year 2018 and \$331,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund-state appropriation for fiscal year 2018 and \$2,841,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund-state appropriation for fiscal year 2018

and \$1,537,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4) (a) \$6,198,000 of the general fund-state appropriation for fiscal year 2018 and \$6,198,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The juvenile rehabilitation administration shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical

dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 - 17. The administration must report to the legislature by December 1, (~~2018~~) 2019, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, (~~2017~~) 2018, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition

alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund-state appropriation for fiscal year 2018 and \$98,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4) (d) of this section to contract with research entities to: (a) Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund-state appropriation for fiscal year 2018 and \$557,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund-state appropriation for fiscal year 2018 and \$283,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant program focused on criminal street gang prevention and intervention. The

juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the superintendent of public instruction, the office of financial management-education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$71,000 of the general fund-state appropriation for fiscal year 2018 and \$212,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for housing services to clients releasing from incarceration into the community.

(12) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of

Substitute House Bill No. 2907 (juvenile rehabilitation confinement). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General Fund—State Appropriation (FY 2018) (~~(\$391,457,000)~~)

\$381,760,000

~~((General Fund—State Appropriation (FY 2019) \$409,108,000))~~

General Fund—Federal Appropriation (~~(\$1,021,705,000)~~)

\$481,439,000

General Fund—Private/Local Appropriation (~~(\$17,864,000)~~)

\$8,932,000

Dedicated Marijuana Account—State Appropriation

(FY 2018)..... \$3,684,000

~~((Dedicated Marijuana Account—State Appropriation~~

~~(FY 2019)..... \$3,684,000))~~

Pension Funding Stabilization Account—State

Appropriation..... \$39,000

TOTAL APPROPRIATION.... ~~\$1,847,502,000~~

\$875,854,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund—state appropriation for fiscal year

2018 (~~((\$6,590,000 of the general fund—state appropriation for fiscal year 2019,))~~) and (~~(\$7,620,000)~~) \$3,810,000 of the general fund—federal appropriation are provided solely for the department and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under ~~((g))~~ (f) of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) (~~(\$3,520,000)~~) \$1,760,000 of the general fund—federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

(e) (~~(\$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided~~

~~solely for new crisis triage or stabilization centers. The department must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(f) \$15,862,000)~~ \$11,405,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020. The department must submit a report on the status of the waiver to the office of

financial management and the appropriate committees of the legislature by December 1, 2017.

~~((g))~~ (f) \$81,930,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$81,930,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((h))~~ (g) The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((i))~~ (h) \$1,125,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,125,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of

requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((j))~~ (i) \$1,204,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((k))~~ (j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (g) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((l))~~ (k) \$2,291,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a

report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((m))~~ (l) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((n))~~ (m) The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((o))~~ (n) \$2,309,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$3,079,000 of the general fund-state appropriation for fiscal year 2019))~~ and ~~((and \$5,061,000))~~ \$2,169,000 of the general fund-federal appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for

additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((t))~~ (o) \$100,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ~~((ensuring)),~~ ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((t))~~ (p) \$1,466,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$7,103,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~((, \$9,715,000))~~ \$1,663,000 of the general fund-federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((r))~~ ~~\$1,133,000 of the general fund-state appropriation for fiscal year 2019 and \$1,297,000 of the general fund-federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.~~

~~((s))~~ (q) \$4,983,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$6,744,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~((, \$25,365,000))~~ \$10,849,000 of the general fund-federal appropriation are provided solely for the department to increase medicaid capitation payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((t))~~ (r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The

contracted beds provided under ~~((q))~~ (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((r))~~ (s) \$11,405,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$11,405,000 of the general fund-state appropriation for fiscal year 2019))~~ and ~~((and \$17,680,000))~~ \$8,840,000 of the general fund-federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated behavioral health organization for any of the services

identified above, it may consider contracting for that service in another region that has the need for such service.

~~((v))~~ (t) \$200,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,296,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((w))~~ (u) \$212,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$213,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((x))~~ (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(w) No more than \$6,464,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018)	(\$286,936,000)
	\$330,214,000
General Fund-State Appropriation (FY 2019)	(\$277,823,000)
	\$271,907,000
General Fund-Federal Appropriation	(\$148,093,000)
	\$181,895,000
General Fund-Private/Local Appropriation	(\$52,630,000)
	\$61,282,000
<u>Pension Funding Stabilization Account-State Appropriation.....</u>	<u>\$34,746,000</u>
TOTAL APPROPRIATION.....	\$765,482,000
	\$880,044,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund-state appropriation for fiscal year 2018 and \$310,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund-state appropriation for fiscal year 2018 and \$45,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$44,000 of the general fund-state appropriation for fiscal year 2018 and \$19,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, ~~(2017)~~ 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding for base police services and a community policing program.

(e) ~~(\$25,053,000)~~ \$20,883,000 of the general fund-state appropriation for

fiscal year 2018 and (~~(\$25,847,000)~~) \$33,558,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) (~~(\$3,261,000)~~) \$3,928,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,261,000)~~) \$4,249,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency evaluation services.

(g) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$20,234,000)~~) \$32,424,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal funding. The department shall specifically account for all spending related to the agreement and reconcile it back to the original funding plan,

adjusted to reflect changes in amounts provided for fiscal year 2019. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund-state appropriation for fiscal year 2018 and \$2,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) \$34,584,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for increased staffing and other costs at the state hospitals that are required to maintain federal certification and compliance with federal agreements. Throughout the biennium, the department must track state hospital staffing expenditures, including the use of overtime and contracted locums, to allotments and submit monthly reports to the office of financial management. The office of financial management must review these reports and make a determination as to whether the overspending in these areas is required to maintain federal certification and compliance with federal agreements. The office of financial management must notify the department each month whether and to what level the overspending on staffing is approved and may be maintained and

whether and to what level the department must reduce such expenditures. By December 2, 2018, the office of financial management must provide a report to the appropriate committees of the legislature on spending beyond appropriations for staffing at the state hospitals and identify the level of overspending that has been approved and any direction provided by the office of financial management to reduce overspending on staffing that was not required to maintain federal certification and compliance with federal agreements.

(l) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health organizations and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health organizations and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2018.

(m) \$140,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department and the University of Washington to begin implementation the first phase of a collaborative plan for a high-quality forensic teaching service. Indirect charges for amounts contracted to the University of Washington must not exceed ten percent. The department and the

University of Washington must research and pursue behavioral health workforce education grants from federal or private foundations that could be used in support of this project. By November 1, 2018, the department, in collaboration with the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature with a progress update, readiness to proceed to the second phase of the project, a detailed cost analysis of the second phase, and identification of any federal or private grants identified and the status of those applications.

(n) \$11,200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to develop and implement an acuity based staffing tool at western state hospital and eastern state hospital. The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to develop, in collaboration with the office of financial management's labor relations office and state labor unions, an overall state hospital staffing plan which looks at all positions and functions of the facilities and is informed by a review of the Oregon state hospital staffing model. \$300,000 of the amounts in this subsection are provided solely for and must be used for staff costs required to establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The remainder of the funds must be used for direct care staffing needed in order to implement the acuity based staffing tool. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By September 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (a) Progress in implementing the acuity based staffing tool; (b) a comparison of

average daily staffing expenditures to budgeted staffing levels and the recommended state hospital staffing plan by function; and (c) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to inform and prioritize future budget requests for staffing at the state hospitals. Beginning on January 1, 2019, the department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature which includes monitoring of monthly spending and staffing levels compared to allotments and to the recommended state hospital staffing model.

(o) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. By December 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to

contracted managed care organizations and behavioral health organizations.

(ii) The model for civil and forensic state hospital bed need must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. The department must submit a report to the office of financial management and the appropriate committees of the legislature by October 1, 2018, with a description of the model and the estimated civil and forensic state hospital bed need through the end of fiscal year 2021. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(3) SPECIAL PROJECTS

General Fund-State Appropriation (FY 2018).....	(\$514,000)	
		\$486,000
(General Fund State Appropriation (FY 2019).....	(\$508,000)	
General Fund-Federal Appropriation.....	(\$25,852,000)	\$3,148,000
Pension Funding Stabilization Account-State Appropriation		\$28,000
TOTAL APPROPRIATION	\$26,874,000	\$3,662,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((a))~~ \$446,000 of the general fund-state appropriation for fiscal year 2018 ~~(, \$446,000 of the general fund-state appropriation for fiscal year 2019,)~~ and ~~((178,000))~~ \$89,000 of the general fund-federal appropriation are provided solely for the University of Washington's evidence-based practice

institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((b) No more than \$19,557,000 of the general fund federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.))~~

(4) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2018) (~~(\$10,175,000)~~)
\$9,265,000

General Fund-State Appropriation (FY 2019) (~~(\$9,543,000)~~)
\$2,979,000

General Fund-Federal Appropriation (~~(\$12,046,000)~~)

\$8,310,000

General Fund-Private/Local Appropriation.....(~~(\$502,000)~~)
\$251,000

Pension Funding Stabilization Account-State
Appropriation.....\$526,000

TOTAL APPROPRIATION.....~~(\$32,266,000)~~
\$21,331,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department must complete an update of the state quality strategy required under federal managed care regulations and submit to the center for medicaid and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicaid and medicare services; (ii) identification of all performance measures that are currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization 2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund-state appropriation for fiscal year 2018 and \$41,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year(~~2018~~) 2018 (~~and 2019~~) to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with

proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

Sec. 205. 2017 3rd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2018) (~~(\$612,748,000)~~)
\$601,597,000

General Fund—State Appropriation (FY 2019) (~~(\$662,252,000)~~)
\$665,395,000

General Fund—Federal Appropriation (~~(\$1,301,629,000)~~)
\$1,303,675,000

General Fund—Private/Local Appropriation (~~(\$534,000)~~)
\$2,407,000

Pension Funding Stabilization Account—State

Appropriation..... \$6,872,000

TOTAL APPROPRIATION.... ~~\$2,577,163,000~~
\$2,579,946,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055,

the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and (~~(\$106)~~) \$116 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund—state appropriation for fiscal year 2018, \$18,249,000 of the general fund—state appropriation for fiscal year 2019, and \$27,336,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund—state appropriation for fiscal year 2018, \$2,183,000 of the general fund—state appropriation for fiscal year 2019, and \$3,714,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the

service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund-state appropriation for fiscal year 2018, \$650,000 of the general fund-state appropriation for fiscal year 2019, and \$800,000 of the general fund-federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund-state appropriation for fiscal year 2018 and \$900,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development and

implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$100,000 of the general fund-state appropriation for fiscal year 2018, \$95,000 of the general fund-state appropriation for fiscal year 2019, and \$195,000 of the general fund-federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund-state appropriation for fiscal year 2018, \$2,055,000 of the general fund-state appropriation for fiscal year 2019, and \$3,218,000 of the general fund-federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the

unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for

discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund-state appropriation for fiscal year 2018, \$1,963,000 of the general fund-state appropriation for fiscal year 2019, and \$2,701,000 of the general fund-federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017-2019 fiscal biennium and will receive employment services under this expansion.

(l) \$14,127,000 of the general fund-state appropriation for fiscal year 2018, \$25,428,000 of the general fund-state appropriation for fiscal year 2019, and \$39,554,000 of the general fund-federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (1)(l) include funding to increase the benchmark rate by the following amounts:

(i) \$1.25 per hour effective July 1, 2017, and;

(ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund-state appropriation for fiscal year 2018, \$11,000 of the general fund-state appropriation for fiscal year 2019, and \$13,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund–state appropriation for fiscal year 2018, \$3,493,000 of the general fund–state appropriation for fiscal year 2019, and \$4,267,000 of the general fund–federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund–state appropriation for fiscal year 2018, \$3,424,000 of the general fund–state appropriation for fiscal year 2019, and \$4,126,000 of the general fund–federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund–state appropriation for fiscal year 2018, \$69,000 of the general fund–state appropriation for fiscal year 2019, and \$141,000 of the general fund–federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund–state appropriation for fiscal year 2018, \$51,000 of the general fund–state appropriation for fiscal year 2019, and \$102,000 of the general fund–federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund–state appropriation for fiscal year 2018, \$445,000 of the general fund–state appropriation for fiscal year 2019, and \$1,069,000 of the general fund–federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund–state appropriation for fiscal year 2018 and \$269,000 of the general fund–federal appropriation are provided solely to implement Senate Bill No. . . . (S-

2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund–state appropriation for fiscal year 2018, \$2,878,000 of the general fund–state appropriation for fiscal year 2019, and \$6,388,000 of the general fund–federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) The department must define a plan and funding estimate necessary to implement an electronic visit verification system for service providers that contract with the department and that are subject to the requirements of the federal twenty-first century cures act. Implementation of the electronic visit verification system is expected to be fully compliant with the federal twenty-first century cures act no later than July 1, 2019.

(i) Any funding necessary to support the electronic visit verification system must be requested in a decision package that is submitted to the office of financial management no later than the 2019-2021 fiscal biennial budget cycle.

(ii) The plan and funding estimate must address in-home care workers employed by home care agencies that contract with the department, and any other service providers that contract with the department and that are determined by the federal centers for medicare and medicaid services to be subject to the electronic visit verification system requirement.

(iii) In defining a plan for the electronic visit verification system, the department must explore options to maximize cost-efficiency. Options may include but are not limited to:

(A) A shared system with other states; and,

(B) Development of a shared system with the consumer-directed employer that will implement an electronic visit verification system for individual providers of home care services.

(u) The developmental disabilities administration shall work with stakeholders to design and implement a proposed specialty contract for adult family homes that exclusively serve individuals who have a primary need of care related to a developmental or intellectual disability. The specialty contract must be designed as a statement of work with specific provisions related to the assessment, environment, regulations, provision of care, and training requirements. The specialty contract must be designed to support an intentional environment to improve resident quality of life, increase resident length of stay, clarify regulations, streamline training requirements, reduce the need for institutional settings, and attract more adult family providers to develop such highly needed resources. The specialty contract must be completed by July 1, 2018, for consideration and potential implementation in the 2019-2021 collective bargaining agreement and biennial budget.

(v) \$623,000 of the general fund-state appropriation for fiscal year 2019 and \$623,000 of the general fund-federal appropriation are provided solely to hold community residential service provider rates harmless for instruction and support services and administration, to the extent possible within amounts appropriated in this subsection, if the tiered rate methodology is implemented effective January 1, 2019.

(w) \$1,873,000 of the general fund-private/local appropriation and \$1,874,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(x) \$564,000 of the general fund-state appropriation for fiscal year 2019 and \$564,000 of the general fund-federal appropriation are provided solely for the department to use the King county classification for the purpose of determining the benchmark rate, which is the rate at which direct care staff hours are paid specific to a county

classification, in Snohomish county for community residential service businesses as defined in RCW 74.39A.009(5).

(y) \$21,000 of the general fund-state appropriation for fiscal year 2019 and \$26,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(z) \$34,000 of the general fund-state appropriation for fiscal year 2018, \$293,000 of the general fund-state appropriation for fiscal year 2019, and \$480,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2963 or Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(aa) The department of social and health services developmental disabilities administration shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(68) of this act.

(bb) \$1,070,000 of the general fund-state appropriation for fiscal year 2019 and \$1,242,000 of the general fund-federal appropriation are provided solely to expand the individual and family services waiver by approximately three hundred eighty clients by the end of the 2017-2019 biennium. Within the amount appropriated in this subsection, the developmental disabilities administration shall focus on extending services to eligible individuals with developmental disabilities who are not otherwise receiving paid services from the developmental disabilities administration.

(cc) \$290,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018)	(\$104,159,000)	
		\$99,642,000
General Fund-State Appropriation (FY 2019)	(\$106,818,000)	
		\$106,874,000
General Fund-Federal Appropriation	(\$195,757,000)	
		\$203,719,000
General Fund-Private/Local Appropriation	(\$25,041,000)	
		\$27,041,000
<u>Pension Funding Stabilization Account-State</u>		
Appropriation.....		\$12,441,000
TOTAL APPROPRIATION.....		\$431,775,000
		\$449,717,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund-state appropriation for fiscal year 2018 and \$495,000 of the general fund-state appropriation for fiscal year 2019 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$2,978,000 of the general fund-state appropriation for fiscal year 2018, \$2,978,000 of the general fund-state appropriation for fiscal year 2019, and \$5,956,000 of the general fund-federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods ~~(and)~~, supplies, and services through

hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund-state appropriation for fiscal year 2018, \$5,000 of the general fund-state appropriation for fiscal year 2019, and \$5,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) \$229,000 of the general fund-state appropriation for fiscal year 2019 and \$229,000 of the general fund-federal appropriation are provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the residential habilitation centers. The department is to develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department is to report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(g) \$2,308,000 of the general fund-state appropriation for fiscal year 2018, \$6,169,000 of the general fund-state appropriation for fiscal year 2019, and \$8,477,000 of the general fund-federal appropriation are provided solely for additional staffing resources to provide direct care to clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services, and to gather information for the 2019 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, conversion of cottages from certification as an intermediate care facility to certification and licensure as a skilled nursing facility, developing a state operated nursing facility for eligible clients, and placement of additional clients from the residential

habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.

The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employee international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services; and

(I) One member from the aging and long term support administration within the department of social and health services.

(ii) Before November 1, 2018, the department of social and health services must submit a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information: All information provided for subsections A through D below must be provided so as to clearly identify data that represents the intermediate care facility versus the skilled nursing facility components of the residential habilitation centers.

(A) The current number of clients living in the residential habilitation centers from the most recent month of available data. The information must be

provided by month for each cottage on each campus, and must distinguish between long-term and short-term admissions.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) The following information pertinent to the goal of transitioning from the use of intermediate care facilities on residential habilitation center campuses to skilled nursing facilities, when appropriate to individual client needs and preferences, no later than January 1, 2021:

(I) An analysis of existing facilities that might serve as skilled nursing facilities, including options on residential habilitation center campuses and options off campus that might be purchased, rented, or leased by the state. The report must display location,

closure date if applicable, and total bed capacity for each facility.

(II) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility level of care as determined by assessments conducted by the department.

(III) The number of clients living in intermediate care facility cottages at the residential habilitation centers whom, directly or through their legal guardian, express interest in or willingness to live in a skilled nursing facility in interviews and assessments conducted by the department.

(IV) A description of the process and a feasibility analysis for the transition of a cottage or multiple cottages at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021. This section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(V) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021.

(H) Options for the alternate use of buildings, vacant or occupied, at Fircrest, Rainier, Yakima valley, or Lakeland village. The suggestions must include but are not limited to expanding capacity for nursing care, dental care, and other specialty services for individuals with developmental or intellectual disabilities.

(I) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services.

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus by the department of social and health services. This option must include but is not limited to the most recent appraisal

of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

(III) A combination of the options outlined within (I) and (II) of this subsection (g) (ii) (I).

(J) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(K) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(L) Options for transferring individuals who have been residing long term at the state psychiatric hospitals into an alternative location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(M) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(N) \$23,000 of the general fund-state appropriation for fiscal year 2019 and

\$23,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2018) (~~(\$2,469,000)~~)
\$2,351,000

General Fund-State Appropriation (FY 2019) (~~(\$2,531,000)~~)
\$2,417,000

General Fund-Federal Appropriation (~~(\$2,946,000)~~)
\$2,986,000

Pension Funding Stabilization Account-State
Appropriation..... \$270,000
TOTAL APPROPRIATION..... ~~(\$7,946,000)~~
\$8,024,000

(4) SPECIAL PROJECTS

General Fund-State Appropriation (FY 2018) (~~(\$64,000)~~)
\$55,000

General Fund-State Appropriation (FY 2019) (~~(\$64,000)~~)
\$62,000

General Fund-Federal Appropriation \$1,092,000

Pension Funding Stabilization Account-State
Appropriation..... \$11,000
TOTAL APPROPRIATION..... \$1,220,000

Sec. 206. 2017 3rd sp.s. c 1 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-AGING AND ADULT SERVICES PROGRAM

General Fund-State Appropriation (FY 2018) (~~(\$1,099,017,000)~~)
\$1,077,282,000

General Fund-State Appropriation (FY 2019) (~~(\$1,196,263,000)~~)
\$1,208,737,000

General Fund-Federal Appropriation..... (~~(\$2,839,653,000)~~)
\$2,845,278,000

General Fund-Private/Local Appropriation..... (~~(\$33,572,000)~~)
\$37,639,000

Traumatic Brain Injury Account-State Appropriation.....\$4,540,000

Skilled Nursing Facility Safety Net Trust Account-

State Appropriation.....\$133,360,000

Pension Funding Stabilization Account-State
Appropriation.....\$13,165,000

TOTAL APPROPRIATION....~~(\$5,306,405,000)~~
\$5,320,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed (~~(\$201.39)~~) \$200.47 for fiscal year 2018 and shall not exceed (~~(\$209.35)~~) \$216.64 for fiscal year 2019.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when

the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and (~~(\$106)~~) \$116 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund-state appropriation for fiscal year 2018 and \$1,857,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund-state appropriation for fiscal year 2018, \$37,239,000 of the general fund-state appropriation for fiscal year 2019, and \$55,716,000 of the general fund-federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund-state appropriation for fiscal year 2018, \$13,413,000 of the general fund-state appropriation for fiscal year 2019, and \$22,812,000 of the general fund-federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No.

5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund-state appropriation for fiscal year 2018 and \$5,094,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$234,000)~~) \$479,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund-state appropriation for fiscal year 2018, \$127,000 of the general fund-state appropriation for fiscal year 2019, and \$169,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(13) Within amounts appropriated in this subsection, the department shall

assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree

collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled members of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(e) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject

to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. The department must submit a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that

recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and considered as an option for the capital component. The recognition of food for medicaid residents must also be included in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund-state appropriation for fiscal year 2018, \$10,199,000 of the general fund-state appropriation for fiscal year 2019, and \$18,346,000 of the general fund-federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund-state appropriation for fiscal year 2018, \$5,741,000 of the general fund-state appropriation for fiscal year 2019, and \$9,775,000 of the general fund-federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing

home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund-state appropriation for fiscal year 2018, \$4,458,000 of the general fund-state appropriation for fiscal year 2019, and \$8,571,000 of the general fund-federal appropriation are provided solely to increase vendor rates for nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund-state appropriation for fiscal year 2018, \$8,527,000 of the general fund-state appropriation for fiscal year 2019, and \$12,277,000 of the general fund-federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the

person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund-state appropriation for fiscal year 2018, \$315,000 of the general fund-state appropriation for fiscal year 2019, and \$630,000 of the general fund-federal appropriation are provided solely for discharge case managers stationed at the

state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund–state appropriation for fiscal year 2018, \$135,000 of the general fund–state appropriation for fiscal year 2019, and \$270,000 of the general fund–federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund–state appropriation for fiscal year 2018, \$5,143,000 of the general fund–state appropriation for fiscal year 2019, and \$10,154,000 of the general fund–federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund–state appropriation for fiscal year 2018 and \$750,000 of the general fund–state appropriation for fiscal year 2019 are provided solely to implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund–state appropriation for fiscal year 2018, \$92,000 of the general fund–state appropriation for fiscal year 2019, and \$2,479,000 of the general fund–federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund–state appropriation for fiscal year 2018, \$229,000 of the general fund–state appropriation for fiscal year 2019, and \$458,000 of the general fund–federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund–state appropriation for fiscal year 2018

and \$313,000 of the general fund–federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25) (a) No more than \$41,388,000 of the general fund–federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund–state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund–federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund–state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund-state appropriation for fiscal year 2018, \$421,000 of the general fund-state appropriation for fiscal year 2019, and \$1,012,000 of the general fund-federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund-state appropriation for fiscal year 2018, \$13,111,000 of the general fund-state appropriation for fiscal year 2019, and \$29,104,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) The department must define a plan and funding estimate necessary to implement an electronic visit verification system for service providers that contract with the department and that are subject to the requirements of the federal twenty-first century cures act. Implementation of the electronic visit verification system is expected to be fully compliant with the federal twenty-first century cures act no later than July 1, 2019.

(a) Any funding necessary to support the electronic visit verification system must be requested in a decision package that is submitted to the office of financial management no later than the 2019-2021 fiscal biennial budget cycle.

(b) The plan and funding estimate must address in-home care workers employed by home care agencies that contract with the department, and any other service providers that contract with the department and that are determined by the federal centers for medicare and medicaid services to be subject to the electronic visit verification system requirement.

(c) In defining a plan for the electronic visit verification system, the department must explore options to maximize cost-efficiency. Options may include but are not limited to:

(i) A shared system with other states, and;

(ii) Development of a shared system with the consumer-directed employer that will implement an electronic visit verification system for individual providers of home care services.

(29) (a) \$20,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department of social and health services aging and long-term support administration to convene an advisory group to accomplish the following:

(i) To develop a model program to monitor guardians appointed pursuant to Title 11 RCW and to develop recommendations for best practices. The model guardianship monitoring program must provide for oversight of both lay and professional guardians. The advisory group must receive the results of the joint legislative audit and review committee review of currently operating monitoring practices in each county of the state, as required in section 103(15) of this act, which will also be provided to the joint legislative executive committee on aging and disability described in section 206(13) of this act; and

(ii) To develop a model in-person training program for use by lay guardians across the state as a supplement to current online training. The advisory group must receive the results of the joint legislative audit and review committee review of currently operating monitoring practices in each county of the state, as required in section 103(15) of this act, which will also be provided to the joint legislative executive committee on aging and disability.

(b) The advisory group shall be appointed by the secretary of the department of social and health services, in consultation with stakeholders, and consist of:

(i) Individuals with disabilities, family members of individuals with disabilities, and disability advocates, with relevant experience or expertise;

(ii) Seniors, family members of seniors, and senior advocates, with relevant experience or expertise;

(iii) Representatives of the courts and the elder bar with relevant knowledge or authority;

(iv) Professional guardians;

(v) At least one individual with expertise in language access;

(vi) Providers of health care or health care professionals; and

(vii) At least one representative of organized labor with experience in guardianship.

(c) The cochairs of the joint legislative executive committee on aging and disability shall appoint two legislators to serve on the advisory group, one from the democratic caucus and one from the republican caucus.

(d) Staff support to the committee shall be provided by the department of social and health services aging and long-term support administration.

(e) The advisory group shall prepare a report of its findings and recommendations and present its report to the joint legislative executive committee on aging and disability by December 1, 2018.

(30) \$92,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a single nonprofit organization that holds an in-home care agency license and operates homeless shelters for a pilot project to test the outcomes of providing personal care services to aged and/or functionally disabled individuals in homeless shelters. The pilot shall examine whether personal care services are effective in creating and maintaining connections between homeless individuals and supportive services such as health care, mental health, and substance abuse services. The department shall submit an interim report by January 15, 2019, and a final report by August 14, 2019, to the governor and appropriate legislative committees.

(31) \$40,000 of the general fund-state appropriation for fiscal year 2019 and \$40,000 of the general fund-federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(32) \$3,686,000 of the general fund-private/local appropriation and

\$2,548,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(33) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 and \$1,200,000 of the general fund-federal appropriation are provided solely to maintain client access to medicaid contracted assisted living, enhanced adult residential care, and adult residential care services under chapter 74.39A RCW. Licensed assisted living facilities that contract with the department to serve medicaid clients under these specified contract types must have an average medicaid occupancy of at least sixty percent, determined using the medicaid days from the immediately preceding calendar year during the months of July 1st through December 31st to qualify for additional funding under this subsection.

(34) \$615,000 of the general fund-state appropriation for fiscal year 2019 and \$698,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(35) \$19,000 of the general fund-state appropriation for fiscal year 2018, \$35,000 of the general fund-state appropriation for fiscal year 2019, and \$54,000 of the general fund-federal appropriation are provided solely to implement Engrossed House Bill No. 2750 (assisted living facility quality). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(36) \$166,000 of the general fund-state appropriation for fiscal year 2018, \$800,000 of the general fund-state appropriation for fiscal year 2019, and \$1,510,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2963 or Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If neither bill is

enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(37) \$100,000 of the general fund-state appropriation for fiscal year 2019 and \$100,000 of the general fund-federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract for an updated actuarial model of the 2016 independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The follow-up study must model alternative variations of the previously studied public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, including but not limited to alternative minimum hours worked per year for vesting.

(b) The feasibility study and actuarial analysis must include input from the joint legislative executive committee on aging and disability and other interested stakeholders, and must include an analysis of each variation based on:

(i) The expected costs and benefits for participants;

(ii) The total anticipated number of participants;

(iii) The projected savings to the state medicaid program, if any; and

(iv) Legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department by September 1, 2018. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the appropriate committees of the legislature by October 1, 2018.

(38) \$50,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-federal appropriation are provided solely for the department of social and health services aging and long-term support

administration to contract with the area agencies on aging to convene a work group to include long-term care industry members, family members who provide long-term services and supports, and other groups with interest in long-term services and supports to develop a proposal on how family members could be included as providers of long-term services and supports under the previously studied public long-term care benefit. The work group shall review options and propose:

(a) Minimum qualifications that would allow a family caregiver to serve as a long-term services and supports provider, which may:

(i) Be distinct from the qualifications on the effective date of this act for individual providers;

(ii) Require training based primarily on the individual needs and preferences of the beneficiary;

(iii) Take into account the existing relationship between the family caregiver and the beneficiary, the duration of the caregiving experience, and the type of care being provided.

(b) Administrative program options for providing compensation, benefits, and protections for family caregivers, considering cost-effectiveness and administrative simplification. The program options shall consider how to preserve the quality of the long-term care workforce and must include worker protections and benefits.

(c) The work group shall develop recommendations and provide the recommendations to the joint legislative and executive committee on aging and disability by November 15, 2018.

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ECONOMIC SERVICES PROGRAM

General Fund-State Appropriation (FY 2018) (~~\$396,063,000~~)
\$364,376,000

General Fund-State Appropriation (FY 2019) (~~\$415,638,000~~)
\$378,511,000

General	Fund-Federal
Appropriation	(\$1,421,095,000)
	<u>\$1,445,306,000</u>
General	Fund-Private/Local
Appropriation	\$5,144,000
Administrative Contingency Account- State	
Appropriation.....	\$5,400,000
Pension Funding Stabilization Account- State	
Appropriation.....	\$29,264,000
TOTAL APPROPRIATION....	\$2,243,340,000
	<u>\$2,228,001,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) (~~(\$155,022,000)~~) \$127,164,000 of the general fund-state appropriation for fiscal year 2018, (~~(\$160,136,000)~~) \$128,881,000 of the general fund-state appropriation for fiscal year 2019, \$836,761,000 of the general fund-federal appropriation, (~~and~~) \$5,400,000 of the administrative contingency account-state appropriation, and \$8,155,000 of the pension funding stabilization account-state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$261,925,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional

diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection (1) (b), \$10,565,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to increase the grant standard by eight percent.

(c) (~~(\$168,005,000)~~) \$160,490,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

(~~(i)~~) \$1,700,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(~~(ii)~~) Prior to renewal of intergovernmental TANF agreements with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per-client costs in the tribal TANF program have

~~increased since the initial agreement, the department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.)~~

(d) (i) ~~((\$501,608,000))~~ \$478,555,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information

technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

(I) Participation in work or other approved activities;

(II) Household composition; and

(III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection, \$8,547,000 of the general fund-state appropriation for fiscal year 2018 and \$10,438,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(v) Of the amounts provided in this subsection (1)(d), \$779,000 of the general fund-state appropriation for fiscal year 2018 and \$722,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for homeless families.

(e) \$34,248,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) (~~(\$170,442,000)~~) \$171,143,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(j) The department must submit a report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature that estimates the caseload and fiscal impact of returning to pre-2011 temporary assistance for needy families policies. At a minimum, the report must include an analysis of the caseload and fiscal impact of:

(i) Removing the sixty-month lifetime limit;

(ii) Lessening sanction policies; and

(iii) No longer requiring the WorkFirst orientation.

(2) \$1,657,000 of the general fund—state appropriation for fiscal year 2018 and \$1,657,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the

department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On ~~((December))~~ January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) ~~(((\$433,000))~~ \$856,000 of the general fund-state appropriation for fiscal year 2018, ~~(((\$451,000))~~ \$2,494,000 of the general fund-state appropriation for fiscal year 2019, and ~~(((\$6,451,000))~~ \$17,203,000 of the general fund-federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund-state appropriation for fiscal year 2018, \$8,000 of the general fund-state appropriation for fiscal year 2019, and \$36,000 of the general fund-federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

~~(((\$127,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.))~~ \$438,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 1831 (public assistance/resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$43,000 of the general fund-state appropriation for fiscal year 2018 and \$16,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$58,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$119,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund-State Appropriation (FY 2018) (~~(\$78,842,000)~~)
\$96,763,000

(~~(General Fund-State Appropriation (FY 2019) \$71,308,000)~~)

General Fund-Federal Appropriation (~~(\$575,249,000)~~)
\$301,240,000

General Fund-Private/Local Appropriation (~~(\$20,211,000)~~)
\$10,101,000

Criminal Justice Treatment Account-State
 Appropriation..... (~~(\$12,978,000)~~)
\$6,488,000

Problem Gambling Account-State
 Appropriation (~~(\$1,453,000)~~)
\$725,000

Dedicated Marijuana Account-State
 Appropriation
 (FY 2018)..... \$24,802,000
 (~~(Dedicated Marijuana Account State
 Appropriation
 (FY 2019)..... \$24,802,000)~~)

Pension Funding Stabilization Account-State
Appropriation..... \$264,000

TOTAL APPROPRIATION..... ~~\$809,645,000~~
\$440,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,278,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$3,278,000 of the dedicated marijuana account state appropriation for fiscal year 2019~~) are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$1,130,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely for alcohol and

substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) \$282,000 of the dedicated marijuana account-state appropriation for fiscal year (~~2017 and \$282,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(~~(\$3,500,000)~~) \$1,750,000 of the general fund-federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$200,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$200,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$500,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~) is provided solely to design and

administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$396,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(and \$396,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are)~~) is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(and \$250,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are)~~) is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(and \$386,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are)~~) is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(, \$2,684,000 of the dedicated marijuana account state appropriation for fiscal year 2019,))~~) and (~~(\$1,900,000)~~) \$950,000 of the general fund-federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(11) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(and \$250,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are)~~) is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(and \$2,434,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are)~~) is provided solely for expenditure into the home visiting services account.

(13) \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(and \$2,500,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are)~~) is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) (~~(\$1,125,000)~~) \$563,000 of the general fund-federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) \$891,000 of the general fund-state appropriation for fiscal year 2018 (~~(, \$2,580,000 of the general fund state appropriation for fiscal year 2019,))~~) and (~~(\$2,755,000)~~) \$435,000 of the general fund-federal appropriation are provided solely for the development

and operation of two secure detoxification facilities. The department must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(17) (~~(\$1,000,000)~~) \$500,000 of the criminal justice treatment account—state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to individuals supervised by the department of corrections in the community. In reviewing, the department shall compile data specific to BHOs and in the aggregate for access to services, timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) \$100,000 of the general fund—state appropriation for fiscal year 2018 (~~(and \$100,000 of the general fund—state appropriation for fiscal year 2019 are)~~) is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal (~~(years)~~) year 2018 (~~(and 2019)~~) as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department

has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact on providers. This report must be submitted by December 1, 2017.

(22) \$31,995,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of

stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2018) (~~(\$14,899,000)~~)
\$13,890,000

General Fund—State Appropriation (FY 2019) (~~(\$15,603,000)~~)
\$14,594,000

General Fund—Federal Appropriation (~~(\$97,328,000)~~)
\$109,730,000

Pension Funding Stabilization Account—State

Appropriation..... \$2,024,000

TOTAL APPROPRIATION..... ~~\$127,830,000~~

\$140,238,000

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(68) of this act.

Sec. 210. 2017 3rd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2018) (~~(\$45,488,000)~~)
\$46,202,000

General Fund—State Appropriation (FY 2019)..... (~~(\$46,173,000)~~)
\$47,375,000

Pension Funding Stabilization Account—State

Appropriation.....\$4,858,000

TOTAL APPROPRIATION.....~~\$91,661,000~~

\$98,435,000

The appropriations in this section are subject to the following conditions and limitations: The special commitment center may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

Sec. 211. 2017 3rd sp.s. c 1 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)..... (~~(\$36,681,000)~~)
\$33,757,000

General Fund—State Appropriation (FY 2019)..... (~~(\$30,791,000)~~)
\$31,754,000

General Fund—Federal Appropriation..... (~~(\$39,963,000)~~)
\$44,783,000

(~~General Fund Private/Local Appropriation~~.....~~\$654,000~~)

Pension Funding Stabilization Account—State

Appropriation.....\$6,247,000

TOTAL APPROPRIATION.....~~\$108,089,000~~

\$116,541,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$300,000)~~) \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$1,216,000 of the general fund-state appropriation for fiscal year 2019 and \$515,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$81,000 of the general fund-state appropriation for fiscal year 2018, \$86,000 of the general fund-state appropriation for fiscal year 2019, and \$167,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(5) \$2,031,000 of the general fund-state appropriation for fiscal year 2019 and \$816,000 of the general fund-federal appropriation for fiscal year 2019 are provided solely for a time, leave, and attendance scheduling system and are subject to the conditions, limitations, and review provided in section 724,

chapter 1, Laws of 2017 3rd sp. sess. The department shall examine business practices and coordinate with the department of enterprise services and the department of transportation regarding the scheduling system.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund-State Appropriation (FY 2018).....	(\$81,319,000)	
		<u>\$82,017,000</u>
General Fund-State Appropriation (FY 2019).....	(\$43,380,000)	
		<u>\$42,354,000</u>
General Fund-Federal Appropriation.....	(\$57,578,000)	
		<u>\$57,287,000</u>
TOTAL APPROPRIATION.....	\$182,277,000	<u>\$181,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund-state appropriation for fiscal year 2018 and \$11,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund-state appropriation for fiscal year 2018, \$12,000 of the general fund-state appropriation for fiscal year 2019, and \$24,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

Sec. 213. 2017 3rd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care

actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund-state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer

is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) MEDICAL ASSISTANCE

General Fund-State Appropriation (FY 2018)(~~(\$2,065,747,000)~~)
\$2,024,873,000

General Fund-State Appropriation (FY 2019)(~~(\$2,114,943,000)~~)
\$2,083,591,000

General Fund-Federal Appropriation.....(~~(\$11,503,815,000)~~)
\$11,823,834,000

General Fund-Private/Local Appropriation.....(~~(\$232,300,000)~~)
\$204,427,000

Emergency Medical Services and Trauma Care Systems

Trust Account-State Appropriation.....\$15,086,000

Hospital Safety Net Assessment Account-State Appropriation(~~(\$725,012,000)~~)
\$693,099,000

Medicaid Fraud Penalty Account-State Appropriation.....\$28,163,000

Medical Aid Account-State Appropriation.....\$528,000

Dedicated Marijuana Account-State Appropriation (FY 2018)(~~(\$16,205,000)~~)
\$17,616,000

Dedicated Marijuana Account-State Appropriation (FY 2019)(~~(\$17,039,000)~~)
\$18,396,000

~~((State Health Care Authority Administrative Account—
State Appropriation..... \$7,000))~~

Pension Funding Stabilization Account—
State

Appropriation..... \$4,538,000

TOTAL APPROPRIATION... ~~\$16,718,845,000~~
\$16,914,151,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$256,645,000 of the general fund-state appropriation for fiscal year 2018 and \$264,704,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority to implement a single, standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts

paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) ~~((\$118,813,000))~~ \$113,356,000 of the general fund-state appropriation for fiscal year 2018 and ~~((\$120,265,000))~~ \$140,578,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for ~~((holding))~~ managed care capitation ~~((rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019))~~ payments.

(c) \$122,244,000 of the general fund-state appropriation for fiscal year 2018 and \$116,038,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will

result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi) a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a different delivery model. The authority is authorized to seek any necessary state

plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates.

(d) (~~(\$1,540,849,000 of the general fund state appropriation for fiscal year 2018 and \$1,585,513,000 of the general fund state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid program. However,~~) By October 30, 2018, the authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(e) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

(f) The authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in ~~((e) and (f))~~ (g) and (h) of this subsection until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (i) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures

that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (ii) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (iii) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

~~((f))~~ (g) No more than ~~(((\$479,600,000))~~ \$486,683,000 of the general fund-federal appropriation and no more than ~~(((\$154,289,000))~~ \$129,103,000 of the general fund-local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration wavier under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than

quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care providers and medical malpractice insurance carriers.

~~((f))~~ (h) No more than ~~(((\$42,584,000))~~ \$38,425,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than

quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

~~((g))~~ (i) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((h))~~ (j) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((i))~~ (k) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((j))~~ (l) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((k))~~ (m) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((l))~~ (n) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits

as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((m))~~ (o) \$4,261,000 of the general fund-state appropriation for fiscal year 2018, \$4,261,000 of the general fund-state appropriation for fiscal year 2019, and \$8,522,000 of the general fund-federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((n))~~ (p) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((o))~~ (q) \$6,000,000 of the general fund-federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((p))~~ (r) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2017, and by November 1, 2018, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2017-2019 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the

hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(\$10,575,000)~~ \$359,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$13,185,000)~~ \$361,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

~~((q))~~ (s) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((r))~~ (t) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((s))~~ (u) The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

~~((t))~~ (v) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((u))~~ (w) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((v))~~ (x) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((w))~~ (y) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((x))~~ (z) \$90,000 of the general fund-state appropriation for fiscal year 2018, \$90,000 of the general fund-state appropriation for fiscal year 2019, and \$180,000 of the general fund-federal appropriation are provided solely to continue operation by a nonprofit

organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((y))~~ (aa) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((z))~~ (bb) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((aa))~~ (cc) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((bb))~~ (dd) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((cc))~~ (ee) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund-state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((dd))~~ (ff) \$127,000 of the general fund-state appropriation for fiscal year 2018 and \$1,144,000 of the general fund-federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((ee))~~ (gg) \$175,000 of the general fund-state appropriation for fiscal year 2018 and \$825,000 of the general fund-federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the

conditions, limitations, and review provided in section 724 of this act.

~~((ff))~~ ~~(\$2,200,000)~~ ~~((hh))~~ \$1,483,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$2,701,000))~~, \$1,594,000 of the general fund-state appropriation for fiscal year 2019, and \$1,509,000 of the general fund-federal appropriation are provided ~~((solely))~~ for a rate increase effective July 1, 2018 and performance payments to reward successful beneficiary engagement in the health homes program for ~~((dual eligible))~~ fee-for-service enrollees and these are the maximum amounts in each fiscal year the authority may expend for this purpose.

~~((gg))~~ ~~((ii))~~ \$450,000 of the general fund-state appropriation for fiscal year 2018, \$450,000 of the general fund-state appropriation for fiscal year 2019, and \$1,058,000 of the general fund-federal appropriation are provided solely for the authority to hire ten nurse case managers to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

~~((hh))~~ ~~((jj))~~ Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

~~((ii))~~ ~~((kk))~~ The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

~~((jj))~~ ~~((ll))~~ Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable

readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kk))~~ ~~((mm))~~ Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((ll))~~ ~~((nn))~~ Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((mm))~~ (oo) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((nn))~~ (pp) \$500,000 of the general fund-state appropriation for fiscal year 2019 and \$500,000 of the general fund-federal appropriation are provided solely for the authority to implement the oral health connections pilot project in ~~((Yakima, Adams))~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((oo))~~ (qq) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve

medically intensive children's program clients who reside in a group home setting.

~~((pp))~~ (rr) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((qq))~~ (ss) \$100,000 of the general fund-state appropriation for fiscal year 2019 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a pilot program for treatment of inmates at the Snohomish

county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((+xx))~~ (tt) \$6,487,000 of the general fund-state appropriation for fiscal year 2018 and \$1,340,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15 days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((+ss))~~ (uu) The authority shall evaluate adding a tele-pyschiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((+tt))~~ (vv) \$33,000 of the general fund-state appropriation for fiscal year 2018, ~~((\$7,000 of the state health care authority administrative account state appropriation))~~ and \$42,000 of the general fund-federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((+uu))~~ (ww) \$304,000 of the general fund-state appropriation for fiscal year 2018, \$304,000 of the general fund-state appropriation for fiscal year 2019, and \$608,000 of the general fund-federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((+vv))~~ (xx) \$165,000 of the general fund-state appropriation for fiscal year 2018, \$329,000 of the general fund-state appropriation for fiscal year 2019, and \$604,000 of the general fund-federal appropriation are provided solely for

implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((+ww))~~ (yy) \$1,813,000 of the general fund-state appropriation for fiscal year 2018, \$3,764,000 of the general fund-state appropriation for fiscal year 2019, and \$12,930,000 of the general fund-federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((+xx) \$347,000)~~ (zz) \$69,000 of the general fund-state appropriation for fiscal year 2018, ~~((\$839,000))~~ \$1,118,000 of the general fund-state appropriation for fiscal year 2019, and \$943,000 of the general fund-federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((+yy))~~ (aaa) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((+zz))~~ (bbb) \$69,000 of the general fund-state appropriation for fiscal year 2018, \$560,000 of the general fund-state appropriation for fiscal year 2019, and \$308,000 of the general fund-federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider

credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

(ccc) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism alliance and advocacy (WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them in navigating the health care system. The authority, in collaboration with the department and the WAAA, shall submit a report to the governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by the WAAA. The reports shall also include what health care services the WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral and whether alternate coverage was obtained.

(ddd) The authority and the office of the insurance commissioner shall consult with the University of Washington, medicaid managed care organizations, and health insurance carriers as defined in RCW 48.44.010 to develop an alternative funding model for the partnership access line (PAL).

(i) The funding model must identify potential sources to support:

(A) Current PAL services for primary care providers;

(B) An expansion of PAL services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and

(C) An expansion of PAL services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(ii) In developing the alternative funding model, the authority and office of the insurance commissioner must:

(A) Consider a mechanism that determines the annual cost of operating the PAL and collects a proportional share of the program cost from each health insurance carrier;

(B) Differentiate between PAL activities eligible for medicaid funding from other nonmedicaid eligible activities; and

(C) Ensure that the expanded services identified in this subsection do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(eee) \$20,000 of the general fund-state appropriation for fiscal year 2019 and \$20,000 of the general fund-federal appropriation are provided solely for the authority, in partnership with the department of social and health services and the department of health, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(fff) \$5,825,000 of the general fund-state appropriation for fiscal year 2019 and \$8,019,000 of the general fund-federal appropriation are provided solely for an increase in pediatric primary care provider rates to privately owned and operated pediatric care providers. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates to this class of providers through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider

evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how these rate increases have impacted access to care.

(ggg) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority to conduct a study to identify strategies for enhancing access to primary care for medical assistance clients. The authority may collaborate with other stakeholders as appropriate. The authority shall provide a report with recommendations to the appropriate committees of the legislature by December 1, 2018. The study shall, to the extent possible:

(i) Review the effect of the temporary rate increase provided as part of the patient protection and affordable care act on:

(A) The number of providers serving medical assistance clients;

(B) The number of medical assistance clients receiving services; and

(C) Utilization of primary care services.

(ii) Identify client barriers to accessing primary care services;

(iii) Identify provider barriers to accepting medical assistance clients;

(iv) Identify strategies for incentivizing providers to accept more medical assistance clients;

(v) Prioritize areas for investment that are likely to have the most impact on increasing access to care; and

(vi) Strategically review the current medicaid rates and identify specific areas and amounts that may promote access to care.

(hhh) \$1,400,000 of the general fund-state appropriation for fiscal year 2019 and \$3,900,000 of the general fund-federal appropriation are provided solely to increase the rates paid to rural hospitals that were certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, with less than one hundred fifty acute care licensed beds in fiscal year 2011. Payments for state and federal medical assistance programs for

services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred and fifty percent of the hospital's fee-for-service rates.

(iii) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to create a work group at the Robert Bree collaborative to identify best practices for mental health services regarding patient mental health treatment and patient management. The work group shall identify best practices on patient confidentiality, discharging patients, treating patients with homicide ideation and suicide ideation, recordkeeping to decrease variation in practice patterns in these areas, and other areas as defined by the work group. The work group shall be composed of clinical and administrative experts including psychologists, psychiatrists, advanced practice psychiatric nurses, social workers, marriage and family therapists, certified counselors, and mental health counselors.

(jjj) \$536,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(kkk) \$50,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(lll) \$31,000 of the general fund-state appropriation for fiscal year 2018 and \$44,000 of the general fund-federal appropriation are provided solely for implementation of chapter 303, Laws of 2017 (public records administration).

(mmm) \$200,000 of the general fund-state appropriation for fiscal year 2019 and \$150,000 of the general fund-federal appropriation are provided solely for the authority to develop and issue a request for proposal (RFP) to implement a population-based, cost-effective approach to eradicate the hepatitis C disease in Washington state. In coordination with the department of health and the department of corrections,

the authority shall contract with a consultant to support the development of a RFP that requires: (a) A partnership with a hepatitis C drug manufacturer to make available cost-effective hepatitis C medications for medicaid and nonmedicaid populations through potentially new and innovative pricing strategies; (b) identification of the universe of medicaid and nonmedicaid populations infected with hepatitis C and the development of successful strategies to treat and eradicate the disease with associated costs; (c) an evaluation of state agency efforts to treat medicaid and nonmedicaid populations infected with hepatitis C; (d) research of population-based hepatitis C models that take into consideration alternative payment models and service delivery strategies; (e) the development of care-model options for case finding and delivery of hepatitis C treatment that leverage existing efforts in the state, including project ECHO and hub and spoke opiate use disorder treatment, and estimated costs of implementing such models; and (f) the development of a timeline to implement care models and a service delivery system that will eradicate the disease. The authority shall report initial findings and implementation timeframes to the office of financial management and the appropriate committees of the legislature by November 1, 2018, and shall issue a request for proposal no later than January 1, 2019.

(nnn) Sufficient amounts are provided in this subsection for the authority to provide an adult hearing aid benefit.

(ooo) Sufficient amounts are provided in this subsection for the authority to provide medical assistance to individuals who newly enroll in the individual and family services waiver at the department of social and health services developmental disabilities administration pursuant to section 205(1) (bb) of this act.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority Administration Account-

State Appropriation... (~~(\$42,061,000)~~)
 \$63,221,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account-state appropriation for fiscal year 2018 and \$236,000 of the state health care authority administration account-state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing

calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

(f) ~~(\$8,000,000)~~ \$28,730,000 of the health care authority administrative account-state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.

(g) The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative

Account-State
Appropriation.....\$28,730,000

The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account-state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. It is the intent of the legislature that the state health care authority administration account be reimbursed for the appropriation to this account made in this section, with interest.

(4) HEALTH BENEFIT EXCHANGE

General Fund-State Appropriation (FY 2018).....\$5,184,000

General Fund-State Appropriation (FY 2019).....(~~\$5,184,000~~)

\$5,701,000

General Fund-Federal Appropriation.....(~~\$52,837,000~~)

\$53,892,000

Health Benefit Exchange Account-State Appropriation.....(~~\$56,736,000~~)

\$59,385,000

TOTAL APPROPRIATION.....~~\$119,941,000~~

\$124,162,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b) (i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund-state appropriation and one-half the health benefit exchange account-state appropriation to the exchange.

(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iv) Payments made from general fund-state appropriation and health benefit exchange account-state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(c) \$321,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$196,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1291 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund-State Appropriation (FY 2019) \$576,489,000

General Fund-Federal Appropriation \$917,440,000

General Fund-Private/Local Appropriation \$18,261,000

Criminal Justice Treatment Account-State Appropriation \$6,490,000

Problem Gambling Account-State Appropriation \$728,000

Dedicated Marijuana Account-State Appropriation (FY 2019)... \$28,486,000

Pension Funding Stabilization Account-State Appropriation..... \$857,000

TOTAL APPROPRIATION.... \$1,548,751,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund-state appropriation for fiscal year 2019 and \$3,810,000 of the general fund-federal appropriation are provided solely for the authority and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under (f) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund-state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund-state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) \$1,760,000 of the general fund-federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as

part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(e) \$6,858,000 of the general fund-state appropriation for fiscal year 2019 and \$4,023,000 of the general fund-federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(f) \$81,930,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(g) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(h) \$1,125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization

and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,204,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (f) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$2,291,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for

facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(l) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(m) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The authority must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(n) \$3,079,000 of the general fund-state appropriation for fiscal year 2019 and \$2,892,000 of the general fund-federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid

psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(o) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ensure that utilization will be based on medical necessity and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

(p) \$7,103,000 of the general fund-state appropriation for fiscal year 2019 and \$8,052,000 of the general fund-federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(q) \$1,133,000 of the general fund-state appropriation for fiscal year 2019

and \$1,297,000 of the general fund-federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(r) \$6,744,000 of the general fund-state appropriation for fiscal year 2019 and \$14,516,000 of the general fund-federal appropriation are provided solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must require the contracted actuaries to: (i) Review and consider comparison of salaries paid by government agencies and hospitals that compete with community providers for behavioral health workers in developing salary assumptions; and (ii) review data to see whether a specific travel assumption for high congestion areas is warranted. The authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(s) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority must reduce the number of beds allocated for use by behavioral health organizations at

western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(t) \$11,405,000 of the general fund-state appropriation for fiscal year 2019 and \$8,840,000 of the general fund-federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to come to a contract agreement with a designated behavioral health organization for any of

the services identified above, it may consider contracting for that service in another region that has the need for such service.

(u) \$1,296,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(v) \$213,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(w) \$3,278,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5) (w):

(i) \$1,130,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund-federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account-state appropriation

for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 and \$950,000 of the general fund-federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid

eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(kk) \$562,000 of the general fund-federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund-state appropriation for fiscal year 2019 and \$2,320,000 of the general fund-federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The authority must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(mm) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(nn) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(oo) The criminal justice treatment account-state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with a behavioral health organization or administrative services organization to administer these funds consistent with the plans approved by local panels

pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2018.

(pp) \$26,000,000 of the general fund-state appropriation for fiscal year 2019 and \$44,200,000 of the general fund-federal appropriation are provided solely for the enhancement of community-based behavioral health services. This funding must be allocated to behavioral health organizations proportionate to their regional population. In order to receive these funds, each behavioral health organization must submit a plan to address the following issues: (i) Reduction in their use of long-term commitment beds through community alternatives; (ii) compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care; (iii) improvement of staff recruitment and retention in community behavioral health facilities; (iv) diversion of individuals with behavioral health issues from the criminal justice system; and (v) efforts to improve recovery oriented services, including, but not limited to, expansion of clubhouse models. The plans are not limited to the amounts in this subsection and may factor in all resources the behavioral health organization receives from the state. Each plan must identify metrics for tracking progress in each of the areas identified. The authority must collect information on the metrics and outcomes and submit a report summarizing the findings to the office of financial management and the appropriate committees of the legislature by June 30, 2019. Up to twenty percent of the general fund-state appropriation amounts for each behavioral health organization may be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates up to but not exceeding the top of each behavioral health organizations medicaid rate range. Each behavioral health organization must specify in their plan how they would like the funds distributed between medicaid rates and nonmedicaid

funding in accordance with this subsection.

(qq) \$11,023,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must explore options for continuing to expand waivers which allow for federal matching funds to be used in these facilities. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(rr) \$15,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to become mid-adopters for full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000

residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for start-up costs in full integration regions. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers.

(ss) \$806,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to develop a peer support program for individuals with substance use disorders. These amounts must be used for development of training and certification of peers specialists. The authority must submit a state plan amendment which provides for these services to be included in behavioral health capitation rates beginning in fiscal year 2020 and allows for federal matching funds to be leveraged for these services.

(tt) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority, in collaboration with the department of social and health services, to further develop efforts to shift funding and risk for most civil long-term inpatient commitments into fully integrated care contracts beginning in January 2020. The funding and risk for patients at the state hospitals who have been committed pursuant to dismissal of felony charges after being determined incompetent to stand trial shall not be incorporated into integrated care contracts.

(i) By December 1, 2018, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature on the following: (A) Actuarial estimates on the impact to per member per month payments and estimated annual state and federal costs for medicaid managed care

organizations with fully integrated contracts; (B) actuarial estimates on the estimated annual costs for administrative services organizations; (C) estimates of the per-diem cost at the state hospitals that will be charged to entities with responsibility for paying for long-term civil inpatient commitments once these are incorporated into fully integrated care contracts; and (D) estimates of the amount of funding that can be reduced from direct appropriations for the state hospitals to reflect the shift in financial responsibility.

(ii) The authority must also explore and report on options for fully leveraging the state's share of federal medicaid disproportionate share funding allowed for institutions of mental diseases, including but not limited to: (A) Prioritizing the use of this funding for forensic patients and those civilly committed pursuant to dismissal of a felony charge; (B) obtaining an institution for mental diseases-disproportionate share hospital waiver to allow for regular medicaid federal financial participation to be used at the state hospitals; and (C) shifting some of the state's current disproportionate share funding used at the state hospitals to community-based institutions for mental diseases to reduce the state cost of patients for whom regular federal medicaid match is not allowed.

(uu) \$2,732,000 of the general fund-state appropriation for fiscal year 2019 and \$9,026,000 of the general fund-federal appropriation are provided solely for the authority to implement strategies to improve access to prevention and treatment of opioid use disorders. The authority may use these funds for the following activities: (i) Expansion of hub and spoke treatment networks; (ii) expansion of pregnant and parenting case management programs; (iii) grants to tribes to prevent opioid use and expand treatment for opioid use disorders; (iv) development and implementation of a tool to track medication assisted treatment provider capacity; (v) support of drug take-back programs which allow individuals to return unused opioids and other drugs for safe disposal; (vi) purchase and distribution of opioid reversal medication; and (vii) maintaining support for youth prevention services. The authority must coordinate these activities with the department of health

to avoid duplication of effort and must work to identify additional federal resources that can be used to maintain and expand these efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2018. The report must include identification of any increase in behavioral health federal block grants or other federal funding awards received by the authority and the plan for the use of these funds.

(vv) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to contract with actuaries to develop estimates for the cost of implementing new behavioral health service types in the medicaid state plan. The authority must coordinate with behavioral health organizations to identify: (i) Eligible behavioral health service types that are currently provided to medicaid enrollees without federal funding and are dependent on state, local, or other funds; and (ii) eligible behavioral health service types that are not currently available to medicaid enrollees due to the lack of federal funding. The authority must contract with the actuaries responsible for certifying state behavioral health capitation rates to develop estimates for the cost of implementing each of these services. The estimates must identify the cost of implementing each service statewide, the estimated state and federal medicaid cost, and any estimated offset in state non-medicaid spending. The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the services and costs estimates by November 1, 2018.

(ww) (i) \$446,000 of the general fund-state appropriation for fiscal year 2019 and \$89,000 of the general fund-federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate

fiscal committees of the legislature by December 1st of each year of the biennium.

(ii) No more than \$13,098,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund-State Appropriation (FY 2018)	.....	(\$2,317,000)	
			\$2,298,000
General Fund-State Appropriation (FY 2019)	.....	(\$2,359,000)	
			\$2,330,000
General Fund-Federal Appropriation	.....	\$2,427,000	
<u>Pension Funding Stabilization Account-State</u>			
Appropriation	.....	\$190,000	
TOTAL APPROPRIATION	.....	\$7,103,000	
			\$7,245,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided to convene a work group consisting of representatives from the agribusiness industry, the department of labor and industries, farmworkers, public sector attorneys, immigrant rights leaders, and social workers. The work group shall study the issue of sexual harassment in the farmworker industry. The work group shall hold meetings in each of the following locations across the state: Yakima, Wenatchee, Pasco, Bellingham, and Vancouver. The work group is staffed by the human rights commission. The work group must make recommendations to the appropriate committees of the legislature by November 21, 2018. Recommendations may include, but are not limited to, statutory changes, funding for education and outreach, training programs, or increasing penalties for violating chapter 49.60 RCW.

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account-State	
Appropriation	\$10,000
Accident Account-State Appropriation	(\$22,437,000)
	<u>\$22,434,000</u>
Medical Aid Account-State Appropriation	(\$22,438,000)
	<u>\$22,435,000</u>
TOTAL APPROPRIATION.....	\$44,885,000
	<u>\$44,879,000</u>

Sec. 216. 2017 3rd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund-State Appropriation (FY 2018)	(\$21,703,000)
	<u>\$21,662,000</u>
General Fund-State Appropriation (FY 2019)	(\$20,705,000)

	\$23,170,000
General Fund-Private/Local Appropriation	(\$5,905,000)
	<u>\$6,785,000</u>
Death Investigations Account-State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account-State	
Appropriation	\$460,000
Pension Funding Stabilization Account-State	
Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account-State	
Appropriation	\$8,167,000
24/7 Sobriety Account-State Appropriation	(\$30,000)
	<u>\$20,000</u>
TOTAL APPROPRIATION	\$57,118,000
	<u>\$60,872,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000,000 of the general fund-state appropriation for fiscal year 2019, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

(2) \$1,284,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$1,283,000)~~ \$1,712,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for seventy-five percent of the costs of providing six additional statewide basic law enforcement trainings in ~~(each)~~ fiscal year 2018, and eight additional statewide basic law enforcement trainings in fiscal year 2019. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements.

(3) ~~(\$745,000)~~ \$791,520 of the general fund-local appropriation is

provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(4) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(5) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(6) \$96,000 of the general fund-state appropriation for fiscal year 2018 and \$96,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund-state appropriation for fiscal year 2018 and \$146,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund-state appropriation for fiscal year 2018 and \$587,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund-state appropriation for fiscal year 2018 and \$414,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund-state appropriation for fiscal year 2018, \$117,000 of the general fund-state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account-state appropriation are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund-state appropriation for fiscal year 2018 and \$595,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund-state appropriation for fiscal year 2018 and \$429,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund-state appropriation for fiscal year 2018 and \$353,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust.

(16) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement education for law enforcement, medical professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to administer statewide training in the use of the Washington state gang database, established in compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$800,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for providing grants for a criminal justice diversion center pilot program in Snohomish county. Snohomish county must collect and report data from the pilot program to the Washington association of sheriffs and police chiefs. The Washington association of sheriffs and police chiefs must submit a report to the appropriate committees of the legislature by October 1, 2019. The report must contain, at a minimum: (i) An analysis of arrests and bookings for individuals served in the pilot program; (ii) an analysis of connections to behavioral health

services made for individuals who were served by the pilot program; (iii) an analysis of impacts on housing stability for individuals served by the pilot program; (iv) the number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(19) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for providing grants for the mental health field response team grant program established in House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund-State Appropriation (FY 2018)	.....	(\$7,671,000)	
			\$6,511,000
General Fund-State Appropriation (FY 2019)	.....	(\$8,897,000)	
			\$7,838,000
General Fund-Federal Appropriation	.....	\$11,876,000	
Asbestos Account-State Appropriation	.....	\$527,000	
Electrical License Account-State Appropriation	.....	(\$52,100,000)	
			\$53,851,000
Farm Labor Contractor Account-State Appropriation	.....	\$28,000	
Worker and Community Right-to-Know Account-State			
Appropriation	.....	\$993,000	
Public Works Administration Account-State			
Appropriation	.....	(\$6,303,000)	
			\$8,529,000
Manufactured Home Installation Training			
Account-State Appropriation			.\$378,000

\$28,269,000
Pension Funding Stabilization Account—
State

Appropriation..... \$1,462,000

TOTAL APPROPRIATION..... ~~\$133,866,000~~

\$132,061,000

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2018) (~~\$71,759,000~~)

\$70,937,000

General Fund—State Appropriation (FY 2019) (~~\$72,148,000~~)

\$80,780,000

General Fund—Federal Appropriation (~~\$550,186,000~~)

\$550,304,000

General Fund—Private/Local Appropriation (~~\$185,189,000~~)

\$186,886,000

Hospital Data Collection Account—State Appropriation \$348,000

Health Professions Account—State Appropriation (~~\$129,629,000~~)

\$132,368,000

Aquatic Lands Enhancement Account—State Appropriation \$623,000

Emergency Medical Services and Trauma Care Systems

Trust Account—State Appropriation \$9,247,000

Safe Drinking Water Account—State Appropriation (~~\$5,678,000~~)

\$5,676,000

Drinking Water Assistance Account—Federal

Appropriation (~~\$16,016,000~~)

\$16,006,000

Waterworks Operator Certification—State Appropriation (~~\$1,671,000~~)

\$1,839,000

Drinking Water Assistance Administrative Account—State

Appropriation \$372,000

Site Closure Account—State Appropriation \$169,000

Biotoxin Account—State Appropriation (~~\$1,972,000~~)

\$1,971,000

State Toxics Control Account—State Appropriation (~~\$4,259,000~~)

\$4,258,000

Medicaid Fraud Penalty Account—State Appropriation \$938,000

Medical Test Site Licensure Account—State

Appropriation \$2,594,000

Youth Tobacco and Vapor Products Prevention Account—State

Appropriation (~~\$4,963,000~~)

\$3,363,000

Dedicated Marijuana Account—State Appropriation

(FY 2018) \$9,761,000

Dedicated Marijuana Account—State Appropriation

(FY 2019) \$9,766,000

Public Health Supplemental Account—Private/Local

Appropriation \$3,248,000

Pension Funding Stabilization Account—State

Appropriation \$3,821,000

Accident Account—State Appropriation \$344,000

Medical Aid Account—State Appropriation \$53,000

Suicide—Safer Homes Project Account—State Appropriation \$50,000

TOTAL APPROPRIATION ~~\$1,080,983,000~~

\$1,095,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary

school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) (a) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final report, to the appropriate committees of the legislature regarding:

(i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;

(ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;

(iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and

(iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5) (a) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund–state appropriation for fiscal year 2018 and \$10,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund–local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the health professions account–state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account–state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund–state appropriation for fiscal year 2018 and \$350,000 of the general fund–state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund–state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$90,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(13) (a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and experts that focus on hunger and poverty issues, shall produce a report regarding

ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program, of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

(i) The number of people in Washington who are eligible for the program;

(ii) The number of people in Washington who participated in the program;

(iii) The average annual participation rate in the program;

(iv) Participation rates by geographic distribution; and

(v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account–state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account–state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund–federal appropriation is provided solely for the department to implement projects and activities during the 2017–2019 fiscal biennium that are designed to improve the health and well-being of

individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund-local appropriation is provided solely for the department to target its efforts in the HIV early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund-local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

(20) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data reporting system to identify children who

are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools-Revised Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund-local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund-state appropriation for fiscal year 2018 and \$130,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the

department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(25) (~~(\$250,000)~~) \$100,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$250,000)~~) \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must report to the legislature by (~~(December 1, 2018)~~) June 30, 2019, regarding identified barriers and any recommendations for interventions.

(26) \$27,000 of the general fund-state appropriation for fiscal year 2018 and \$16,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

(27) \$224,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(28) \$93,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

(29) \$82,000 of the general fund-local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

(30) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal and

policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

(31) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(32) \$28,000 of the general fund-state appropriation for fiscal year 2018 and \$28,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

(33) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(34) (a) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to fund a pilot project in Pierce county to reduce the rate of hospitalizations for acute illnesses or chronic conditions, or both, that can be managed successfully in outpatient settings. Under the pilot program, the department shall coordinate with the local health jurisdiction to:

(i) Increase immunizations for bacterial pneumonia and influenza; and

(ii) Implement screening, brief intervention, and referrals to treatment for alcohol, tobacco, drugs, and depression.

(b) Providers in the pilot program shall enter data into the statewide

immunization registry for easy tracking and access.

(c) No later than December 1, 2018, the department, in collaboration with the local health jurisdiction, shall provide to the legislature and the appropriate committees a preliminary report regarding the outcomes of the pilot program, addressing the following measures:

(i) Improvement in the rate of influenza and pneumonia immunizations, as determined by the number of unnecessary hospitalizations, the number of patient deaths, and calculated prevented costs; and

(ii) Effectiveness of screenings, brief interventions, and referrals to treatment, as determined by emergency room use, hospitalizations, and calculated prevented costs.

(d) A final report addressing the same measures as the preliminary report shall be provided to the legislature and the appropriate committees no later than June 30, 2019.

(35) \$556,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to replace the comprehensive hospital abstract reporting system and is subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(36) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in partnership with the department of social and health services and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(37) \$140,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to convene and chair a pesticide incident reporting and tracking review panel.

(a) The panel must meet at least monthly and consist of the following members:

(i) The directors, secretaries, or designees of the departments of health, labor and industries, agriculture, natural resources, fish and wildlife, and ecology;

(ii) The chair of the department of environmental health at the University of Washington, or his or her designee;

(iii) The pesticide coordinator and specialist of the cooperative extension at Washington State University or his or her designee;

(iv) A representative of the Washington poison control center network;

(v) A practicing toxicologist; and

(vi) A member of the general public.

(b) The responsibilities of the panel shall include, but not be limited to:

(i) Establishing guidelines for the receipt of information relating to actual or alleged health and environmental incidents involving pesticides;

(ii) Reviewing and making recommendations for procedures for the investigation of pesticide incidents;

(iii) Monitoring the time periods required for response to reports of pesticide incidents by the departments of agriculture, department of health, and labor and industries;

(iv) Identifying inadequacies in state or federal law that result in insufficient protection of public health and safety.

(c) The panel must review and approve an annual report prepared by the department. The report shall be provided to the governor, agency heads, the legislature, and shall be made available to the public. The report shall include:

(i) A summary of the year's activities;

(ii) A synopsis of the cases reviewed;

(iii) A separate descriptive listing of each case in which adverse health or environmental effects from pesticides were found;

(iv) A tabulation of the data from each case, including the number of exposures;

(v) An assessment of the effects of pesticide exposure in the workplace;

(vi) Identification of trends, issues, and needs; and

(vii) Any recommendations for improved pesticide use practices.

(d) The first annual report is due June 30, 2019.

(38) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(39) \$30,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the nursing care quality assurance commission to convene and facilitate a work group to assess the need for nurses in long-term care settings and to make recommendations regarding worker recruitment, training, and retention challenges for long-term care providers in the sectors of skilled nursing facilities, assisted-living facilities, and adult family homes.

(a) The work group must:

(i) Determine the current and projected worker vacancy rates in the long-term care sectors compared to the workload projections for these sectors;

(ii) Develop recommendations for a standardized training curriculum for certified nursing assistants that ensures that workers are qualified to provide care in each sector, including integration into the curriculum of specific training for the care of clients with dementia, developmental disabilities, and mental health issues;

(iii) Review academic and other prerequisites for training for licensed practical nurses to identify any barriers to career advancement for certified nursing assistants;

(iv) Identify barriers to career advancement for long-term care workers; and

(v) Evaluate the oversight roles of the department of health and the department of social and health services for nurse training programs and make recommendations for streamlining those roles.

(b) The members of the work group must include the following:

(i) The chair of the house health care and wellness committee or his or her designee;

(ii) The chair of the senate health and long-term care committee or his or her designee;

(iii) The assistant secretary of the aging and disability support administration of the department of social and health services, or his or her designee;

(iv) A member of the Washington apprenticeship and training council, chosen by the director of the department of labor and industries;

(v) A representative from the health services quality assurance division of the department of health, chosen by the secretary;

(vi) The executive director of the Washington state board for community and technical colleges or his or her designee;

(vii) A representative of the largest statewide association representing nurses;

(viii) A representative of the largest statewide union representing home care workers;

(ix) A representative of the largest statewide association representing assisted living and skilled nursing facilities;

(x) A representative of the adult family home council of Washington; and

(xi) The Washington state long-term care ombuds or his or her designee.

(d) The work group must meet at least three times, and the first meeting must occur no later than July 15, 2018. The commission must report no later than December 15, 2018, to the governor and the legislature regarding the work group's assessments and recommendations.

(40) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to implement training and education recommendations described in the 2016 report of the community health worker task force. The department shall report to the legislature on the progress of implementation no later than June 30, 2019. These moneys shall only be used to cover the cost of the department's staff time, meeting expenses, and community outreach.

(41) \$3,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to Seattle and King county public health for core public health services that prevent and stop the spread of communicable disease, including but not limited to zoonotic and emerging diseases and chronic hepatitis B and hepatitis C.

(42) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$360,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive Group B programs to ensure safe and reliable drinking water. These amounts shall be used to support the costs of the development and adoption of rules, policies and procedures, and for technical assistance, training, and other program-related costs.

(43) \$485,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 220. 2017 3rd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2018 between programs. The department may not transfer funds, and the director of financial management may

not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

<u>(1) ADMINISTRATION AND SUPPORT SERVICES</u>	
General Fund-State Appropriation (FY 2018)	(\$64,492,000)
	\$61,281,000
General Fund-State Appropriation (FY 2019)	(\$64,219,000)
	\$61,541,000
<u>General</u>	<u>Fund-Federal</u>
<u>Appropriation.....</u>	<u>\$400,000</u>
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation</u>	<u>\$7,602,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$128,711,000</u>
	\$130,824,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$35,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b) (i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) \$865,000 of the general fund-state appropriation for fiscal year 2018 and \$587,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(2) CORRECTIONAL OPERATIONS

General Fund-State Appropriation (FY 2018)((~~\$541,061,000~~))
\$499,134,000

General Fund-State Appropriation (FY 2019)((~~\$562,878,000~~))
\$518,049,000

General Fund-Federal Appropriation\$818,000

Washington Auto Theft Prevention Authority Account-State
Appropriation((~~\$4,608,000~~))
\$4,597,000

Pension Funding Stabilization Account-State

Appropriation\$62,831,000

TOTAL APPROPRIATION~~\$1,109,365,000~~

\$1,085,429,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as

medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund-state appropriation for fiscal year 2018 and \$501,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,379,000 of the general fund-state appropriation for fiscal year 2018, and \$1,379,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

(d) (~~(\$250,000 of the general fund-state appropriation for fiscal year 2018 and~~) \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a ~~((sawmill waste cogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex))~~ source located in Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.

(e) Within the amounts appropriated in this section, funding is provided to

implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(f) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of 2017 (HB 1153) (vulnerable persons/crimes).

~~(g) ((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons)).~~

~~(i))~~ Within the amounts appropriated in this section, the department of corrections must review the use of full body scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

(h) \$400,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with an independent third party to: (i) Provide a comprehensive review of the prison staffing model; and (ii) develop an updated prison staffing model for use by the department.

(3) COMMUNITY SUPERVISION

General Fund-State Appropriation (FY 2018)	.....(((\$181,670,000))	
		\$179,455,000
General Fund-State Appropriation (FY 2019)	.....(((\$187,807,000))	
		\$192,507,000
General Fund-Federal Appropriation	.....(((\$2,368,000))	
		\$2,902,000
<u>Pension Funding Stabilization Account-State</u>		
Appropriation	.....	\$12,791,000
TOTAL APPROPRIATION	.....	\$371,845,000
		\$387,655,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(c) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

~~((c) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).))~~

(4) CORRECTIONAL INDUSTRIES

General Fund-State Appropriation (FY 2018)((~~\$5,985,000~~))
\$6,278,000

General Fund-State Appropriation (FY 2019)((~~\$6,085,000~~))
\$5,979,000

Pension Funding Stabilization Account-State

Appropriation\$510,000
TOTAL APPROPRIATION\$12,070,000
\$12,767,000

(5) INTERAGENCY PAYMENTS

General Fund-State Appropriation (FY 2018)((~~\$44,091,000~~))
\$44,810,000

General Fund-State Appropriation (FY 2019)((~~\$41,176,000~~))
\$42,200,000

TOTAL APPROPRIATION~~\$85,267,000~~
\$87,010,000

(6) OFFENDER CHANGE

General Fund-State Appropriation (FY 2018)((~~\$55,170,000~~))
\$54,590,000

General Fund-State Appropriation (FY 2019)((~~\$56,426,000~~))
\$57,465,000

Pension Funding Stabilization Account-State

Appropriation\$4,434,000
TOTAL APPROPRIATION\$111,596,000
\$116,489,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department shall submit a report by December 1, 2018, to the appropriate committees of the legislature regarding the department's compliance with this subsection. The report must: (i) Include a summary of the comprehensive plan; (ii) analyze state funds allocated to cognitive behavioral change programs and reentry specific programs, including percentages and amounts of funds used in evidence-based practices and the number of people being served; (iii) identify discontinued and newly implemented cognitive behavioral change programs and reentry specific programs, including information used by the department in evaluating the effectiveness of discontinued and implemented programs; and (iv) provide recommendations to improve program outcomes, including recommended strategies, deadlines, and funding.

(c) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(7) HEALTH CARE SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$128,680,000)~~)
\$144,271,000

General Fund-State Appropriation (FY 2019) (~~(\$127,782,000)~~)
\$147,270,000

TOTAL APPROPRIATION..... ~~\$256,462,000~~
\$291,541,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund-State Appropriation (FY 2018) (~~(\$2,478,000)~~)
\$2,451,000

General Fund-State Appropriation (FY 2019) (~~(\$2,525,000)~~)

\$2,567,000

General Fund-Federal Appropriation (~~(\$25,276,00)~~)
\$25,282,000

General Fund-Private/Local Appropriation \$60,000

Pension Funding Stabilization Account-State
Appropriation \$173,000

TOTAL APPROPRIATION ~~\$30,339,000~~
\$30,533,000

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund-State Appropriation (FY 2019)..... \$35,000

General Fund-Federal Appropriation (~~(\$216,993,000)~~)
\$209,391,000

General Fund-Private/Local Appropriation (~~(\$35,426,000)~~)
\$35,416,000

Unemployment Compensation Administration Account-Federal
 Appropriation (~~(\$270,643,000)~~)
\$267,890,000

Administrative Contingency Account-State
 Appropriation (~~(\$20,386,000)~~)
\$20,136,000

Employment Service Administrative Account-State
 Appropriation (~~(\$53,555,000)~~)
\$53,543,000

Family and Medical Leave Insurance Account-State
 Appropriation \$82,000,000

TOTAL APPROPRIATION ~~\$679,003,000~~
\$668,411,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget

annually to align expenditures with anticipated changes in projected revenues.

(2) \$4,152,000 of the unemployment compensation administration account-federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.

(3) \$82,000,000 of the family and medical leave insurance account-state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$125,000 of the general fund-federal appropriation is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(5) \$35,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$530,000 of the unemployment compensation administration-federal appropriation is provided solely for the implementation of Substitute House Bill No. 2703 (education employee compensation claims). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund-State Appropriation (FY 2019) (~~(\$366,467,000)~~)
\$364,464,000

General Fund-Federal Appropriation (~~(\$236,770,000)~~)
\$246,342,000

General	Fund-Private/Local
Appropriation.....	\$1,477,000
Domestic Violence Prevention Account-State	
Appropriation.....	\$1,002,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$13,976,000</u>
TOTAL APPROPRIATION.....	\$605,716,000
	<u>\$627,261,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund-state appropriation for fiscal year 2019 and \$55,000 of the general fund-federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund-state appropriation for fiscal year 2019 and \$6,022,000 of the general fund-federal appropriation are provided solely for family assessment response. Amounts appropriated in this subsection are sufficient to implement Substitute House Bill No. 2449 or Substitute Senate Bill No. 6309 (family assessment response).

(g) \$94,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund-state appropriation for fiscal year 2019 and \$876,000 of the general fund-federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i) (A) \$540,000 of the general fund-state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund-federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or

entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund-state appropriation for fiscal year 2019 and \$26,000 of the general fund-federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund-state appropriation for fiscal year 2019 and \$11,000 of the general fund-federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund-state appropriation for fiscal year 2019 and \$133,000 of the general fund-federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(m) \$400,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund-state appropriation for fiscal year 2019 and \$56,000 of the general fund-federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the

capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(o) ~~(\$3,600,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial participation.)~~ For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(p) \$1,018,000 of the general fund-state appropriation for fiscal year 2019 and \$195,000 of the general fund-federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund-state appropriation for fiscal year 2019 and \$78,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund-state appropriation for fiscal year 2019 and \$959,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund-state appropriation for fiscal year 2019 and \$174,000 of the general fund-federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(u) Beginning in the November 2018 forecast process, and in the 2019 supplemental budget and thereafter, funding for the per-capita cost of children in the care and custody of the state who are placed in emergent placement contract beds shall be treated as a foster care maintenance payment and adjusted on the basis of actual and forecasted utilization.

(v) \$1,200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a national nonprofit organization to offer a comprehensive, community- and research-based model of services to youth and young adults age seventeen through twenty-two who are transitioning from foster care, childhood homelessness, or the juvenile justice system to adulthood. The model shall be operated by community organizations, in three different sites, that are willing and able to ensure fidelity to the model as assessed by the national nonprofit organization. The contract shall supplement, but not supplant, the work of the department to provide extended foster care, and shall be implemented in partnership with private matching funds of at least twenty-five percent of total operating costs.

(w) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a county-wide nonprofit organization with early childhood

expertise in Pierce county for a pilot project that convenes stakeholders to develop and plan an intervention using the help me grow model to prevent child abuse and neglect.

(x) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to work in collaboration with the University of Washington to continue developing and testing a supportive visitation program. The visitation program was jointly developed by the children and families services program and the University of Washington to be delivered by lay visitation supervisors.

(y) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a demonstration project to test innovative intervention and reconciliation services to support families and youth in crisis who are seeking services to address family conflict.

(z) \$533,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to begin expansion of performance-based contracts for family support and related services through network administrators, pursuant to Proposed Substitute Senate Bill No. 6407 (H-4858.4). Of the amount provided in this subsection:

(i) \$100,000 is provided solely for the contract development and procurement process at the department of children, youth, and families;

(ii) \$433,000 is provided solely for a second network administrator of performance-based contracts, and assumes an implementation date of March 1, 2019.

(2) EARLY LEARNING PROGRAM

General Fund-State Appropriation (FY 2019) ((~~\$126,721,000~~))
\$127,579,000

General Fund-Federal Appropriation \$148,179,000

Education Legacy Trust Account-State Appropriation \$14,192,000

Home Visiting Services Account-State Appropriation ((~~\$3,191,000~~))
\$5,490,000

Home Visiting Services Account-Federal Appropriation \$11,708,000

WA Opportunity Pathways Account-State Appropriation\$40,000,000

Pension Funding Stabilization Account-State

Appropriation\$468,000

TOTAL APPROPRIATION\$343,991,000

\$347,616,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$67,938,000 of the general fund-state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account-state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c)(i) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(ii)(A) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(I) Increasing child care rates comparable to market rates based on the most recent market survey;

(II) Increasing access to infant and toddler child care;

(III) Increasing access to child care in geographic areas where supply for

subsidized child care does not meet the demand; and

(IV) Providing nurse consultation services to licensed providers.

(B) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(d) (i) (~~(\$76,650,000)~~) \$77,253,000 of the general fund-federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections

child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(iv) By January 1, 2019, the department shall revise rules to allow working connections child care consumers who are full-time community or technical college students who have children attending part-day head start or early childhood education and assistance program classrooms to attend college full-time and not have to meet work requirements.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund-state appropriation for fiscal year 2019 and \$6,712,000 of the general fund-federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department.

(h) (~~(\$45,359,000)~~) \$42,706,000 of the general fund-state appropriation for

fiscal year 2019 and \$13,954,000 of the general fund-federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account-state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund-federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n) (i) (A) The department is required to provide to the education research and

data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(p) \$2,651,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the 2017-2019

collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$273,000 is for a base rate increase;

(ii) \$55,000 is for increasing paid professional development days from three days to five days;

(iii) \$1,708,000 is for the family child care providers 501(c)(3) organization for the substitute pool, training and quality improvement support services, and administration;

(iv) \$114,000 is for increasing licensing incentive payments; and

(v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(u) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the department of health, to submit a report on child care nurse consultation to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2018. The report must address the following:

(i) Provide background on what nurse consultation services are currently available to licensed child care providers; and

(ii) Provide options and recommendations, including fiscal estimates, for a plan to provide nurse consultation services to licensed child care providers who request assistance in addressing the health and behavioral needs of children in their care.

(v) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided for the department, in collaboration with the health care authority, to:

(i) Develop a common set of definitions to clarify differences between evidence-based, research-based, and promising practices home visiting programs and discrete services provided in the home;

(ii) Develop a strategy to expand home visiting programs statewide;

(iii) Identify opportunities to leverage medicaid and other federal resources for the operation of current home visiting programs and the statewide strategy for future implementation developed under this section; and

(iv) Provide a set of recommendations to the legislature by December 1, 2018.

(w) \$163,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to develop a community-based training module in managing and sustaining a child care business for child care providers and entrepreneurs. To develop the training, the department must consult with the statewide child care resource and referral network, the community and technical college system, and one or more community-based organizations with

experience in preparing child care providers for entry into the workforce. By November 1, 2018, the department must offer the training as a pilot in rural Jefferson county and urban Pierce county. The department must report on the results of the pilot to the governor and the legislature by December 1, 2019.

(x) \$614,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2396 (child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(y) \$74,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2861 (trauma-informed child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$750,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of the expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(3) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2019)	.....(\$50,448,000)	
		\$50,598,000
General		Fund-Federal
Appropriation.....	\$15,928,000	
TOTAL APPROPRIATION.....	\$66,376,000	\$66,526,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) (i) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(ii) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local

jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(iii) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

(iv) The department and the office shall jointly submit recommendations required by this section to the governor and the appropriate legislative committees no later than December 15, 2018.

PART III

NATURAL RESOURCES

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund-State Appropriation (FY 2018)(~~(\$485,000)~~)
\$462,000

General Fund-State Appropriation (FY 2019)(~~(\$507,000)~~)
\$483,000

General Fund-Federal Appropriation\$32,000

General Fund-Private/Local Appropriation(~~(\$960,000)~~)
\$959,000

Pension Funding Stabilization Account-State
Appropriation\$46,000

TOTAL APPROPRIATION.....~~\$1,984,000~~
\$1,982,000

Sec. 302. 2017 3rd sp.s. c 1 s 302
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund-State Appropriation (FY
 2018) (~~\$20,877,000~~)
\$19,672,000

General Fund-State Appropriation (FY
 2019) (~~\$21,411,000~~)
\$24,465,000

General Fund-Federal Appropriation
 \$106,575,000

General Fund-Private/Local
 Appropriation \$23,028,000

Reclamation Account-State
 Appropriation \$4,106,000

Flood Control Assistance Account-State
 Appropriation \$2,175,000

State Emergency Water Projects
 Revolving Account-State
 Appropriation \$40,000

Waste Reduction/Recycling/Litter
 Control-State
 Appropriation (~~\$13,736,000~~)
\$14,035,000

State Drought Preparedness Account-
 State Appropriation \$204,000

State and Local Improvements Revolving
 Account (Water

Supply Facilities)-State
 Appropriation \$164,000

Aquatic Algae Control Account-State
 Appropriation \$522,000

Water Rights Tracking System Account-
 State Appropriation \$47,000

Site Closure Account-State
 Appropriation \$582,000

Wood Stove Education and Enforcement
 Account-State
 Appropriation \$560,000

Worker and Community Right-to-Know
 Account-State
 Appropriation \$1,872,000

Water Rights Processing Account-State
 Appropriation \$39,000

State Toxics Control Account-State
 Appropriation (~~\$147,806,000~~)
\$149,117,000

State Toxics Control Account-
 Private/Local
 Appropriation \$499,000

Local Toxics Control Account-State
 Appropriation (~~\$4,845,000~~)
\$4,869,000

Water Quality Permit Account-State
 Appropriation (~~\$44,119,000~~)
\$44,421,000

Underground Storage Tank Account-State
 Appropriation (~~\$3,635,000~~)
\$3,666,000

Biosolids Permit Account-State
 Appropriation \$2,207,000

Environmental Legacy Stewardship
 Account-State
 Appropriation (~~\$41,259,000~~)
\$41,440,000

Hazardous Waste Assistance Account-
 State
 Appropriation (~~\$6,466,000~~)
\$6,599,000

Radioactive Mixed Waste Account-State
 Appropriation (~~\$18,170,000~~)
\$18,436,000

Air Pollution Control Account-State
 Appropriation (~~\$3,437,000~~)
\$3,650,000

Oil Spill Prevention Account-State
 Appropriation (~~\$8,469,000~~)
\$8,606,000

Air Operating Permit Account-State
 Appropriation (~~\$3,787,000~~)
\$3,819,000

Freshwater Aquatic Weeds Account-State
 Appropriation \$1,460,000

Oil Spill Response Account-State
 Appropriation \$7,076,000

Dedicated Marijuana Account-State
 Appropriation
 (FY 2019) \$180,000

Pension Funding Stabilization Account-
 State

Appropriation.....	\$2,924,000
Water Pollution Control Revolving Administration	
Account-State	Appropriation
.....	\$3,601,000
TOTAL APPROPRIATION.....	\$492,774,000
	\$500,656,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account-state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((3))~~ (2) \$15,000,000 of the general fund-state appropriation for fiscal year 2018 and \$15,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund-state appropriation for fiscal year 2018 and \$227,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$180,000 of the general fund-state appropriation for fiscal year 2019, \$44,000 of the waste reduction, recycling and litter control account-state appropriation, \$720,000 of the state toxics control account-state appropriation, \$17,000 of the local toxics control account-state

appropriation, \$220,000 of the water quality permit account-state appropriation, \$23,000 of the underground storage tank account-state appropriation, \$132,000 of the environmental legacy stewardship account-state appropriation, \$39,000 of the hazardous waste assistance account-state appropriation, \$86,000 of the radioactive mixed waste account-state appropriation, \$18,000 of the air pollution control account-state appropriation, \$41,000 of the oil spill prevention account-state appropriation, and \$23,000 of the air operating permit account-state appropriation are provided solely for modernizing and migrating the department of ecology's business applications from an agency-based data center to the state data center or a cloud environment and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(6) \$180,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2227 (marijuana product testing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$80,000 of the hazardous waste assistance account-state appropriation is provided solely for the implementation of Substitute House Bill No. 2634 (antifouling paints). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$240,000 of the waste reduction, recycling, and litter control account-state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2914 (postconsumer materials). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$97,000 of the state toxics control account-state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2658 (perfluorinated chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$190,000 of the general fund-state appropriation for fiscal year 2018 and \$3,707,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of

Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(11) (a) \$625,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to address unpermitted water use in priority watersheds. The legislature recognizes that unpermitted water use in priority watersheds can impair existing instream flows and senior water rights and supports actions taken by the department to reduce unpermitted water use. The department shall engage in compliance and enforcement work to ensure compliance with requirements under chapters 90.03 and 90.44 RCW. Funding is authorized to be used for technical assistance, informal enforcement, and formal enforcement actions.

(b) The department shall use funds appropriated under this section to work in water resource inventory areas where: (a) Rules have been adopted under chapters 90.22 or 90.54 RCW; (b) those rules do not specify mitigation requirements for groundwater withdrawals exempt from permitting under RCW 90.44.050; and (c) the department believes unpermitted water use is negatively impacting streamflows.

(c) The department shall submit a report to the legislature by December 1, 2019, that summarizes the compliance and enforcement work completed in each basin, including the estimated benefit to streamflows occurring from actions taken.

(d) Appropriations under this section should not replace or otherwise impact funds appropriated to the department to carry out duties under RCW 90.03.605 and chapter 90.08 RCW.

(12) \$187,000 of the air pollution control account-state appropriation is provided solely to the department to begin a multiyear study to distinguish the sources of emissions of the toxic air pollutant that poses the greatest cancer risk at the air monitoring station that is located closest to a port in the state with the highest volume of container traffic in domestic and foreign waterborne trade, as measured by the United States bureau of transportation statistics for the most recent year such statistics were available, as of January 1, 2017. The local air pollution control authority may financially contribute to the completion of this study, and the

department is encouraged to consult with the local air pollution control authority in designing and implementing this study.

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund-State Appropriation (FY 2018) ((\$9,645,000))
\$8,993,000

General Fund-State Appropriation (FY 2019) ((\$9,945,000))
\$9,288,000

General Fund-Federal Appropriation\$6,981,000

Winter Recreation Program Account-State Appropriation\$3,293,000

ORV and Nonhighway Vehicle Account-State Appropriation ((\$232,000))
\$392,000

Snowmobile Account-State Appropriation\$5,633,000

Aquatic Lands Enhancement Account-State Appropriation\$367,000

~~((Outdoor Education and Recreation Account-State Appropriation\$1,500,000))~~

Recreation Access Pass Account-State Appropriation.....\$50,000

Parks Renewal and Stewardship Account-State

Appropriation ((\$124,759,000))
\$125,374,000

Parks Renewal and Stewardship Account-Private/Local

Appropriation ((\$318,000))
\$420,000

Pension Funding Stabilization Account-State

Appropriation\$1,498,000
TOTAL APPROPRIATION\$162,723,000

\$162,289,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund-state appropriation for fiscal year 2018 and \$129,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account-state appropriation is provided solely for the commission to replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

(4) ~~(\$500,000 of the outdoor education and recreation account state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.)~~ Of the amounts that the commission spends on the no child left inside program, \$500,000 must be used to partner with organizations that have at least one veteran on staff.

(5) \$50,000 of the recreation access pass account-state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a

single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund-State Appropriation (FY 2018)	.....	(\$1,441,000)
		\$1,401,000
General Fund-State Appropriation (FY 2019)	.....	(\$1,398,000)
		\$1,483,000
General Fund-Federal Appropriation	.....	\$3,646,000
General Fund-Private/Local Appropriation	.....	\$24,000
Aquatic Lands Enhancement Account-State Appropriation	.....	\$495,000
Firearms Range Account-State Appropriation	.....	\$37,000
Recreation Resources Account-State Appropriation	.....	(\$3,615,000)
		\$3,614,000
NOVA Program Account-State Appropriation	.....	\$1,054,000

Pension Funding Stabilization Account—State

<u>Appropriation.....</u>	<u>\$80,000</u>
TOTAL APPROPRIATION.....	\$11,710,000
	<u>\$11,834,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the general fund—state appropriation for fiscal year 2018 and \$156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for implementation of the Nisqually watershed stewardship plan.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon. The board shall amend the grant to specify that all assessment activities conducted as a result of this subsection must be coordinated with the United States Navy.

(3) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to conduct or contract for a study of the economic and health benefits of trail-based activities, including hiking, walking, and bicycling. The information gathered will assist in decision-making regarding the allocation of dedicated resources and investment in Washington's trail networks. Additionally, the information will aid in increasing and leveraging economic benefits in the development of public-private partnerships aimed at stewardship and growth connected to Washington's trail networks. The study may include, but is not limited to, analysis of the number of people in the state who hike, bike, and walk annually, economic contribution, environmental and social benefits, and mental and physical health outcomes. The study may also include regional case studies. As appropriate, the analysis must incorporate data from the state comprehensive outdoor recreation plan

and federal initiatives to integrate outdoor recreation into GDP accounting. To allow for a collaborative process, the board must create an advisory committee of appropriate agencies and stakeholders, including hiking and bicycling groups. The board must report the results of the study to the appropriate fiscal and policy committees of the legislature by October 1, 2019.

Sec. 305. 2017 3rd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2018)	(\$2,310,000)	
		<u>\$2,190,000</u>
General Fund—State Appropriation (FY 2019)	(\$2,375,000)	
		<u>\$2,247,000</u>

Pension Funding Stabilization Account—State

<u>Appropriation.....</u>	<u>\$255,000</u>
TOTAL APPROPRIATION.....	\$4,693,000
	<u>\$4,692,000</u>

Sec. 306. 2017 3rd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2018)	(\$7,301,000)	
		<u>\$7,074,000</u>
General Fund—State Appropriation (FY 2019)	(\$7,264,000)	
		<u>\$7,321,000</u>

General Fund—Federal Appropriation

Public Works Assistance Account—State Appropriation.....

State Toxics Control Account—State Appropriation

Pension Funding Stabilization Account—State

<u>Appropriation.....</u>	<u>\$254,000</u>
TOTAL APPROPRIATION.....	\$25,486,000
	<u>\$25,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,602,000 of the public works assistance account-state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2)(a) \$50,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by October 31, 2018.

(3) ~~(\$375,000)~~ \$275,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$375,000)~~ \$475,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants and technical assistance. Of the amounts provided in this subsection, ~~(\$125,000 in each fiscal year is)~~ \$25,000 in fiscal year 2018 and \$225,000 in fiscal year 2019 are provided solely for activities related to

water quality improvements and fecal coliform DNA speciation statewide.

(4) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 1562 (WA food policy forum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund-State Appropriation (FY 2018)~~(\$46,860,000)~~
\$45,527,000

General Fund-State Appropriation (FY 2019)~~(\$46,483,000)~~
\$47,745,000

General Fund-Federal Appropriation~~(\$118,809,000)~~
\$131,167,000

General Fund-Private/Local Appropriation~~(\$63,920,000)~~
\$63,988,000

ORV and Nonhighway Vehicle Account-State Appropriation~~(\$437,000)~~
\$699,000

Aquatic Lands Enhancement Account-State Appropriation\$10,460,000

Recreational Fisheries Enhancement-State Appropriation~~(\$3,084,000)~~
\$3,122,000

Warm Water Game Fish Account-State Appropriation~~(\$2,773,000)~~
\$2,668,000

Eastern Washington Pheasant Enhancement Account-State Appropriation\$675,000

State Wildlife Account-State Appropriation~~(\$118,033,000)~~
\$117,951,000

Special Wildlife Account-State Appropriation~~(\$71,000)~~
\$3,234,000

Special Wildlife Account—Federal
Appropriation \$505,000

Special Wildlife Account—
Private/Local Appropriation . \$3,576,000

Wildlife Rehabilitation Account—State
Appropriation \$361,000

Ballast Water Management Account—State
Appropriation \$10,000

Hydraulic Project Approval Account—
State Appropriation (~~\$690,000~~)
\$31,000

Environmental Legacy Stewardship
Account—State

Appropriation \$2,765,000

Regional Fisheries Enhancement
Salmonid Recovery Account—

Federal Appropriation \$5,001,000

Oil Spill Prevention Account—State
Appropriation \$1,122,000

Pension Funding Stabilization Account—
State

Appropriation..... \$5,178,000

Oyster Reserve Land Account—State
Appropriation \$527,000

Performance Audits of Government
Account—State

Appropriation..... \$325,000

Aquatic Invasive Species Management
Account—State

Appropriation..... \$1,658,000

TOTAL APPROPRIATION..... ~~\$428,145,000~~
\$448,295,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$467,000~~) \$67,000 of the general fund—state appropriation for fiscal year 2018 and \$467,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) \$1,098,000 of the general fund—state appropriation for fiscal year 2018 and (~~\$1,098,000~~) \$1,616,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes

to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund—state appropriation for fiscal year 2018, \$415,000 of the general fund—state appropriation for fiscal year 2019, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(4) Prior to submitting its 2019–2021 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund—state appropriation for fiscal year 2018 and (~~\$425,000~~) \$525,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for training for

a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife, ~~(and)~~ the continued conflict transformation with the wolf advisory group, and for cost share partnerships with livestock owners and the use of range riders to reduce the potential for depredation of livestock from wolves. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account-state appropriation is provided solely for the fish program, including implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund-federal appropriation, \$62,000 of the state wildlife account-state appropriation, and \$10,000 of the ballast water management account-state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and

ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

~~(12) ((\$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups.~~

~~(13))~~ (a) \$5,500,000 of the general fund-state appropriation for fiscal year 2018, \$5,500,000 of the general fund-state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account-state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. Of the amounts provided in this subsection, \$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups. In order to address this shortfall on a long-term basis, the department must develop a plan for balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting

opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by (~~May~~) September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of

the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(13) \$528,000 of the general fund-state appropriation for fiscal year 2018, \$511,000 of the general fund-state appropriation for fiscal year 2019, and \$103,000 of the state wildlife account-state appropriation are provided solely for the department to modernize its network infrastructure in the 2017-2019 biennium in preparation to migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment in the 2019-2021 biennium and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(14) \$580,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$183,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 2771 (wolves/translocation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) The department may not spend funds, staff time, or other resources on the south unit Shillapoo and Buckmire slough project until one of the following has occurred:

(a) The department makes payments to all public and private entities that contributed to the purchase of the unit's 540 acres of waterfowl habitat, in amounts that are equal to the amounts the entity contributed towards the purchase; or

(b) The department acquires a like 540 acres of habitat with the same carrying capacity for waterfowl and other fauna identified by the department, in particular the endangered Columbian white-tailed deer.

(17) \$76,000 of the general fund-state appropriation for fiscal year 2018 and \$472,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to increase enforcement of vessel traffic near orca whales, especially commercial and recreational whale watchers and shipping, and to reduce underwater noise levels that interfere with feeding and communication. While the patrol focus is to be on orca whale protection when the animals are present, nothing prohibits responses to emergent public safety or in-progress poaching incidents. In the event that orca whales are not present in marine waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound.

(18) \$245,000 of the general fund--state appropriation for fiscal year 2019 is provided solely for the inventory and maintenance of fish screens in the Puget Sound, Methow, and Wenatchee drainages to protect juvenile salmonids.

Sec. 308. 2017 3rd sp.s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund-State Appropriation (FY 2018) (~~(\$48,463,000)~~)
 \$82,001,000

General Fund-State Appropriation (FY 2019) (~~(\$48,264,000)~~)
 \$52,159,000

General Fund-Federal Appropriation (~~(\$27,329,000)~~)
 \$36,503,000

General Fund-Private/Local Appropriation (~~(\$2,372,000)~~)
 \$3,230,000

Forest Development Account-State Appropriation (~~(\$56,643,000)~~)
 \$50,329,000

ORV and Nonhighway Vehicle Account-State

Appropriation (~~(\$8,449,000)~~)
 \$7,854,000

Surveys and Maps Account-State Appropriation (~~(\$3,462,000)~~)
 \$2,480,000

Aquatic Lands Enhancement Account-State Appropriation (~~(\$13,262,000)~~)
 \$16,162,000

Resources Management Cost Account-State Appropriation (~~(\$121,559,000)~~)
 \$121,775,000

Surface Mining Reclamation Account-State Appropriation (~~(\$4,130,000)~~)
 \$4,123,000

Disaster Response Account-State Appropriation..... (~~(\$23,076,000)~~)
 \$15,051,000

Forest and Fish Support Account-State Appropriation.....\$12,790,000

Aquatic Land Dredged Material Disposal Site Account-State Appropriation.....\$400,000

Natural Resources Conservation Areas Stewardship Account-State Appropriation (~~(\$34,000)~~)
 \$232,000

State Toxics Control Account-State Appropriation..... (~~(\$10,705,000)~~)
 \$10,704,000

Forest Practices Application Account-State Appropriation (~~(\$2,158,000)~~)
 \$1,900,000

Air Pollution Control Account-State Appropriation\$872,000

NOVA Program Account-State Appropriation\$734,000

Pension Funding Stabilization Account-State Appropriation\$3,239,000

Derelict Vessel Removal Account-State Appropriation.....\$1,946,000

Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State	
Appropriation	(\$3,056,000)
	<u>\$3,059,000</u>
TOTAL APPROPRIATION.....	\$389,756,000
	<u>\$427,595,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,420,000 of the general fund—state appropriation for fiscal year 2018 and \$1,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) (~~\$16,546,000~~) \$51,736,000 of the general fund—state appropriation for fiscal year 2018, \$16,546,000 of the general fund—state appropriation for fiscal year 2019, and (~~\$16,050,000~~) \$8,025,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund—state appropriation for fiscal year 2018 and \$1,640,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012,

settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund—state appropriation for fiscal year 2018 and \$147,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within these counties for residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties

authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund-state appropriation for fiscal year 2018 and \$486,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account-state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account-state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such

as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account-state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$27,000 of the general fund-state appropriation for fiscal year 2019, \$23,000 of the forest development account-state appropriation, and \$50,000 of the resources management cost account-state appropriation are provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-

based data center to the state data center or a cloud-based environment.

(17) \$42,000 of the forest development account-state appropriation, \$56,000 of the resources management cost account-state appropriation, and \$2,000 of the agricultural college trust management account-state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2285 (marbled murrelet reports). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(18) \$6,000 of the forest development account-state appropriation, \$36,000 of the resources management cost account-state appropriation, and \$1,000 of the agricultural college trust management account-state appropriation are provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$57,000 of the general fund-state appropriation for fiscal year 2018 and \$136,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2561 (wildland fire advisory committee). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) \$403,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2733 (prescribed burn certificate program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$873,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to the department to provide to the Kittitas county fire district seven as matching funds for a federal staffing for adequate fire and emergency response (SAFER) grant.

(22) \$380,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for one full-time natural resource scientist, one full-time information technology specialist, and related support costs dedicated to earthquake and tsunami hazards. Duties for these positions include, but are not limited to, developing inventories, maps, evacuation routes, educational materials, databases, and other

activities that increase preparedness for earthquakes and tsunamis.

(23) \$250,000 of the general fund-state appropriation for fiscal year 2019, \$125,000 of the resources management cost account-state appropriation, and \$125,000 of the forest development account-state appropriation are provided solely for the department to contract for a trust asset accounting and valuation of the lands, based on current use, managed in trust by the department for each state lands trust by geographic region and state forestlands trusts by county and tax code area. This asset accounting and valuation shall be conducted by an independent third-party firm familiar with recreational land, commercial forestland, agricultural land, commercial land, and conservation land management. The department shall submit a report, containing the current trust assets, estimate of current use market value, any restrictions limiting those values, potential secondary nonrevenue benefits, and recommendations for ongoing evaluation of trust assets and valuation, to the legislature by May 1, 2019.

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund-State Appropriation (FY 2018)	.....((\$17,281,000))	\$17,027,000
General Fund-State Appropriation (FY 2019)	.....((\$17,525,000))	\$17,463,000
General Fund-Federal Appropriation	.....((\$31,424,000))	\$32,149,000
General Fund-Private/Local Appropriation	.....	\$193,000
Aquatic Lands Enhancement Account-State Appropriation	.....((\$2,565,000))	\$2,566,000
State Toxics Control Account-State Appropriation	.....((\$5,534,000))	\$6,070,000
Water Quality Permit Account-State Appropriation	.....	\$73,000
Pension Funding Stabilization Account-State	.....

Appropriation..... \$1,041,000
TOTAL APPROPRIATION..... \$74,595,000
\$76,582,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund-state appropriation for fiscal year 2018 and \$6,102,905 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$132,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the shellfish interagency permitting team recommendations.

(4) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 1562 (WA food policy forum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$2,000 of the general fund-state appropriation for fiscal year 2018 and \$18,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6091 (water availability). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(6) \$142,000 of the general fund-state appropriation for fiscal year 2018 and \$145,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the industrial hemp research pilot program. Expenditures shall be prioritized for processing licenses and expanding the industrial hemp market.

(7) \$534,000 of the state toxics control account-state appropriation is provided solely for a monitoring program to study the impacts of the use of imidacloprid as a means to control burrowing shrimp and related costs. Department costs include, but are not limited to, oversight and participation on a technical advisory committee, technical assistance, planning, and reporting activities. The department may also use the funding provided in this subsection, as needed, for payments to Washington State University, the United States department of agriculture, and outside consultants for their participation in the monitoring program and technical advisory committee. The department must report to the appropriate committees of the legislature by June 1, 2019, on the progress of the monitoring program.

(8) \$2,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$40,000 is for the Ferry county sheriff's department and \$40,000 is for the Stevens county sheriff's department.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Revolving Account-State

Appropriation..... (~~(\$10,000)~~)
\$90,000

Pollution Liability Insurance Program Trust Account-State

Appropriation (~~(\$1,338,000)~~)
\$1,339,000

TOTAL APPROPRIATION..... ~~\$1,348,000~~
\$1,429,000

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund-State Appropriation (FY 2018) (~~(\$2,922,000)~~)

\$2,782,000

General Fund-State Appropriation (FY 2019) (~~(\$2,668,000)~~)

\$2,526,000

General Fund-Federal Appropriation (~~(\$8,102,000)~~)

\$10,336,000

Aquatic Lands Enhancement Account-State

Appropriation..... (~~(\$1,420,000)~~)
\$1,419,000

State Toxics Control Account-State Appropriation \$721,000

Pension Funding Stabilization Account-State

Appropriation..... \$277,000

TOTAL APPROPRIATION..... ~~\$15,833,000~~
\$18,061,000

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

PART IV

TRANSPORTATION

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund-State Appropriation (FY 2018) (~~(\$1,460,000)~~)

\$1,687,000

General Fund-State Appropriation (FY 2019) (~~(\$1,530,000)~~)

\$1,442,000

Architects' License Account-State Appropriation (~~(\$995,000)~~)

\$1,205,000

Professional Engineers' Account-State Appropriation (~~(\$3,922,000)~~)

\$3,932,000

Real Estate Commission Account-State Appropriation (~~(\$11,045,000)~~)

\$11,575,000

Uniform Commercial Code Account-State Appropriation (~~(\$3,448,000)~~)

\$3,472,000

Real Estate Education Program Account-State

Appropriation \$276,000

Real Estate Appraiser Commission Account-State

Appropriation..... (~~(\$1,870,000)~~)
\$1,875,000

Business and Professions Account-State Appropriation (~~(\$19,302,000)~~)

\$22,019,000

Real Estate Research Account-State Appropriation \$415,000

Landscape Architects' License Account-State..... \$4,000

Geologists' Account-State Appropriation \$53,000

Derelict Vessel Removal Account-State Appropriation..... \$33,000

CPL Renewal Notification Account-State Appropriation..... \$183,000

Firearms Range Account-State Appropriation..... \$75,000

Pension Funding Stabilization Account—State

Appropriation.....\$95,000
 TOTAL APPROPRIATION.....~~\$44,607,000~~
 \$48,341,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws of 2017 (SHB 1420) (theatrical wrestling).

(2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$32,000 of the general fund—state appropriation for fiscal year 2018 and \$32,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department of licensing to issue identicards to youths released from juvenile rehabilitation facilities.

(5) The appropriations in this section include sufficient funding for the implementation of Third Substitute House Bill No. 1169 (student loan assistance).

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 2018)(~~\$44,994,000~~)
 \$44,008,000

General Fund—State Appropriation (FY 2019)(~~\$45,986,000~~)
 \$49,297,000

General Fund—Federal Appropriation\$16,260,000

General Fund—Private/Local
 Appropriation\$3,085,000

Death Investigations Account—State
 Appropriation(~~\$7,087,000~~)
 \$7,185,000

County Criminal Justice Assistance
 Account—State
 Appropriation\$3,755,000

Municipal Criminal Justice Assistance
 Account—State
 Appropriation\$1,521,000

Fire Service Trust Account—State
 Appropriation\$131,000

Vehicle License Fraud Account—State
 Appropriation\$110,000

Disaster Response Account—State
 Appropriation(~~\$8,000,000~~)
 \$12,400,000

Fire Service Training Account—State
 Appropriation\$11,126,000

Aquatic Invasive Species Management
 Account—State
 Appropriation\$54,000

Pension Funding Stabilization Account—State
Appropriation.....\$3,295,000

State Toxics Control Account—State
 Appropriation\$549,000

Fingerprint Identification Account—State
 Appropriation\$15,768,000

Dedicated Marijuana Account—State
Appropriation
(FY 2019).....\$2,803,000

TOTAL APPROPRIATION.....~~\$158,426,000~~
 \$171,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located

in counties without qualified review capabilities.

(2) (~~(\$8,000,000)~~) \$12,400,000 of the disaster response account-state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account-state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund-state appropriation for fiscal year 2018 and \$41,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$116,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund-state appropriation for fiscal year 2018 and \$90,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account-state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account-state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$350,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the costs related to the 1995 king air maintenance.

(10) \$2,803,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to create a new drug enforcement task force for the purposes of controlling the potential diversion and illicit production or distribution of marijuana and marijuana-related products in Washington.

(11) \$190,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to coordinate with the governor's office of Indian affairs, federally recognized tribal governments, and the U.S. justice department to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state.

(12) The amounts in this subsection are provided solely for implementing the recommendations of the joint legislative task force on sexual assault forensic examination, and for monitoring and testing untested sexual assault examination kits.

(a) \$238,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the state patrol to:

(i) Work in conjunction with state or nonstate entities to test sexual assault kits pursuant to RCW 43.43.545;

(ii) Conduct forensic analysis of sexual assault examination kits in the custody of the state patrol pursuant to chapter 247, Laws of 2015; and

(ii) Continue the task force.

(b) \$1,375,000 of the general fund-state appropriation for fiscal year 2018 and \$1,375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 247, Laws of 2015 to address the state's backlog in sexual assault examination kits. The seven full-time employees funded under this subsection must work exclusively on processing sexual assault exam kits through the crime laboratory division.

(c) Within amounts provided in this section, the Washington state patrol

shall adopt rules necessary to implement RCW 43.43.545.

(13) \$2,500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the tracking and forensic analysis of sexual assault examination kits collected prior to July 24, 2015.

PART V

EDUCATION

Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund-State Appropriation (FY 2018)	.....	(\$49,844,000)	
			\$46,711,000
General Fund-State Appropriation (FY 2019)	.....	(\$47,888,000)	
			\$58,034,000
General Fund-Federal Appropriation	.....	(\$68,460,000)	
			\$83,973,000
General Fund-Private/Local Appropriation	.....	(\$8,051,000)	
			\$8,101,000
Washington Opportunity Pathways Account-State			
Appropriation	.....		\$584,000
Dedicated Marijuana Account-State			
Appropriation (FY 2018)	.....		\$513,000
Dedicated Marijuana Account-State			
Appropriation (FY 2019)	.....		\$516,000
Performance Audits of Government			
Account-State			
Appropriation	.....		\$211,000
<u>Pension Funding Stabilization Account-State</u>			
<u>Appropriation</u>	.....		\$2,126,000
<u>TOTAL APPROPRIATION</u>	.....	\$176,067,000	
			\$200,769,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$10,437,000~~) \$9,633,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$11,112,000~~) \$13,667,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a

summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) (~~(\$3,857,000)~~) \$1,423,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,857,000)~~) \$6,291,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education).

(3) (a) \$911,000 of the general fund-state appropriation for fiscal year 2018 and \$911,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account-state appropriation is provided solely for the state board of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,512,000)~~) \$3,161,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund-state appropriation for fiscal year 2018 (~~and \$2,372,000 of the general fund-state appropriation for fiscal year 2019 are~~) is for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop

models and share best practices for increasing the classroom teaching experience of preservice training programs and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$960,000 of the general fund-state appropriation for fiscal year 2019 is for grants to improve preservice teacher training and for funding of alternate routes programs, including the recruiting Washington teachers program.

(d) \$1,061,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to implement Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(e) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$25,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(~~(d)~~) (f) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(5) \$266,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$266,000)~~) \$502,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6)(a) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$61,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(b) Within amounts appropriated in this subsection (6), the committee shall review the rules and procedures adopted by the superintendent of public instruction and the state board of education related to the minimum number of students to be used for public reporting and federal accountability purposes. By October 30, 2018, the committee shall report to the office of the superintendent of public instruction, the state board of education, and the appropriations committees of the legislature with its recommendations for the state to meet the following goals: Increase the visibility of the opportunity gap in schools with small subgroups of students; hold schools and school districts accountable to individual student-level support; and comply with federal student privacy laws.

(7) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$61,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 of the Washington opportunity pathways account-state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(9) \$1,802,000 of the general fund-state appropriation for fiscal year 2018 and \$1,802,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote

participation in government by middle school students.

(11) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund-state appropriation for fiscal year 2018 and \$123,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund-state appropriation for fiscal year 2018 and \$14,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund-state appropriation for fiscal year 2018 and \$62,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may

apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools-recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$131,000 of the general fund-state appropriation for fiscal year 2018, \$131,000 of the general fund-state appropriation for fiscal year 2019, and \$211,000 of the performance audits of government account-state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing

the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(20) \$150,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$150,000)~~) \$215,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund-state appropriation for fiscal year 2018 and \$55,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(22) \$2,541,000 of the general fund-state appropriation for fiscal year 2018 and \$2,541,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(24) \$1,221,000 of the general fund-state appropriation for fiscal year 2018 and \$1,221,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and

advanced technical support for the network.

(25) \$3,940,000 of the general fund-state appropriation for fiscal year 2018 and \$3,940,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(26) \$1,354,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$1,354,000)~~ \$1,454,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(27) \$410,000 of the general fund-state appropriation for fiscal year 2018, \$280,000 of the general fund-state appropriation for fiscal year 2019, and \$1,029,000 of the dedicated marijuana account-state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$513,000 of the dedicated marijuana account-state appropriation for fiscal year 2018, and \$516,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund-state appropriation for fiscal year 2018 and \$2,590,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington

kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(29) \$293,000 of the general fund-state appropriation for fiscal year 2018 and \$293,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(30) \$4,894,000 of the general fund-state appropriation for fiscal year 2018 and \$4,894,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants for implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund-state appropriation for fiscal year 2018

and \$117,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$450,000)~~ \$1,450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Of the amounts in this subsection, up to \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is for implementation of the K-12 dual language grant program established in RCW 28A.630.095 and \$450,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(35) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and

engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund-state appropriation for fiscal year 2018 and \$2,145,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund-state appropriation for fiscal year 2018 and \$446,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund-state appropriation for fiscal year 2018 and \$1,015,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(37) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund-state appropriation for fiscal year 2018 and \$703,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund-state appropriation for fiscal year 2018 and \$15,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund-state appropriation for fiscal year 2018 and \$178,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund-state appropriation for fiscal year 2018 and \$912,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund-state appropriation for fiscal year 2018, \$204,000 of the general fund-state appropriation for fiscal year 2019, and \$408,000 of the general fund-federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend a qualifying high poverty high school that has received a grant under (a) of this subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) (~~(\$100,000)~~) \$40,000 of the general fund-state appropriation for fiscal year 2018 (~~(is)~~) and \$60,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund-state appropriation for fiscal year 2018 and \$270,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund-state appropriation for fiscal year 2018 and \$179,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$25,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to form a work group to build on an initial internal report on institutional education funding recommendations. The group shall vet the report with on-the-ground providers and offer recommendations to the legislature on how to establish a new funding structure, funding levels, and support services such as special education, mental health, and career and technical education that more adequately meet the needs of the institutional education programs and the students they serve. Recommendations must be reported by the office to the legislature no later than December 1, 2018.

(50) \$97,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1539 (sexual abuse of students). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$60,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute House Bill No. 2610 (school meal payment). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$288,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1377 (student mental health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(54) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) \$121,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2390 (opioid medications/schools). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(56) \$676,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2748 (learning assistance program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(57) \$230,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1896 (civics education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(58) Within amounts appropriated in this section, the office of the superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(59) (a) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to assist the office of the governor in developing a strategic plan for work-integrated

learning focused on youth apprenticeship.

(b) In consultation with the governor's office, the superintendent shall collaborate with the state board for community and technical colleges, workforce training board, department of labor and industries, and employment security department to:

(i) Review existing work-integrated learning programs and youth apprenticeship programs;

(ii) Analyze barriers to statewide adoption of registered apprenticeship programs and pre-apprenticeship programs; and

(iii) Recommend policies to implement strategies that increase statewide youth engagement in registered apprenticeships.

(c) Individuals from the public and private sectors with expertise in career and technical education and career-integrated training, including representatives of labor unions, professional technical organizations, and business and industry must be consulted in the development of recommendations.

(d) Findings and recommendations must be consolidated into one report delivered to the governor and the education and economic development committees of the legislature by October 1, 2018.

(60) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(61) \$150,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-private/local appropriation for fiscal year 2019 are provided solely for support of national history day. Activities funded must include outreach, implementation, and support for student participation.

(62) \$335,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(63) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the creation of a comprehensive online encyclopedia of local Holocaust education resources. The online encyclopedia must include teaching trunk materials, Anne Frank materials, genocide resources, and video testimonies. Amounts provided in this subsection may be used for: The hiring of program staff and contractors; program planning; oversight and evaluation; and the research, coding, marketing, and creation of online resources and program materials.

(64) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(65) \$165,000 of the general fund-state appropriation for fiscal year 2018 and \$915,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to provide grants to the Washington state school directors association and individual school districts to assist school directors and school districts to comply with their budgeting and collective bargaining responsibilities under the provisions of chapter 13, Laws of 2017 3rd sp. sess. (EHB 2242).

(a) From amounts provided in this subsection, the Washington state school directors association must create school board training modules that inform school directors of their budgeting responsibilities, and their roles and responsibilities preceding and during collective bargaining under chapters 41.56 and 41.59 RCW.

(b) The Washington state school directors association may contract for labor relations consultants, legal advisors, and fiscal analysts, to assist specific school boards and school districts to comply with chapters 41.56 and 41.59 RCW by providing legal assistance, bargaining support, and real time proposal analysis. From amounts provided in this subsection, the office of the superintendent of public instruction must provide grants to individual school districts on a sliding scale based on the size of the school district in order for those districts to access labor relations consultants, legal advisors, and fiscal analysts under contract with the Washington state school directors association, or to procure such services under separate contract. The Washington state school directors association and the office of the superintendent of public instruction must administer the funding for such assistance in order to provide the services promptly, with minimum administrative burden, and at no cost for districts with student enrollments at or under two thousand.

(66) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for grants to implement a program that provides hands-on education in financial literacy, work readiness, and entrepreneurship.

(67) \$95,000 of the general fund-state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to create and administer a grant program to decrease student participation gaps in extracurricular activities between free- and reduced-price lunch students and full-price lunch students. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts with the largest participation gaps between low-income students and higher-income students, as identified by federal free- or reduced-price lunch program eligibility. The office must distribute grants for the 2018-19 school year to school districts by August 31, 2018.

(a) Of the amount appropriated in this subsection, \$60,000 of the general fund-state appropriation must be distributed to schools and districts to reduce associated student body fees for low-income students.

(b) The office of the superintendent of public instruction must collect the following school-level data from each high school and middle school:

(i) Athletic participation fees for full-price, free-, and reduced-price lunch program students;

(ii) Associated student body card fees for full-price, free-, and reduced-price lunch program students;

(iii) After school athletic participation rate for full-price, free-, and reduced-price lunch program students, excluding students participating in for-credit activities;

(iv) The number of associated student body card purchases for full-price, free-, and reduced-price lunch program students;

(v) School club participation for full-price, free-, and reduced-price lunch program students; and

(vi) Career and technical student organization participation for full-price, free-, and reduced-price lunch program students.

(c) No later than June 30, 2018, the office of the superintendent of public instruction must publish a list of schools and districts that are not complying with section 3, chapter 211, Laws of 2014. Schools and districts that the office identifies as noncompliant are ineligible to receive grant allocations under this subsection.

(68) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(69) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the legislative youth

advisory council. The council of statewide members advises legislators on issues of importance to youth.

(70) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit, civil rights and human relations organization with expertise in tracking and responding to hate incidents in schools, and with experience implementing programs designed to empower students to improve upon and sustain school climates that combat bias and bullying. The contract must expand the organization's current anti-bias programs to public schools across Washington, with at least half of the public schools located east of the crest of the Cascade mountains. Amounts provided in this subsection may be used to support preprogram planning, trainings, guidance, surveys, materials, and the hiring of a part-time contractor to support data tracking.

Sec. 502. 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR GENERAL APPORTIONMENT

General Fund-State Appropriation (FY 2018)	.....	(\$7,183,886,000)
		\$7,239,334,000
General Fund-State Appropriation (FY 2019)	.....	(\$7,412,055,000)
		\$7,008,792,000
Education Legacy Trust Account-State Appropriation	.....	\$345,730,000
TOTAL APPROPRIATION...		\$14,941,671,000
		\$14,593,856,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in

House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2017-18 and 2018-19 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(h) Funding is provided in this section for a hold-harmless payment beginning with the 2018-19 school year. A school district qualifies for a hold-harmless payment if the sum of the school district's state basic education

allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of what the district would have received for that year from the state basic education allocations, local maintenance and operation levy, and local effort assistance under the law as it existed on January 1, 2017. For the prior law calculation, it is assumed that the local levy is the lesser of the voter approved levy as of January 1, 2017, and the maximum allowed under the law as it existed on January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:			
Grade	RCW	2017-	2018-
	28A.150.260	18	19
		School Year	School Year
Grade		17.00	17.00
K			

Grade	17.00	17.00
1		
Grade	17.00	17.00
2		
Grade	17.00	17.00
3		
Grade	27.00	27.00
4		
Grades	27.00	27.00
5-6		
Grades	28.53	28.53
7-8		
Grades	28.74	28.74
9-12		

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:			
Grade	RCW	2017-	2018-
	28A.150.260	18	19
		School Year	School Year
Grade		17.00	17.00
K			
Grade		17.00	17.00
1			
Grade		17.00	17.00
2			
Grade		17.00	17.00
3			
Grade		27.00	27.00
4			
Grades		27.00	27.00
5-6			
Grades		28.53	28.53
7-8			
Grades		28.74	28.74
9-12			

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2017-18	2018-19
	School	School
	Year	Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students.....1.025

Skill Center students.....1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2017-18 and 2018-19 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2017-18 and 2018-19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic

education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and 23.49 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and 24.60 percent in the 2018-19 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE			
MSOC Component	2017-18	2018-19	
	School Year	School Year	
Technology	\$130.76		(\$132.85) <u>\$133.24</u>
Utilities and Insurance	\$355.30		(\$360.98) <u>\$362.05</u>
Curriculum and Textbooks	\$140.39		(\$142.64) <u>\$143.06</u>
Other Supplies and Library Materials	\$298.05		(\$302.82) <u>\$303.71</u>
Instructional Professional Development for Certificated and Classified Staff	\$21.71		(\$22.06) <u>\$22.12</u>
Facilities Maintenance	\$176.01		(\$178.83) <u>\$179.36</u>
Security and Central Office	\$121.94		(\$123.89) <u>\$124.26</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,244.16		(\$1,264.07) <u>\$1,267.80</u>

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW,

each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8) (a) (ii) exceeds (B) of this subsection (8) (a) (ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$37.60	((\$38.20)) <u>\$38.31</u>
Curriculum and Textbooks	\$41.02	((\$41.67)) <u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	((\$86.82)) <u>\$87.08</u>
Instructional Professional Development for Certified and Classified Staff	\$6.83	((\$6.95)) <u>\$6.97</u>
TOTAL GRADE 9-12 EDUCATION MSOC/STUDENT FTE	\$170.9	((\$173.64)) <u>\$174.16</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24

certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f) (i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (~~((12))~~) (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2018 and 2019 as follows:

(a) \$638,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$648,000)~~) \$650,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund-state appropriation for fiscal year 2018 and \$436,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for programs providing skills training for secondary students

who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$225,000 of the general fund-state appropriation for fiscal year 2018 and \$229,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection ~~((12))~~ (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ~~((5 percent))~~ the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2017-2019 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 503. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation

For School Year 2018-19

Certificated	((59,333.55))
Instructional Staff	\$65,216.05
Certificated	((79,127.50))
Administrative Staff	\$96,805.00
Classified Staff	((39,975.50))
	\$46,784.33

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ((June 22, 2017, at 1:14 hours)) February 20, 2018, at 8:24 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and 22.85 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and 21.10 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff are established for basic education salary allocations for the 2017-18 school year:

Table Of Total Base Salaries For Certificated Instructional Staff

For School Year 2017-18

*** Education Experience ***

Years	Education Experience						M.A.		Total
	0	1	2	3	4	5	6	7	
0	6,521	7,507	8,502	9,500	10,500	11,500	13,500	15,500	17,500
1	7,013	8,008	9,004	10,003	11,003	12,003	14,003	16,003	18,003

2	7,481	8,478	9,475	10,473	11,473	13,473	15,473	17,473	19,473
3	7,964	8,961	9,958	10,956	11,956	13,956	15,956	17,956	19,956
4	8,437	9,434	10,431	11,429	12,429	14,429	16,429	18,429	20,429
5	8,926	9,923	10,920	11,918	12,918	14,918	16,918	18,918	20,918
6	9,415	10,412	11,409	12,407	13,407	15,407	17,407	19,407	21,407
7	9,904	10,901	11,898	12,896	13,896	15,896	17,896	19,896	21,896
8	10,393	11,390	12,387	13,385	14,385	16,385	18,385	20,385	22,385
9	10,882	11,879	12,876	13,874	14,874	16,874	18,874	20,874	22,874
0	11,371	12,368	13,365	14,363	15,363	17,363	19,363	21,363	23,363
1	11,860	12,857	13,854	14,852	15,852	17,852	19,852	21,852	23,852
2	12,349	13,346	14,343	15,341	16,341	18,341	20,341	22,341	24,341
3	12,838	13,835	14,832	15,830	16,830	18,830	20,830	22,830	24,830
4	13,327	14,324	15,321	16,319	17,319	19,319	21,319	23,319	25,319
5	13,816	14,813	15,810	16,808	17,808	19,808	21,808	23,808	25,808

	67	66	61	48
	1	0	8	6
1	€	€	6	€
6	1,	4,	1,9	5, 8,
or	88	93	24	91 83
mo	4	2	0	6
re				

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an

individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

(a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or

(b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

Sec. 504. 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund-State Appropriation (FY 2018).....(~~\$216,086,000~~)
\$206,149,000

General Fund-State Appropriation (FY 2019).....(~~\$1,360,536,000~~)
\$1,911,498,000

Basic Education Account-State
Appropriation.....\$85,358,000

TOTAL APPROPRIATION~~\$1,576,622,000~~
\$2,203,005,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

~~(2) ((In addition to salary allocations specified in this subsection (1) funding in this subsection includes one day of professional learning for each of the funded full-time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and 22.85 percent for the 2018-19 school year for certificated instructional and

certificated administrative staff and 21.10 percent for the 2017-18 school year and 21.10 percent for the 2018-19 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per month for the 2017-18 school year and ~~((840.00))~~ \$843.97 per month for the 2018-19 school year. When bargaining for health benefits funding for the school employees' benefits board during the 2017-2019 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

~~((5))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$85,358,000 of the basic education account appropriation is provided solely

for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), and regionalization and experience factors as provided in RCW 28A.150.412(2)(b), each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H-. . ./18].

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2018)	((502,599,000))	\$518,512,000
General Fund—State Appropriation (FY 2019)	((497,940,000))	\$496,524,000
TOTAL APPROPRIATION	\$1,000,539,000	\$1,015,036,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund—state appropriation for

fiscal year 2019 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$913,000 of this fiscal year 2018 appropriation and a maximum of (~~(\$937,000)~~) \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2017 3rd sp.s. c 1 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2018)	.....\$7,111,000
General Fund—State Appropriation (FY 2019)	.....((\$7,111,000))
	<u>\$7,173,000</u>
General Fund—Federal Appropriation	.....\$537,178,000
TOTAL APPROPRIATION	.....<u>\$551,400,000</u>
	<u>\$551,462,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$7,111,000 of the general fund—state appropriation for fiscal year 2018 and \$7,111,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(1) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades prekindergarten through third grade who are eligible for reduced-price lunch;

(2) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(3) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(4) Assistance to school districts in initiating and expanding school breakfast programs.

The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsections (1), (2), and (3) of this section.

The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and

administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

Sec. 507. 2017 3rd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	((\$956,055,000))
	<u>\$965,613,000</u>
General Fund—State Appropriation (FY 2019)	((\$989,284,000))
	<u>\$951,320,000</u>
General Fund—Federal Appropriation	((\$470,673,000))
	<u>\$485,054,000</u>
Education Legacy Trust Account—State Appropriation	\$54,694,000
<u>Basic Education Account Appropriation</u>	<u>\$19,842,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$20,000</u>
TOTAL APPROPRIATION....	\$2,470,706,000
	<u>\$2,476,543,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act.

To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education) as amended by [H-. . ./18], except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for

special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund-state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ~~\$31,087,000~~ of the general fund-state appropriation for fiscal year 2018, (~~(\$31,087,000)~~) \$35,952,000 of the general fund-state appropriation for fiscal year 2019, and (~~(\$31,024,000)~~) \$29,574,000 of the general fund-federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2017-18 and 2018-19 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award

determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund-state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund-state appropriation for fiscal year 2018 and \$256,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund-state appropriation for fiscal year 2018, \$50,000 of the general fund-state appropriation for fiscal year 2019, and \$100,000 of the general fund-federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(13) \$19,842,000 of the basic education account appropriation is provided solely for allocation to school districts to increase the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), as amended by Engrossed Second Substitute

Senate Bill No. 6362 (basic education) as amended by [H-. . ./18].

Sec. 508. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR EDUCATIONAL SERVICE DISTRICTS

Table with 2 columns: Description and Amount. Rows include General Fund-State Appropriation (FY 2018), General Fund-State Appropriation (FY 2019), and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative

service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR LOCAL EFFORT ASSISTANCE

Table with 2 columns: Description and Amount. Rows include General Fund-State Appropriation (FY 2018), General Fund-State Appropriation (FY 2019), and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR INSTITUTIONAL EDUCATION PROGRAMS

Table with 2 columns: Description and Amount. Rows include General Fund-State Appropriation (FY 2018), General Fund-State Appropriation (FY 2019), and TOTAL APPROPRIATION.

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund-state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional

education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund-state appropriation for fiscal year 2018 and \$701,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund-State Appropriation (FY 2018)	.....	((21,265,000))
		<u>\$21,447,000</u>
General Fund-State Appropriation (FY 2019)	.....	((24,306,000))
		<u>\$22,996,000</u>
TOTAL APPROPRIATION.....		<u>\$45,571,000</u>
		<u>\$44,443,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund-state appropriation for fiscal year 2018 and \$85,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR MISCELLANEOUS-EVERY STUDENT SUCCEEDS ACT

General Fund-Federal Appropriation	.....	((4,802,000))
		<u>\$5,802,000</u>

Sec. 513. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-EDUCATION REFORM PROGRAMS

General Fund-State Appropriation (FY 2018)	.....	((134,741,000))
		<u>\$125,067,000</u>

General Fund-State Appropriation (FY 2019)	((155,464,000))	<u>\$147,957,000</u>
General Fund-Federal Appropriation	((93,320,000))	<u>\$94,820,000</u>
General Fund-Private/Local Appropriation	\$1,451,000	
Education Legacy Trust Account-State Appropriation	\$1,619,000	
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>		<u>\$765,000</u>
TOTAL APPROPRIATION	\$386,595,000	<u>\$371,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((30,421,000))~~ \$21,104,000 of the general fund-state appropriation for fiscal year 2018, ~~((26,975,000))~~ \$21,104,000 of the general fund-state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account-state appropriation, and \$15,868,000 of the general fund-federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(2) \$356,000 of the general fund-state appropriation for fiscal year 2018 and \$356,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities ~~((coordinated at the Pacific science center))~~, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund-state appropriation for fiscal year 2018 and \$3,935,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) ~~((62,672,000))~~ \$62,674,000 of the general fund-state appropriation for

fiscal year 2018 and ~~((82,665,000))~~ \$82,670,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of \$5,381 per teacher in the 2018-19 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certificated; and

(d) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated

salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund-state appropriation for fiscal year 2018 and \$477,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund-state appropriation for fiscal year 2018 and \$950,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund-state appropriation for fiscal year 2018 and \$810,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund-state appropriation for fiscal year 2018 and \$1,802,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund-state appropriation for fiscal year 2018 and \$10,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the

mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2018-19 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$9,352,000 of the general fund-state appropriation for fiscal year 2018 and \$14,352,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional

school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

(17) (~~(\$100,000)~~) \$125,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$100,000)~~) \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,194,000)~~) \$909,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund-state appropriation for fiscal year 2018 and \$36,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of

2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social

studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracts with nonprofit organizations that provide direct services to children exclusively through one-to-one volunteer mentoring. The mentor, student, and parent must each receive monthly coaching from professional staff in the first year and coaching every two months in subsequent years.

Sec. 514. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund-State Appropriation (FY 2018)	.....(\$147,948,000)	<u>\$151,022,000</u>
General Fund-State Appropriation (FY 2019)	.....(\$157,744,000)	<u>\$150,515,000</u>
General Fund-Federal Appropriation	.....(\$92,244,000)	<u>\$97,244,000</u>
<u>Pension Funding Stabilization Account-State Appropriation</u>	.....	<u>\$4,000</u>
TOTAL APPROPRIATION	.....	<u>\$397,936,000</u>

\$398,785,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((2.55))~~ 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(4) The general fund-federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$35,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

Sec. 515. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR THE LEARNING ASSISTANCE PROGRAM

General Fund-State Appropriation (FY 2018)	((<u>\$326,233,000</u>))
	<u>\$323,386,000</u>
General Fund-State Appropriation (FY 2019)	((<u>\$355,633,000</u>))
	<u>\$330,463,000</u>
General Fund-Federal Appropriation	((<u>\$505,487,000</u>))
	<u>\$519,487,000</u>
TOTAL APPROPRIATION	<u>\$1,187,353,000</u>
	<u>\$1,173,336,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund-state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A)

Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund-federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2017-18 and 2018-19 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who

have not passed the state assessment in science.

Sec. 516. 2017 3rd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations			
	Per Annual	Average	Full-Time
	Equivalent	Student	Student
Basic Education Program	2017-18 School Year	2018-19 School Year	
General Apportionment	((\$7,038)))) \$7,063	((\$8,037)))) \$8,741	
Pupil Transportation	((\$422)) \$429	((\$485)) \$531	
Special Education Programs	((\$6,920)))) \$6,897	((\$7,875)))) \$8,754	
Institutional Education Programs	((\$13,476)))) \$14,401	((\$15,369)))) \$17,826	
Programs for Highly Capable Students	((\$455)) \$457	((\$525)) \$570	
Transition al Bilingual Programs	((\$1,024)))) \$1,028	((\$1,163)))) \$1,250	
Learning Assistance Program	((\$735)) \$738	((\$849)) \$921	

Sec. 517. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts

required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2017 3rd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways
Account—State
Appropriation(~~(\$62,713,000)~~)
\$53,641,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

Sec. 519. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways
Account—State
Appropriation(~~(\$477,000)~~)
\$915,000
Charter Schools Oversight Account—
State
Appropriation(~~(\$1,958,000)~~)
\$1,485,000
TOTAL APPROPRIATION.....~~\$2,435,000~~
\$2,400,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund-State Appropriation (FY 2018)	..... ((\$662,672,000))	<u>\$628,995,000</u>
General Fund-State Appropriation (FY 2019)	..... ((\$668,368,000))	<u>\$645,969,000</u>
Community/Technical College Capital Projects		
Account-State Appropriation	..... ((\$23,841,000))	<u>\$21,618,000</u>
Education Legacy Trust Account-State Appropriation	..... ((\$138,314,000))	<u>\$138,315,000</u>
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>	.....	<u>\$67,897,000</u>
TOTAL APPROPRIATION	....	<u>\$1,493,195,000</u>
		<u>\$1,502,794,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund-state appropriation for fiscal year 2018 and \$33,261,000 of the general fund-state appropriation for fiscal year 2019 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account-state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund-state appropriation for fiscal year 2018 and \$425,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Seattle central

college's expansion of allied health programs.

(4) \$5,250,000 of the general fund-state appropriation for fiscal year 2018 and \$5,250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund-state appropriation for fiscal year 2018, and \$1,610,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and ((~~\$1,500,000~~)) \$8,463,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(8) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(9) (~~(\$18,588,000)~~) \$18,697,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$18,960,000)~~) \$19,164,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund-state appropriation for fiscal year 2018 and \$157,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund-state appropriation for fiscal year 2018 and \$185,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund-state appropriation for fiscal year 2018 and \$42,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for program delivery

through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund-state appropriation for fiscal year 2018 and \$60,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(20) (a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to

the conditions, limitations, and review provided in section 724 of this act.

(21) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence hosted by Everett Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$216,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the opportunity center for employment and education at north Seattle college.

(23) \$381,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher ed). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$2,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2669 (civil service/part-time employees). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(25) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Highline college to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(26) (a) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board to contract with an independent professional consulting service to:

(i) Collect academic, classified, and professional employee total compensation data, source of funding, and the duties or categories for which that compensation is paid;

(ii) Identify comparable market rate salaries;

(iii) Incorporate, as appropriate, data from the office of financial management from the compensation studies conducted pursuant to the 2017-2019 memorandum of understanding between the state of Washington community college coalition and the Washington federation of state employees re: regional compensation issues; and

(iv) Provide analysis regarding whether a local labor market adjustment formula should be implemented, and if so which market adjustment factors and methods should be used.

(b) The board must collect, and college districts must provide, the compensation, recruitment, and retention data necessary to accomplish the work required in this subsection.

(c) The consultant shall provide an interim report to the board by August 15, 2018. The consultant shall provide the final data and analysis to the board by October 1, 2018.

(27) \$87,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Peninsula college to expand the annual cohorts of the specified programs as follows:

(a) Medical assisting, from 20 to 40 students;

(b) Nursing assistant, from 40 to 60 students; and

(c) Registered nursing, from 24 to 32 students.

(28) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

(29) \$338,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state labor education and research center at South Seattle College.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund-State Appropriation (FY 2018)(~~\$336,712,000~~)
\$311,875,000

General Fund-State Appropriation (FY 2019)(~~\$353,811,000~~)
\$327,552,000

Aquatic Lands Enhancement Account-State Appropriation\$1,350,000

UW Building Account-State Appropriation.....\$1,052,000

Education Legacy Trust Account–State
Appropriation (~~(\$30,050,000)~~)

\$33,050,000

Economic Development Strategic Reserve
Account–State

Appropriation \$3,035,000

Pension Funding Stabilization Account–
State

Appropriation..... \$51,068,000

Biotoxin Account–State Appropriation
..... \$597,000

Dedicated Marijuana Account–State
Appropriation

(FY 2018)..... \$247,000

Dedicated Marijuana Account–State
Appropriation

(FY 2019)..... \$247,000

Accident Account–State Appropriation
..... \$7,436,000

Medical Aid Account–State
Appropriation \$7,042,000

Geoduck Aquaculture Research Account–
State

Appropriation..... \$200,000

TOTAL APPROPRIATION..... \$741,579,000

\$744,751,000

The appropriations in this section are
subject to the following conditions and
limitations:

(1) \$52,000 of the general fund–state
appropriation for fiscal year 2018 and
\$52,000 of the general fund–state
appropriation for fiscal year 2019 are
provided solely for the center for
international trade in forest products in
the college of forest resources.

(2) (~~(\$39,581,000)~~) \$38,807,000 of the
general fund–state appropriation for
fiscal year 2018 and (~~(\$39,353,000)~~)
\$39,777,000 of the general fund–state
appropriation for fiscal year 2019 are
provided solely for the implementation of
the college affordability program as set
forth in RCW 28B.15.066.

(3) \$200,000 of the general fund–state
appropriation for fiscal year 2018 and
\$200,000 of the general fund–state
appropriation for fiscal year 2019 are
provided solely for labor archives of
Washington. The university shall work in

collaboration with the state board for
community and technical colleges.

(4) \$8,000,000 of the education legacy
trust account–state appropriation is
provided solely for the family medicine
residency network at the university to
expand the number of residency slots
available in Washington.

(5) The university must continue work
with the education research and data
center to demonstrate progress in
computer science and engineering
enrollments. By September 1st of each
year, the university shall provide a
report including but not limited to the
cost per student, student completion
rates, and the number of low-income
students enrolled in each program, any
process changes or best-practices
implemented by the university, and how
many students are enrolled in computer
science and engineering programs above
the prior academic year.

(6) \$1,350,000 of the aquatic lands
enhancement account–state is provided
solely for ocean acidification
monitoring, forecasting, and research
and for operation of the Washington ocean
acidification center. By September 1,
2017, the center must provide a biennial
work plan and begin quarterly progress
reports to the Washington marine
resources advisory council created under
RCW 43.06.338.

(7) (~~(\$8,000,000)~~) \$11,000,000 of the
education legacy trust account–state
appropriation is provided solely for the
expansion of degrees in the department of
computer science and engineering at the
Seattle campus.

(8) \$1,000,000 of the general fund–
state appropriation for fiscal year 2018
and \$1,000,000 of the general fund–state
appropriation for fiscal year 2019 are
provided solely for the university to
increase resident undergraduate
enrollments in science, technology,
engineering, and math majors. The
university is expected to increase full-
time equivalent enrollment by
approximately 60 additional students.

(9) \$3,000,000 of the economic
development strategic reserve account
appropriation is provided solely to
support the joint center for aerospace
innovation technology.

(10) The University of Washington
shall not use funds appropriated in this

section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund-state appropriation for fiscal year 2018 and \$7,400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) \$3,200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund-state appropriation for fiscal year 2018 and \$2,250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(18) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided to the University of Washington to support youth and young adults

experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(19) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the University of Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws

of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) General fund-state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(24) \$45,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their military education. The purpose of the research and analysis is to examine possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25) (a) \$140,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the University of

Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the Volk decision changed the law in this state;

(ii) Comprehensive review and assessment of the involuntary and voluntary treatment capacity available in the state, including information and data available from the select committee on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the Volk decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in *Petersen*, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the Volk decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the Volk decision, and a description of any changes as a result of the Volk decision;

(viii) Assessment of whether mental health service providers may be changing

practice to limit exposure to the potential risks created by the Volk decision;

(ix) Assessment of legal and practice implications state legal standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including, but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The University of Washington school of law must submit the final report to the appropriate committees of the legislature by December 1, 2017.

(26) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(27) \$38,000 of the general fund-state appropriation for fiscal year 2018 and \$152,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for updating the Washington state parcel and forestland databases with standardized information for all of Washington's parcels.

(28) \$77,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the University of Washington school of environmental and forest sciences to pilot a program to advise and facilitate the activities of the Olympic peninsula forest collaborative.

(29) (a) \$172,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square

kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(30) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

(31) (a) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the creation and implementation of the center for education strategy located at the University of Washington campus in Tacoma. The center must be created and administered by the University of Washington Tacoma, in collaboration with an advisory board. The university must convene the board, which shall be made of members including, but not limited to:

(i) Representatives from each public four-year institution;

(ii) The director, or director's designee, of the Washington student achievement council;

(iii) The director, or director's designee, of the workforce training and education coordinating board;

(iv) The director, or director's designee, of the state board for community and technical colleges;

(v) The director, or director's designee, of the office of the superintendent of public instruction;

(vi) A representative from the Washington roundtable;

(vii) A representative from the Washington state apprenticeship and training council; and

(viii) A representative from the Washington building and construction trades council.

(b) The center, in collaboration with its advisory board, shall submit a report to the appropriate committees of the legislature by December 1, 2018. The report shall include, but not be limited to:

(i) A broad strategy for shaping the state's overall system of education to meet the state's needs in a globally competitive world;

(ii) Preliminary research on multi-institution, cross discipline needs; and

(iii) A plan for the continued role of the center.

(32) \$200,000 of the geoduck aquaculture research account-state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(33) \$3,190,000 of the general fund-state appropriation for fiscal year 2018 and \$6,323,000 of the general fund-state appropriation for fiscal year 2019 are provided on a one-time basis solely for compensation and central services costs. The funding provided shall temporarily replace a portion of tuition expenditures on central services and salaries and benefits for union-represented and nonrepresented employees. The additional funding provided in this section will permit the university to fund the incremental cost of compensation costs for all general fund-state and tuition-supported employees in equal amounts from general fund-state and tuition for the remainder of the 2017-2019 fiscal biennium.

(34) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund-State Appropriation (FY 2018) (~~(\$215,329,000)~~)
\$200,486,000

General Fund-State Appropriation (FY 2019) (~~(\$227,266,000)~~)
\$212,776,000

WSU Building Account-State Appropriation \$792,000

Education Legacy Trust Account-State Appropriation \$33,995,000

Dedicated Marijuana Account-State Appropriation (FY 2018) \$138,000

Dedicated Marijuana Account-State Appropriation (FY 2019) \$138,000

Pension Funding Stabilization Account-State Appropriation..... \$30,983,000

TOTAL APPROPRIATION..... ~~\$477,659,000~~
\$479,308,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund-state appropriation for fiscal year 2018 and \$90,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer

science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund-state appropriation for fiscal year 2018 and \$7,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

(8) Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.

(9) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

(10) (~~(\$27,425,000)~~) \$27,586,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$27,973,000)~~) \$28,275,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(11) \$230,000 of the general fund-state appropriation for fiscal year 2018 and \$376,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

(12) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

(13) \$580,000 of the general fund-state appropriation for fiscal year 2018 and \$580,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(14) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(15) \$760,000 of the general fund-state appropriation for fiscal year 2018 and \$760,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

(16) \$630,000 of the general fund-state appropriation for fiscal 2018 and \$630,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(17) \$1,370,000 of the general fund-state appropriation for fiscal year 2018 and \$1,370,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(18) General fund-state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(19) \$768,000 of the general fund-state appropriation for fiscal year 2018 and \$504,000 of the general fund-state

appropriation for fiscal year 2019 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(20) \$89,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher ed). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$58,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(22) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the integrated weed control project.

(23) \$180,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Long Beach research and extension unit.

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018)	.....	(\$50,064,000)
		\$50,090,000
General Fund-State Appropriation (FY 2019)	.....	(\$51,985,000)
		\$52,115,000
Education Legacy Trust Account-State Appropriation	.....	\$16,598,000
TOTAL APPROPRIATION.....		\$118,647,000
		\$118,803,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund-state appropriation for fiscal year 2018 and at least \$200,000 of the general fund-state appropriation for fiscal year 2019 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering

enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) (~~(\$9,851,000)~~) \$9,909,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$10,048,000)~~) \$10,156,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$55,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018)	.....	(\$49,969,000)
		\$48,136,000
General Fund-State Appropriation (FY 2019)	.....	(\$52,303,000)
		\$50,849,000

CWU Capital Projects Account–State
Appropriation \$76,000

Education Legacy Trust Account–State
Appropriation \$19,076,000

Pension Funding Stabilization Account–
State

Appropriation..... \$3,921,000

TOTAL APPROPRIATION..... \$121,424,000

\$122,058,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$11,104,000)~~) \$11,169,000 of the general fund–state appropriation for fiscal year 2018 and (~~(\$11,326,000)~~) \$11,448,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$76,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for implementation of

Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$50,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$200,000 of the general fund–state appropriation for fiscal year 2019 is provided solely for the game on! program, which provides underserved middle and high school students with training in leadership and science, technology, engineering, and math. The program is expected to serve approximately 500 students per year.

Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund–State Appropriation (FY 2018) (~~(\$26,543,000)~~)
\$26,582,000

General Fund–State Appropriation (FY 2019) (~~(\$27,146,000)~~)
\$28,109,000

TESC Capital Projects Account–State
Appropriation.....\$80,000

Education Legacy Trust Account–State
Appropriation\$5,450,000

~~((Liquor Revolving Account State
Appropriation.....\$250,000))~~

Pension Funding Stabilization Account–
State

Appropriation.....\$2,000

TOTAL APPROPRIATION.....\$59,469,000

\$60,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$3,377,000)~~) \$3,397,000 of the general fund–state appropriation for fiscal year 2018 and (~~(\$3,445,000)~~) \$3,482,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$65,000)~~) \$95,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund-state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$34,000)~~) \$41,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund-state appropriation for fiscal year 2018 and \$43,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect of the national board for professional teaching standards certification on student outcomes by December 15, 2018.

The institute shall also report on the following:

(a) Does the certification improve teacher retention in Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) \$122,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$40,000)~~) \$141,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(12) \$1,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$1,000)~~) \$7,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

(~~(14)~~) (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(~~(15)~~) (14) \$16,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$22,000)~~) \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$35,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a meta-analysis of United States single payer and other United States universal health care proposals, studies, and models. The institute shall provide a report to the appropriate committees of the legislature by December 1, 2018. The analysis shall:

(a) Summarize the parameters used to define universal health care coverage;

(b) Summarize the various models proposed;

(c) Identify the role of the state in providing health care coverage;

(d) Compare and contrast the extent to which the state is sole payer for health care coverage;

(e) Identify the extent to which other funds are leveraged to provide for health care coverage;

(f) Identify the various financing mechanisms proposed;

(g) Examine any cost savings to consumers, the health care system, or the state resulting from the adoption of such a model; and

(h) Summarize any identified technical challenges.

(18) \$56,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for data storage and security upgrades at the Washington state institute for public policy.

(19) \$76,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (child welfare budgeting). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$27,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided to the Washington state institute for public policy solely for additional research related to

marijuana. In addition to those activities performed pursuant to Initiative Measure No. 502, the institute must:

(a) Update the inventory of programs for the prevention and treatment of youth cannabis use published in December 2016; and

(b) Examine current data collection methods measuring use of cannabis by youth and report to the legislature on potential ways to improve data collection and comparisons; and

(c) To the extent information is available, identify effective methods used to reduce or eliminate the unlicensed cultivation or distribution of marijuana or marijuana containing products in jurisdictions with existing recreational and/or medical marijuana markets.

(22) (a) \$87,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a study of medical debt in Washington. The study must include:

(i) A systematic review of the prevalence and impact of medical debt on Washingtonians including, but not limited to, if available:

(A) The nature and amount of medical debt;

(B) The amount of prejudgment interest sought;

(C) Attorneys' fees and other collection costs sought by collection agencies;

(D) Number and rate of default judgments in medical debt collection cases;

(E) The amount of postjudgment interest, garnishment fees, and other costs after judgment; and

(F) Hospital debt collection policies; and

(ii) A comparison of the laws and practices regarding medical debt collection in Washington with those in other states.

(b) In conducting its analysis, the Washington state institute for public policy may work with the administrative office of the courts and individual

courts throughout the state in order to access necessary data.

(c) The Washington state institute for public policy shall conduct research to enable a report of the findings of the study to be completed and submitted to the appropriate committees of the legislature by December 1, 2019.

(23) \$111,000 of the general fund-state appropriation for fiscal year 2018 and \$20,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018) (~~(\$70,456,000)~~)
\$70,474,000

General Fund-State Appropriation (FY 2019) (~~(\$72,950,000)~~)
\$74,155,000

Education Legacy Trust Account-State Appropriation \$13,831,000

Western Washington University Capital Projects

Account-State Appropriation (FY 2018) \$771,000

Western Washington University Capital Projects Account-State

Appropriation (FY 2019)..... \$712,000

TOTAL APPROPRIATION..... ~~\$158,720,000~~
\$159,943,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer

science and engineering programs above the prior academic year.

(2) \$630,000 of the general fund-state appropriation for fiscal year 2018 and \$630,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) (~~(\$15,326,000)~~) \$15,416,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$15,632,000)~~) \$15,801,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$39,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by

June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$700,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(11) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1559 (uniformed personnel arbitration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$70,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a study of the feasibility of the university creating a four-year degree-granting campus on the Kitsap or Olympic peninsula. The university shall submit a report on the findings of the study to the governor and appropriate committees of the legislature by December 2018.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington campus compact to implement the statewide student civic engagement initiative. Amounts provided in this subsection must be used to: Issue civic engagement grants, provide training to students, develop a statewide web site and database, assess the impact of grants, and provide student leadership awards.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL-POLICY COORDINATION AND ADMINISTRATION

General Fund-State Appropriation (FY 2018)	..... ((\$5,640,000))
	\$5,370,000
General Fund-State Appropriation (FY 2019)	..... ((\$5,791,000))
	\$6,304,000
General Fund-Federal Appropriation	..... \$4,892,000

Pension Funding Stabilization Account-State

Appropriation	\$535,000
TOTAL APPROPRIATION	\$16,323,000
	\$17,101,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$62,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1512 (expanding college bound scholarship eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$363,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2143 (higher education financial aid). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$33,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2832 (passport to college/foster). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$126,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the consumer protection unit.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State Appropriation (FY 2018)	..... ((\$238,397,000))	
		<u>\$238,388,000</u>
General Fund—State Appropriation (FY 2019)	..... ((\$242,726,000))	
		<u>\$273,016,000</u>
General Fund—Federal Appropriation	..... ((\$11,906,000))	
		<u>\$11,905,000</u>
General Fund—Private/Local Appropriation	..... \$300,000	
Education Legacy Trust Account—State Appropriation	..... ((\$99,955,000))	
		<u>\$104,291,000</u>
WA Opportunity Pathways Account—State Appropriation	..... ((\$117,389,000))	
		<u>\$122,350,000</u>
Aerospace Training Student Loan Account—State		
Appropriation	..... \$208,000	
Health Professionals Loan Repayment and Scholarship		
Program Account—State Appropriation	..... \$4,720,000	
<u>Pension Funding Stabilization Account—State Appropriation</u>	..... <u>\$18,000</u>	
TOTAL APPROPRIATION.....	\$715,601,000	<u>\$755,196,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,157,000 of the general fund—state appropriation for fiscal year 2018, \$233,928,000 of the general fund—state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account—state appropriation, and \$88,000,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2)(a) For the 2017-2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017-2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2017-2019 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under

state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) \$15,849,000 of the education legacy trust account—state appropriation and (~~(\$29,389,000)~~) \$34,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. Funding provided in this subsection reflects treatment of the state-funded portion of the Washington state opportunity scholarship as a state-funded grant under RCW 28B.118.010.

(8) \$2,236,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$2,236,000)~~) \$2,535,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2018 and 2019 for this purpose. Of the amounts in this subsection, \$299,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2832 (passport to college/foster). If the bill is not enacted by June 30, 2018, this portion of the amount provided in this subsection shall lapse.

(9) (~~(\$14,730,000)~~) \$19,066,000 of the education legacy trust account—state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity

scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(10) \$2,325,000 of the general fund—state appropriation for fiscal year 2018 and \$2,325,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2019-2021 biennium on the basis of these contractual obligations.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving

(as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;
- (d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and
- (e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1452 (opportunity scholarship program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$4,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1827 (educator workforce supply). If the bill is not enacted by June 30, 2018,

the amount provided in this subsection shall lapse.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund-State Appropriation (FY 2018)	.....(\$1,881,000)	
		\$1,845,000
General Fund-State Appropriation (FY 2019)	.....(\$1,795,000)	
		\$1,833,000
General Fund-Federal Appropriation	.....	\$55,279,000
General Fund-Private/Local Appropriation	.....	\$208,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>	.....	<u>\$176,000</u>
TOTAL APPROPRIATION	.....	\$59,163,000
		\$59,341,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs

to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund-state appropriation for fiscal year 2018 and \$57,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for work associated with the work-integrated learning strategic plan in section 501(59) of this act.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund-State Appropriation (FY 2018)	(\$119,174,000)
	\$116,775,000
General Fund-Federal Appropriation	\$171,032,000
Education Legacy Trust Account-State Appropriation	\$14,091,000
Home Visiting Services Account-State Appropriation	\$3,133,000
Home Visiting Services Account-Federal Appropriation	\$12,153,000
WA Opportunity Pathways Account-State Appropriation	\$40,000,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation</u>	<u>\$468,000</u>
TOTAL APPROPRIATION	\$359,583,000
	\$357,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,185,000 of the general fund-state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account-state appropriation, and

\$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

(2) \$200,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) (a) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(b) (i) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(A) Increasing child care rates comparable to market rates based on the most recent market survey;

(B) Increasing access to infant and toddler child care;

(C) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand; and

(D) Providing nurse consultation services to licensed providers.

(ii) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(4) (a) ~~(\$76,650,000)~~ \$77,253,000 of the general fund-federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the

average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent federal poverty level or below; and

(viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application and the department of social and health services cannot verify an open child

support case or verify household composition through internal agency records, then the applicant must:

(A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system,

including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(6) \$1,560,000 of the general fund-state appropriation for fiscal year 2018 and \$6,712,000 of the general fund-federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) (~~(\$44,663,000)~~) \$42,707,000 of the general fund-state appropriation for fiscal year 2018 and \$13,954,000 of the general fund-federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report

the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account-state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund-federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family,

friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$2,651,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount

provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$273,000 is for a base rate increase;

(b) \$55,000 is for increasing paid professional development days from three days to five days;

(c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;

(d) \$114,000 is for increasing licensing incentive payments; and

(e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

(i) The statewide child care resource and referral network;

(ii) The department;

(iii) The department of commerce;

(iv) The economic opportunity institute;

(v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;

(vi) The state board for community and technical colleges;

(vii) A union representing child care workers;

(viii) The small business administration;

(ix) A member consisting of either an economist or a representative of the workforce development councils;

(x) A representative from an early childhood education and assistance program;

(xi) A representative from a nonprofit child care center;

(xii) A representative from a private child care center; and

(xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Funding in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise

services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund-State Appropriation (FY 2018)(~~(\$6,976,000)~~)
\$6,924,000

General Fund-State Appropriation (FY 2019)(~~(\$7,427,000)~~)
\$7,529,000

General Fund-Private/Local Appropriation\$34,000

Pension Funding Stabilization Account-State

Appropriation\$591,000

TOTAL APPROPRIATION~~(\$14,437,000)~~
\$15,078,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund-State Appropriation (FY 2018)(~~(\$10,646,000)~~)
\$10,290,000

General Fund-State Appropriation (FY 2019)(~~(\$11,679,000)~~)
\$11,616,000

Pension Funding Stabilization Account-State

Appropriation\$727,000

TOTAL APPROPRIATION.....~~\$22,325,000~~
\$22,633,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund-State Appropriation (FY 2018) (~~\$1,497,000~~)
\$1,417,000

General Fund-State Appropriation (FY 2019) (~~\$1,514,000~~)
\$1,567,000

General Fund-Federal Appropriation \$2,124,000

General Fund-Private/Local Appropriation (~~\$16,000~~)
\$50,000

Pension Funding Stabilization Account-State
Appropriation..... \$122,000

TOTAL APPROPRIATION..... ~~\$5,151,000~~
\$5,280,000

The appropriations in this section are subject to the following conditions and limitations: (~~\$78,000~~) \$58,000 of the general fund-state appropriation for fiscal year 2018 and (~~\$78,000~~) \$98,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund-State Appropriation (FY 2018) (~~\$2,505,000~~)

General Fund-State Appropriation (FY 2019) (~~\$2,603,000~~)
\$2,789,000

Pension Funding Stabilization Account-State
Appropriation..... \$230,000

TOTAL APPROPRIATION..... ~~\$5,108,000~~
\$5,466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$96,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2288 (history day program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) The Washington state historical society must transfer the management and operations of the historic Lord mansion in Olympia to The Evergreen State College by July 1, 2018. The department of enterprise services must facilitate and approve the transfer. If the Lord mansion management and operations are not transferred to The Evergreen State College by June 30, 2019, then the department of enterprise services must begin administering the management and operations of the property on July 1, 2019.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund-State Appropriation (FY 2018) (~~\$1,991,000~~)
\$1,925,000

General Fund-State Appropriation (FY 2019) (~~\$2,044,000~~)
\$2,091,000

Pension Funding Stabilization Account-State
Appropriation..... \$213,000

TOTAL APPROPRIATION..... ~~\$4,035,000~~
\$4,229,000

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2018) (~~(\$1,133,223,000)~~)
\$1,115,140,000

General Fund—State Appropriation (FY 2019) (~~(\$1,190,324,000)~~)
\$1,158,352,000

State Building Construction Account—State Appropriation \$6,456,000

Columbia River Basin Water Supply—State Appropriation \$79,000

State Taxable Building Construction Account—State Appropriation \$376,000

Debt-Limit Reimbursable Bond Retire Account—State

Appropriation \$570,000

TOTAL APPROPRIATION.... ~~\$2,331,028,000~~
\$2,280,973,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2017 3rd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2018) \$1,400,000

General Fund—State Appropriation (FY 2019) \$1,400,000

~~((Hood Canal Aquatic Rehabilitation State Appropriation..... \$1,000))~~

State Building Construction Account—State

Appropriation \$2,191,000

Columbia River Basin Water Supply—State Appropriation \$58,000

Columbia River Basin Taxable Bond Water

Supply—State Appropriation....\$14,000

State Taxable Building Construction Account—State

Appropriation\$150,000

TOTAL APPROPRIATION.....~~\$5,214,000~~
\$5,213,000

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(a) John Weiler, claim number 99970144\$7,975

(b) Samson Asfaw, claim number 99970145.....\$18,873

(c) Kevon Turner, claim number 99970147.....\$9,750

(d) Arthur Eshe, claim number 99970148\$12,900

(e) Woody J. Pierson, claim number 99970235.....\$19,789

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074\$79,000

Sec. 704. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2018)\$36,386,000

General Fund-State Appropriation (FY 2019) \$36,386,000

TOTAL APPROPRIATION..... \$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2018	FY 2019	2017-2019 Biennium
(Adams County Health District)) Adams County Integrate d Health Care Services	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin Health District	\$1,614,337	\$1,614,337	\$3,228,674
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
(Clark County Health District)) Clark County Public Health	\$1,767,341	\$1,767,341	\$3,534,682
(Skamania County Health Department	\$111,327	\$111,327	\$222,654

Skamania County Community Health			
(Columbia County Health District)) Columbia County Public Health	\$119,991	\$119,991	\$239,982
(Cowlitz County Health Department)) Cowlitz County Health and Human Services	\$477,981	\$477,981	\$955,962
Garfield County Health District	\$93,154	\$93,154	\$186,308
Grant County Health District	\$297,761	\$297,761	\$595,522
(Gray Harbor Health Department)) Grays Harbor Public Health and Social Services	\$335,666	\$335,666	\$671,332
(Island County Health Department)) Island County Public Health	\$255,224	\$255,224	\$510,448
(Jefferson County Health and Human	\$184,080	\$184,080	\$368,160

Services)) <u>Jefferson</u> <u>County</u> <u>Public</u> <u>Health</u>				Lincol n County Health Departmen t	\$113, 917	\$113, 917	\$227, 834
(Seat tle King <u>County</u> <u>Departmen</u> <u>t</u> of <u>Public</u> <u>Health</u>) <u>Public</u> <u>Health</u> - <u>Seattle &</u> <u>King</u> <u>County</u>	\$12,6 85,521	\$12,6 85,521	\$25,3 71,042	(Mase n County <u>Departmen</u> <u>t</u> of <u>Health</u> <u>Services</u>)) <u>Mason</u> <u>County</u> <u>Public</u> <u>Health</u> <u>and Human</u> <u>Services</u>	\$227, 448	\$227, 448	\$454, 896
(Brem erton <u>Kitsap</u> <u>County</u> <u>Health</u> <u>District</u>)) <u>Kitsap</u> <u>Public</u> <u>Health</u> <u>District</u>	\$997, 476	\$997, 476	\$1,99 4,952	(Okan ogan <u>County</u> <u>Health</u> <u>District</u>)) <u>Okanogan</u> <u>County</u> <u>Public</u> <u>Health</u>	\$169, 882	\$169, 882	\$339, 764
(Kitt itas <u>County</u> <u>Health</u> <u>Departmen</u> <u>t</u>) <u>Kittitas</u> <u>County</u> <u>Public</u> <u>Health</u>	\$198, 979	\$198, 979	\$397, 958	(Paci fic <u>County</u> <u>Health</u> <u>Departmen</u> <u>t</u>) <u>Pacific</u> <u>County</u> <u>Health</u> <u>and Human</u> <u>Services</u>	\$169, 075	\$169, 075	\$338, 150
(Klick itat <u>County</u> <u>Health</u> <u>Departmen</u> <u>t</u>) <u>Klickitat</u> <u>County</u> <u>Public</u> <u>Health</u>	\$153, 784	\$153, 784	\$307, 568	Tacoma -Pierce County Health Departmen t	\$4,14 3,169	\$4,14 3,169	\$8,28 6,338
(Lewis County <u>Health</u> <u>Departmen</u> <u>t</u>) <u>Lewis</u> <u>County</u> <u>Public</u> <u>Health</u> <u>and</u> <u>Social</u> <u>Services</u>	\$263, 134	\$263, 134	\$526, 268	San Juan County Health and Community Services	\$126, 569	\$126, 569	\$253, 138
				(Skag it County <u>Health</u> <u>Departmen</u> <u>t</u>) <u>Skagit</u> <u>County</u>	\$449, 745	\$449, 745	\$899, 490

<u>Public Health</u>			
Snohomish Health District	\$3,433,291	\$3,433,291	\$6,866,582
(Spokane County Health District)	\$2,877,318	\$2,877,318	\$5,754,636
(Thurston County Health Department)	\$1,046,897	\$1,046,897	\$2,093,794
(Wahkiakum County Health Department)	\$93,181	\$93,181	\$186,362
(Walla Walla County City Health Department)	\$302,173	\$302,173	\$604,346

Whatcom County Health Department	\$1,214,301	\$1,214,301	\$2,428,602
(Whitman County Health Department)	\$189,355	\$189,355	\$378,710
Yakima Health District	\$1,052,482	\$1,052,482	\$2,104,964
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000

Sec. 705. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund—State Appropriation (FY 2018)	\$5,000,000
TOTAL APPROPRIATION	\$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the cancer research endowment program.

Sec. 706. 2017 3rd sp.s. c 1 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT

Dedicated Marijuana Account—State Appropriation (FY 2018)	(\$352,000)
Dedicated Marijuana Account—State Appropriation (FY 2019)	\$352,000
TOTAL APPROPRIATION	\$704,000
	<u>\$3,004,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 707. 2017 3rd sp.s. c 1 s 721 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT

General Fund—State Appropriation (FY 2018)	\$691,000
General Fund—State Appropriation (FY 2019)	(\$744,000)
	<u>\$3,043,000</u>
TOTAL APPROPRIATION.....	<u>\$1,435,000</u>
	<u>\$3,734,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

Sec. 708. 2017 3rd sp.s. c 1 s 723 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—LEASE COST POOL

General Fund—State Appropriation (FY 2018)	\$9,712,000
General Fund—State Appropriation (FY 2019)	<u>\$8,000,000</u>
General Fund—Federal Appropriation	\$2,431,000
TOTAL APPROPRIATION.....	<u>\$12,143,000</u>
	<u>\$20,143,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account created in section 949 of this act for state agency office relocation costs as shown in LEAP omnibus document (~~LEAS-2017~~) LEAS-2018, dated (~~March 14, 2017~~) February 20, 2018, which is hereby incorporated by reference. To

facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus document LEAS-2017, dated March 14, 2017, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$2,431,000 to the lease cost pool in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account in an amount not to exceed the actual costs for the office relocations.

NEW SECTION. Sec. 709. The following acts or parts of acts are each repealed:

- (1) 2017 3rd sp.s. c 1 s 726 (uncodified);
- (2) 2017 3rd sp.s. c 1 s 727 (uncodified);
- (3) 2017 3rd sp.s. c 1 s 728 (uncodified);
- (4) 2017 3rd sp.s. c 1 s 729 (uncodified);
- (5) 2017 3rd sp.s. c 1 s 730 (uncodified);
- (6) 2017 3rd sp.s. c 1 s 731 (uncodified);
- (7) 2017 3rd sp.s. c 1 s 732 (uncodified);
- (8) 2017 3rd sp.s. c 1 s 733 (uncodified);
- (9) 2017 3rd sp.s. c 1 s 734 (uncodified);
- (10) 2017 3rd sp.s. c 1 s 735 (uncodified);
- (11) 2017 3rd sp.s. c 1 s 736 (uncodified); and
- (12) 2017 3rd sp.s. c 1 s 737 (uncodified).

NEW SECTION. Sec. 710. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**PAID FAMILY LEAVE**

General Fund—State Appropriation (FY 2019)	\$1,013,000
General Fund—Federal Appropriation.....	\$85,000

General Fund-Private/Local
 Appropriation\$7,000
 Dedicated Funds and Accounts
 Appropriation\$221,000
 TOTAL APPROPRIATION.....\$1,326,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for employer payment of employee family and medical leave premiums as shown in LEAP Document G2F 2018 dated February 15, 2018.

NEW SECTION. Sec. 711. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund-State Appropriation (FY 2018)\$3,000
 General Fund-State Appropriation (FY 2019)\$4,000
 General Fund-Federal
 Appropriation\$2,000
 TOTAL APPROPRIATION.....\$9,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92C-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 712. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-STATE AUDITOR AUDIT SERVICES**

General Fund-State Appropriation (FY 2018)\$1,000
 General Fund-State Appropriation (FY 2019)\$4,000
 General Fund-Federal
 Appropriation\$3,000
 TOTAL APPROPRIATION.....\$8,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency

appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92D-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 713. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund-State Appropriation (FY 2018).....\$112,000
 General Fund-State Appropriation (FY 2019).....\$187,000
 General Fund-Federal
 Appropriation.....\$32,000
 General Fund-Private/Local
 Appropriation.....\$2,000
 Other Appropriated Funds\$103,000
 TOTAL APPROPRIATION.....\$436,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92E-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 714. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-ADMINISTRATIVE HEARINGS**

General Fund-State Appropriation (FY 2018).....(\$37,000)
 General Fund-State Appropriation (FY 2019).....(\$318,000)
 General Fund-Federal
 Appropriation.....(\$259,000)
 General Fund-Private/Local
 Appropriation.....\$27,000
 Other Appropriated Funds ...\$2,646,000
 TOTAL APPROPRIATION.....\$2,059,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92G-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 715. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2018)	\$453,000
General Fund—State Appropriation (FY 2019)	\$367,000
General Fund—Federal Appropriation	\$245,000
General Fund—Private/Local Appropriation	\$25,000
Other Appropriated Funds.....	\$495,000
TOTAL APPROPRIATION.....	\$1,585,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the central technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92J-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 716. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—DEPARTMENT OF ENTERPRISE SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2018)	\$10,000
General Fund—State Appropriation (FY 2019)	\$538,000
General Fund—Federal Appropriation	\$111,000

General Fund—Private/Local Appropriation.....	\$20,000
Other Appropriated Funds	\$349,000
TOTAL APPROPRIATION.....	\$1,028,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92K-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 717. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF FINANCIAL MANAGEMENT CENTRAL SERVICES**

General Fund—State Appropriation (FY 2018).....	\$3,000
General Fund—State Appropriation (FY 2019).....	\$1,757,000
General Fund—Federal Appropriation.....	\$452,000
General Fund—Private/Local Appropriation.....	\$43,000
Other Appropriated Funds	\$728,000
TOTAL APPROPRIATION.....	\$2,983,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to new billing authority for central service functions performed by the office of financial management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document 92R-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 718. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES FEE FOR SERVICE ADJUSTMENT**

General Fund—State Appropriation (FY 2018).....	\$282,000
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General Fund-State Appropriation (FY 2019) \$570,000
 General Fund-Federal Appropriation \$228,000
 General Fund-Private/Local Appropriation \$36,000
 Other Appropriated Funds..... \$559,000
 TOTAL APPROPRIATION..... \$1,675,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document GZC-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 719. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-DEPARTMENT OF ENTERPRISE SERVICES RATE COMPENSATION ADJUSTMENTS**

General Fund-State Appropriation (FY 2018) (\$5,000)
 General Fund-State Appropriation (FY 2019) \$572,000
 General Fund-Federal Appropriation \$112,000
 General Fund-Private/Local Appropriation \$15,000
 Other Appropriated Funds..... \$298,000
 TOTAL APPROPRIATION..... \$992,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified in LEAP omnibus document GZH-2018, dated February 20, 2018, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 720. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**

General Fund-State Appropriation (FY 2019)\$2,900,000
 Special Retirement Contribution Increase Revolving
 Account-State Appropriation.....(\$1,900,000)
 TOTAL APPROPRIATION.....\$1,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies for costs of revised eligibility criteria for the public safety employees' retirement system as provided in Substitute House Bill No. 1558 (public safety employees retirement system membership). If the bill is not enacted by June 30, 2018, the appropriations in this section shall lapse.

NEW SECTION. Sec. 721. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-PERS AND TRS PLANS 1 MINIMUM BENEFITS**

General Fund-State Appropriation (FY 2019)\$7,200,000
 Special Retirement Contribution Increase Revolving
 Account-State Appropriation \$2,000,000
 TOTAL APPROPRIATION.....\$9,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies and school districts for costs of a one-time, ongoing increase to the minimum benefit and the alternative minimum benefit in the public employees' retirement system and the teachers' retirement system plans 1. If a bill is not enacted by June 30, 2018, to implement the increase in these minimum benefits, the appropriations in this section shall lapse.

NEW SECTION. Sec. 722. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**COMPENSATION-STATE EMPLOYEES INSURANCE BENEFITS**

General Fund-State Appropriation (FY 2019)(\$14,036,000)
 General Fund-Federal Appropriation(\$3,012,000)
 General Fund-Private/Local Appropriation(\$284,000)

Dedicated Funds and Accounts
Appropriation (\$7,242,000)

TOTAL APPROPRIATION..... (\$24,574,000)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for state employee health benefits for state agencies, including institutions of higher education, and are subject to the conditions and limitations in sections 903 and 904 of this act. Appropriations in this act for state agencies, including institutions of higher education, are increased by the amounts specified in LEAP omnibus document GLS 2018 dated February 15, 2018.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2017 3rd sp.s. c 1 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions.. (~~(\$9,731,000)~~)
\$9,730,000

General Fund Appropriation for prosecuting attorney

distributions..... (~~(\$6,786,000)~~)
\$6,643,000

General Fund Appropriation for boating safety and

education distributions.... \$4,000,000

General Fund Appropriation for public utility district excise tax

distributions (~~(\$60,611,000)~~)
\$30,230,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies..... (~~(\$3,556,000)~~)
\$3,135,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distribution \$140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties..... (~~(\$77,367,000)~~)
\$68,009,000

County Criminal Justice Assistance Appropriation..... (~~(\$96,145,000)~~)

\$93,628,000

Municipal Criminal Justice Assistance Appropriation..... (~~(\$38,126,000)~~)

\$36,908,000

City-County Assistance Appropriation.....\$27,160,000

Liquor Excise Tax Account Appropriation for liquor

excise tax distribution...\$56,058,000

Streamlined Sales and Use Tax Mitigation Account

Appropriation for distribution to local taxing

jurisdictions to mitigate the unintended revenue

redistributions effect of sourcing law changes..... (~~(\$20,012,000)~~)
\$20,549,000

Columbia River Water Delivery Account Appropriation

for the Confederated Tribes of the Colville

Reservation\$8,074,000

Columbia River Water Delivery Account Appropriation

for the Spokane Tribe of Indians.....\$5,402,000

Liquor Revolving Account Appropriation for liquor

profits distribution\$98,876,000

General Fund Appropriation for other tax

distributions\$80,000

General Fund Appropriation for Marijuana Excise

Tax distributions (~~(\$12,000,000)~~)
\$30,000,000

General Fund Appropriation for Habitat Conservation

Program distributions\$5,347,000

TOTAL APPROPRIATION.....~~\$529,471,000~~
\$485,969,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account: For transfer to

the state general fund, \$4,450,000 for fiscal

year 2018 and \$4,450,000 for fiscal year 2019 \$8,900,000

Dedicated Marijuana Account: For transfer to

the basic health plan trust account, the lesser

of the amount determined pursuant to RCW 69.50.540

or this amount plus \$40,494,000 for fiscal year

2018, (~~(\$170,000,000)~~) \$226,654,000 and this

amount for fiscal year 2019,

(~~(\$180,000,000)~~)
\$194,000,000 (~~(\$350,000,000)~~)

\$420,654,000

Dedicated Marijuana Account: For transfer to

the state general fund, the lesser of the amount

determined pursuant to RCW 69.50.540 or this amount

for fiscal year 2018, (~~(\$120,000,000)~~) \$130,000,000

and this amount for fiscal year 2019,

(~~(\$130,000,000)~~)
\$137,000,000 (~~(\$239,239,000)~~)

\$267,000,000

Aquatic Lands Enhancement Account: For transfer to

the clean up settlement account as repayment of

the loan provided in section 3022(2) chapter 2,

Laws of 2012, 2nd sp. sess. (ESB 6074 2012

supplemental capital budget), \$620,000 for fiscal

year 2018 and \$620,000 for fiscal year 2019.....\$1,240,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed the

actual amount of the annual base payment to the

tobacco settlement account for fiscal year 2018.....\$101,639,000

Tobacco Settlement Account: For transfer to the

state general fund, in an amount not to exceed the

actual amount of the annual base payment to the

tobacco settlement account for fiscal year 2019.....\$101,639,000

State Toxics Control Account: For transfer to the

cleanup settlement account as repayment of the

loan provided in section 3022(2) chapter 2,

Laws of 2012, 2nd sp. sess. (ESB 6074, 2012

supplemental capital budget), \$620,000 for

fiscal year 2018 and \$620,000 for fiscal

year 2019.....\$1,240,000

General Fund: For transfer to the streamlined sales

and use tax account, (~~(\$11,171,000)~~) \$12,877,000

for fiscal year 2018 and (~~(\$8,641,000)~~) \$7,672,000

for fiscal year 2019..~~(\$20,012,000)~~

\$20,549,000

Aerospace Training and Student Loan Account: For

transfer to the state general fund,
\$750,000

for fiscal year 2018 and \$750,000 for
fiscal

year 2019.....\$1,500,000

Disaster Response Account: For
transfer to the state

general fund, \$42,000,000 for fiscal
year 2018\$42,000,000

State Treasurer's Service Account: For
transfer to the state

general fund, \$6,000,000 for fiscal
year 2018 and

\$6,000,000 for fiscal year
2019\$12,000,000

Statewide Information Tech System
Maintenance and

Operations Revolving Account: For
transfer to the

consolidated technology services
revolving account,

\$5,500,000 for fiscal year
2018\$5,500,000

General Fund: For transfer to the
family and medical

leave insurance account as start-up
costs for

the family and medical leave insurance
program

pursuant to enactment of Substitute
House Bill

No. 1116 (family and medical leave
insurance),

Senate Bill No. 5975 (paid family and
medical

leave insurance), or Senate Bill No.
5032

(family and medical leave insurance),

\$82,000,000 for fiscal year
2018\$82,000,000

Family and Medical Leave Insurance
Account: For

transfer to the General Fund as
repayment for

start-up costs for the family and
medical leave

insurance program pursuant to
implementation of

Substitute House Bill No. 1116 (family
and

medical leave insurance), Senate Bill
No. 5975

(paid family and medical leave
insurance),

or Senate Bill No. 5032 (family and
medical

leave insurance), the lesser of the
amount

determined by the treasurer for full
repayment

of the \$82,000,000 transferred from
the general

fund in fiscal year 2018 for start-up
costs

with any related interest or this
amount for

fiscal year 2019,
\$90,000,000.....\$90,000,000

Public Works Assistance Account: For
transfer to the

education legacy trust account,
\$136,998,000 for

fiscal year 2018 and \$117,017,000 for
fiscal

year 2019.....\$254,015,000

General Fund: For transfer to the
firearms range

account for fiscal year 2018..\$75,000

Death Investigations Account: For
transfer to

the state general fund, \$1,186,000 for
fiscal year 2018.....\$1,186,000

New Motor Vehicle Arbitration Account:
For transfer

to the state general fund, \$2,000,000
for fiscal

year 2018.....\$2,000,000

Local Toxics Control Account: For
transfer to the

state toxics control account,
\$9,000,000 for

fiscal year 2018 and \$12,000,000 for
fiscal

year 2019.....\$21,000,000

Flood Control Assistance Account: For
transfer to

the state general fund, \$1,000,000 for fiscal

year 2018 and \$1,000,000 for fiscal year 2019 \$2,000,000

State Toxics Control Account: For transfer to water

pollution control revolving account, \$3,000 for

fiscal year 2018..... \$3,000

Aquatic Lands Enhancement Account: For transfer to

the geoduck aquaculture research account for

fiscal year 2019..... \$200,000

General Fund: For transfer to the basic education

account for fiscal year 2018 \$105,200,000

The amount transferred represents the monetary

sanctions accrued from August 13, 2015, through

June 30, 2018, under the order of the state supreme

court of August 13, 2015, in *McCleary v. State*.

General Fund: For transfer to the disaster response

account for fiscal year 2018 \$51,000,000

Oil Spill Response Account: For transfer to the oil

spill prevention account for fiscal year 2018,

to be transferred no later than April 1, 2018 \$4,721,000

General Fund: For transfer to the Washington

internet crimes against children account for fiscal

year 2018..... \$3,000,000

Funeral and Cemetery Account: For transfer to the

skeletal human remains assistance account for fiscal

year 2018..... \$15,000

PART IX

MISCELLANEOUS

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES—SUPER COALITION—INSURANCE BENEFITS

An agreement was reached for the 2017-2019 biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$926 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes

to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES
OUTSIDE SUPER COALITION—INSURANCE
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$926 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use

tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$926 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse

or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment. All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar year ~~((s))~~ 2018 ~~((and 2019))~~, the subsidy shall be up to \$150 per month. For calendar year 2019, the subsidy shall be up to \$168 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month in calendar year 2018, and \$168 in calendar year 2019. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and ~~((~~\$68.67~~))~~ \$71.08 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and ~~((~~\$68.67~~))~~ \$71.08 beginning September 1, 2018, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 905. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650. During the 2017-19 biennium, expenditures from the account may also be used for grants to local governments and federally recognized tribes to provide high-speed, open access broadband services to rural and underserved communities. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, 2020.

Sec. 906. RCW 28B.20.476 and 2013 2nd sp.s. c 4 s 960 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 907. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

**INITIATIVE 732 COST-OF-LIVING
INCREASES**

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1, 2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and ~~((seven-tenths of a))~~ one percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of ~~((one))~~ seven-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 908. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment

of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this obligation.

Sec. 909. RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund any distribution in 2019 and 2021 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

Sec. 910. RCW 69.50.530 and 2016 sp.s. c 36 s 942 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 and 2017-2019 fiscal ~~((biennium))~~ biennia, the legislature

may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse

institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d) (i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; ~~((and))~~

(ii) ~~((Three hundred fifty one thousand seven hundred fifty))~~ Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health~~((. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium))~~;

(iii) Two million eight hundred three thousand dollars for fiscal year 2019 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium; and

(iv) One hundred eighty thousand dollars for fiscal year 2019 to the department of ecology for accreditation of marijuana product testing laboratories. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium.

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the

fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are

physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed ~~((six))~~ fifteen million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ~~((six))~~ fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 912. RCW 70.105D.070 and 2017 3rd sp.s. c 1 s 980 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical

assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Stormwater pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the ((2015-2017 and)) 2017-2019 fiscal ((biennia)) biennium, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

~~(u) ((During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;~~

~~(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;~~

~~(w)) During the ((2015-2017 and)) 2017-2019 fiscal ((biennia)) biennium, for the University of Washington Tacoma soil remediation project; and~~

~~((x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;~~

~~(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control~~

~~account may be transferred to the radioactive mixed waste account; and~~

~~(z))~~ (v) For the ((2015-2017 and)) 2017-2019 fiscal ((biennia)) biennium, forest practices regulation at the department of natural resources.

(4) (a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under ((~~(e)~~)) (c) (i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under ((~~(e)~~)) (c) (iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Stormwater pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the

priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

~~(c) ((During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government stormwater planning and implementation activities.~~

~~(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.~~

~~(e))~~ To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government

acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under ~~((e))~~ (c)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

~~((f))~~ (d) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. ~~((For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.))~~

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or ~~((after January 1, 2010, for))~~ projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) ~~((Except during the 2011-2013 and the 2015-2017 fiscal biennia,))~~ One percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through

interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

~~(10) ((During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the stormwater financial assistance program administered by the department of ecology.~~

~~(11))~~ During the 2017-2019 biennium:

(a) The state toxics control account, the local toxics control account, and the environmental legacy stewardship account may be used for interchangeable purposes and funds may be transferred between accounts to accomplish those purposes.

(b) The legislature may direct the state treasurer to make transfers of moneys in the state toxics control account to the water pollution control revolving account.

Sec. 913. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or

recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County

Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County

Adams	((1,235)) <u>1,817</u>
Asotin	((26,425)) <u>38,891</u>
Chelan	((39,858)) <u>58,661</u>
Columbia	((20,713)) <u>30,485</u>
Ferry	((22,798)) <u>33,554</u>
Garfield	((12,744)) <u>18,757</u>
Grant	((71,930)) <u>105,865</u>
Kittitas	((382,639)) <u>563,154</u>
Klickitat	((51,019)) <u>75,088</u>
Lincoln	((13,000)) <u>19,133</u>
Okanogan	((264,036)) <u>388,600</u>
Pend Oreille	((5,546)) <u>8,162</u>
Yakima	((186,056)) <u>273,831</u>

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

Sec. 914. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the ~~((2013-2015, 2015-2017, and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine

resource advisory council and the Washington coastal marine advisory council. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.))~~

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) ~~((After January 1, 2010,))~~ Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda

developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 915. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. ~~((At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account.))~~ Each biennium ~~((thereafter))~~ the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account ~~((, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account))~~. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.))~~ During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the flood control assistance account to the state general fund.

Sec. 916. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the ~~((2015-2017))~~ 2017-2019 biennium, the legislature may transfer up to ~~((two million two hundred twenty-five))~~ four million seven hundred twenty-one thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

Sec. 917. RCW 18.39.810 and 2009 c 102 s 24 are each amended to read as follows:

The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 biennium, the legislature may transfer

moneys from the funeral and cemetery account to the skeletal human remains assistance account.

NEW SECTION. Sec. 918. A new section is added to chapter 28A.150 RCW to read as follows:

The basic education account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues to the account consist of moneys transferred to the account pursuant to legislative directive. The legislature may appropriate from the account only for purposes of the state's program of basic education as defined in RCW 28A.150.220.

NEW SECTION. Sec. 919. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) The legislature finds that the frequency and severity of natural disasters are taking a toll on states and their budgets and has stressed federal agencies and their capacity to respond. While the highest priority in preparing for and responding to disasters is saving lives, defining, protecting, and restoring critical infrastructure is crucial to saving lives and helping people and communities recover and rebuild.

(2) The joint legislative task force on critical infrastructure is established with membership as follows:

(a) The chair and ranking minority member of the senate committees on: (i) State government, tribal relations, and elections; and (ii) energy, environment, and technology;

(b) One member from each of the two largest caucuses in the senate appointed by the president of the senate;

(c) The chair and ranking minority member of the house of representative committees on: (i) Community development, housing, and tribal affairs; and (ii) public safety; and

(d) One member from each of the two largest caucuses in the house of representatives appointed by the speaker.

(3) The task force shall choose a chair or co-chairs from among its members. The chair of the senate state government, tribal relations, and elections committee and the chair of the house of representatives community development,

housing, and tribal affairs committee will convene the first meeting of the task force.

(4) The task force must, among other things:

(a) Make a recommendation for funding an all hazard mitigation analysis;

(b) Analyze levels of insurance and the viability of parametric insurance;

(c) Review current approaches and plans for reducing loss of life, mitigating property losses, and recovering and rebuilding in the event of a natural disaster or other catastrophe;

(d) Define critical infrastructure that must be protected and restored in order to reduce loss of life, mitigate property losses, and enable communities to recover and rebuild in the event of a natural disaster or other catastrophe; and

(e) Make findings and recommendations, including proposed legislation if applicable, on protecting and restoring critical infrastructure in the event of a natural disaster or other catastrophe.

(5) The task force should seek input broadly, particularly from experts at all levels of government, tribes, and the private sector, and include both standard and innovative approaches to rebuild and recover, including financing these efforts. Examples of monetary assistance includes federal disaster programs for public and private recovery efforts, state and local bonding for public infrastructure, and insurance, including parametric insurance policies.

(6) The task force will be staffed by the house office of program research and senate committee services.

(7) The task force shall report its findings and any recommendations or proposed legislation to the committees identified in subsection (2)(a) and (c) of this section by December 15, 2018.

(8) This section expires on December 31, 2018.

Sec. 920. 2017 c 290 s 2 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on sexual assault forensic examination best practices is established for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations

and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016;

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by December 1st of the following year.

(9) This section expires June 30, (~~2018~~) 2019.

NEW SECTION. **Sec. 921.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 922.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Ormsby spoke in favor of the adoption of the striking amendment.

Representative Chandler spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

The striking amendment (1195) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ormsby, Robinson, Chapman and Sullivan spoke in favor of the passage of the bill.

Representatives Chandler, Kraft, Nealey, MacEwen, Walsh and Taylor spoke against the passage of the bill.

MOTION

On motion of Representative Hayes, Representatives DeBolt and Wilcox were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6032, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 46; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweiler, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representatives DeBolt and Wilcox.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 26, 2018

HB 2283 Prime Sponsor, Representative DeBolt: Encouraging investment in and reducing the costs of transitioning to the clean energy future. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology & Economic Development. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Orcutt, Ranking Minority Member; Dolan; Nealey; Pollet; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2395 Prime Sponsor, Representative Tharinger: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Doglio,

Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2988 Prime Sponsor, Representative Tharinger: Concerning the distribution of state forestland revenues for certain former state forestlands. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 24, 2018

HB 2993 Prime Sponsor, Representative Sullivan: Transferring nine hundred ninety-five million eight hundred two thousand dollars from the budget stabilization account to the state general fund to offset the revenue impact of reducing the combined rate for state property tax levies to 2.365 dollars per thousand dollars of assessed value for taxes levied for collection in calendar year 2019 and to two dollars and thirty cents per thousand dollars of assessed value for taxes levied for collection in calendar year 2020. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta; Nealey; Stokesbary and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2995 Prime Sponsor, Representative Tarleton: Concerning Washington's clean, affordable, and reliable energy future. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Nealey; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta; Stokesbary and Wilcox.

Referred to Committee on Appropriations.

February 26, 2018

HB 2998 Prime Sponsor, Representative Robinson: Providing a business and occupation tax exemption for accountable communities of health. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Orcutt, Ranking Minority Member; Condotta; Dolan; Nealey; Pollet; Springer; Stokesbary; Wilcox and Wylie.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 5513 Prime Sponsor, Committee on Ways & Means: Increasing tax exemption transparency and accountability. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the legislature's intent to incorporate a more explicit recognition of the fiscal impact of tax preferences on the state budget. This act reforms the tax preference expenditure process by explicitly including the fiscal impact of tax preference expenditures in the budget outlook document that is created as part of the biennial state budget process. This brings tax expenditures into the state budget process to protect the public's interest, make them more transparent and accountable, and help ensure they are producing results to meet the priorities of government.

Sec. 2. RCW 43.06.400 and 2013 c 225 s 605 are each amended to read as follows:

(1) Beginning in January ~~((1984))~~ 2019, and in January of every ~~((fourth))~~ second year thereafter, the department of revenue must submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government

collected by the state as a result of tax ~~((exemptions))~~ preferences. The listing must include an estimate of the revenue lost from the tax ~~((exemption))~~ preference, the purpose of the tax ~~((exemption))~~ preference, the persons, organizations, or parts of the population which benefit from the tax ~~((exemption))~~ preference, recommendations by the legislative auditor and citizen commission for performance measurement of tax preferences for any review of the tax preference under chapter 43.136 RCW, and whether or not the tax ~~((exemption))~~ preference conflicts with another state program. The listing must include but not be limited to the following revenue sources:

(a) Real and personal property tax exemptions under Title 84 RCW;

(b) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;

(c) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;

(d) Public utility tax exemptions and deductions under chapter 82.16 RCW;

(e) Food fish and shellfish tax exemptions under chapter 82.27 RCW;

(f) Leasehold excise tax exemptions under chapter 82.29A RCW;

(g) Motor vehicle and special fuel tax exemptions and refunds under chapter 82.38 RCW;

(h) Aircraft fuel tax exemptions under chapter 82.42 RCW;

(i) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and

(j) Insurance premiums tax exemptions under chapter 48.14 RCW.

(2) The department of revenue must prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

(3) The department of revenue must present the listing to the ways and means committees of each house in public hearings.

(4) Beginning in January ~~((1984))~~ 2019, and every ~~((four))~~ two years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to

the legislature with respect to the repeal or modification of any tax (~~exemption. The ways and means committees of each house and the appropriate standing committee of each house must hold public hearings and take appropriate action on the recommendations submitted by the governor~~) preference.

(5) As used in this section, "tax (~~exemption~~) preference" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

~~((6) For purposes of the listing due in January 2012, the department of revenue does not have to prepare or update the listing with respect to any tax exemption that would not be likely to increase state revenue if the exemption was repealed or otherwise eliminated.))~~

NEW SECTION. Sec. 3. By November 1, 2018, the office of financial management must conduct discussions with the committee on finance in the house of representatives and the committee on ways and means in the senate to recommend the appropriate means to advance the transparency of discretionary tax preferences and consideration of their impact in budgeting through disclosure in the budget outlook pursuant to RCW 82.33.060 and the budget documents submitted to the Legislature pursuant to RCW 43.88.030. The recommendations may include, but are not limited to: (1) how to set minimum thresholds for inclusion based on the amount of revenue foregone by a tax preference in the biennium covered by the four year forecast; (2) whether there has been a review by the joint legislative audit and review committee or the citizen for performance measurement of tax preferences; and (3) how best to determine and publicly share the return on investment by the state for the identified tax preferences."

Correct the title.

Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta; Stokesbary and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Referred to Committee on Rules for second reading.

February 26, 2018

3SSB 5576 Prime Sponsor, Committee on Transportation: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 5746 Prime Sponsor, Committee on State Government, Tribal Relations & Elections: Concerning the association of Washington generals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended by Committee on State Government, Elections & Information Technology as further amended by Committee on Transportation.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.15.030 and 2005 c 69 s 1 are each amended to read as follows:

(1) The association of Washington generals is organized as a private, nonprofit, nonpartisan(~~(7)~~) corporation in accordance with chapter 24.03 RCW and this section.

(2) The purpose of the association of Washington generals is to:

(a) Provide the state a means of extending formal recognition for an individual's outstanding services to the state; (~~and~~)

(b) Bring together those individuals to serve the state as ambassadors of trade, tourism, and international goodwill; and

(c) Expand educational, sports, and/or employment opportunities for youth, veterans, and people with disabilities in Washington state.

(3) The association of Washington generals may conduct activities in

support of their mission, including but not limited to:

(a) Establishing selection criteria for selecting Washington generals;

~~(b) ((Operating a statewide essay competition,~~

~~(c))~~ Training Washington generals as ambassadors of the state of Washington, nationally and internationally; and

~~((d))~~ (c) Promoting Washington generals as ambassadors of the state of Washington.

(4) The association of Washington generals is governed by a board of directors. The board is composed of the governor, lieutenant governor, and the secretary of state, who serve as ex officio, nonvoting members, and other officers and members as the association of Washington generals designates.

(5) The board shall:

(a) Review nominations for and be responsible for the selection of Washington generals; ~~(and)~~

(b) Establish the title of honorary Washington general to honor worthy individuals from outside the state of Washington; and

(c) Adopt bylaws and establish governance and transparency policies.

~~((5))~~ (6) The lieutenant governor's office may provide technical and financial assistance for the association of Washington generals, where the work of the association aligns with the mission of the office. Assistance from the lieutenant governor's office may include, but is not limited to:

(a) Collaboration with the association of Washington generals on the Washington world fellows program, a college readiness and study abroad fellowship administered by the office of the lieutenant governor;

(b) Beginning January 1, 2019, collaboration with the association of Washington generals to administer the sports mentoring program as established under section 3 of this act, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports; and

(c) The compilation of a yearly financial report, which shall be made available to the legislature no later

than January 15th of each year, detailing all revenues and expenditures associated with the Washington world fellows program and the sports mentoring program. Any expenditures made by the association of Washington generals in support of the Washington world fellows program and the sports mentoring program shall be made available to the office of the lieutenant governor for the purpose of inclusion in the annual financial report.

~~((6))~~ (7) The legislature may make appropriations in support of the Washington generals subject to the availability of funds.

(8) The office of the lieutenant governor must post on its web site detailed information on all funds received by the association of Washington generals and all expenditures by the association of Washington generals.

Sec. 2. RCW 46.68.420 and 2017 c 25 s 3 and 2017 c 11 s 4 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the

	Fred Hutchinson cancer research center		programs by lighthouse docents
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University	Music matters awareness	Promote music education in schools throughout Washington
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development	<u>Seattle Mariners</u>	<u>Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under section 3 of this act, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty- five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program</u>
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers		
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive	Seattle Seahawks	Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning

	<p>community; and (b) <u>twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships</u></p>	<p>Seattle University</p>	<p>the outstanding public service of individuals or groups in the state of Washington</p> <p>Fund scholarships for students attending or planning to attend Seattle University</p>
<p>Seattle Sounders FC</p>	<p>Provide funds to Washington state mentors and the association of Washington</p>	<p>Share the road</p>	<p>Promote bicycle safety and awareness education in communities throughout Washington</p>
	<p>generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington</p>	<p>Ski & ride Washington</p>	<p>Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs</p>
	<p>generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize</p>	<p>State flower</p>	<p>Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons</p>
	<p>Washington</p>	<p>Volunteer firefighters</p>	<p>Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need</p>
	<p>and to recognize</p>	<p>Washington farmers and ranchers</p>	<p>Provide funds to the Washington FFA Foundation for educational</p>

Washington state aviation programs in Washington state

Provide funds to the department of transportation to support infrastructure improvements at public use airports in Washington state

construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016

Washington state council of firefighters benevolent fund

Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need

Washington state wrestling

Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs

~~(Washington state council of firefighters benevolent fund~~

~~Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need)~~

Washington's national park fund

Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks

Washington tennis

Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for

We love our pets

Support and enable the Washington federation of animal welfare and control agencies

to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

NEW SECTION. Sec. 3. A new section is added to chapter 43.15 RCW to read as follows:

(1) The sports mentoring program is established to enable eligible nonprofit community-based organizations to provide opportunities for underserved youth to join sports teams or otherwise participate in the area of sports. The goal of the program is to support youth in building self-confidence, developing skills in the areas of goal setting and collaboration, and promoting a healthy lifestyle through forming positive relationships with peers and family, avoiding risky or delinquent behavior, and achieving educational success. Proceeds from the Seattle Mariners special license plate, issued under RCW 46.18.200, must be deposited into the Seattle Mariners account in accordance with RCW 46.68.420. Funds in the account may only be used, except as provided under RCW 46.68.420(6), for grants to support youth to stay in school, participate in sports, and receive mentorships.

(2) The office of lieutenant governor will collaborate with the association of Washington generals to issue competitive grants to eligible organizations. The following criteria must be used to prioritize applications:

(a) Services provided by the organization to program participants are provided without a fee;

(b) Eligible organizations must assist children with enrolling in sports through their parents, guardians, or coach; and

(c) Eligible organizations must provide professional staff support to the mentor, child, and parent.

(3) Eligible organizations must meet the following requirements:

(a) Be a 501(c)(3) nonprofit organization;

(b) Conduct national criminal background checks for all employees and volunteer mentors who work with children;

(c) Have adopted standards for care including staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards adopted;

(d) Ensure that sixty percent or more of the children they serve are eligible for free or reduced-price lunch;

(e) Provide free, direct services to children through volunteer mentoring; and

(f) Provide professional oversight of all mentoring relationships for each child served.

Sec. 4. RCW 46.17.220 and 2017 c 25 s 2 and 2017 c 11 s 3 are each reenacted and amended to read as follows:

~~((1))~~ In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
((a)) <u>(1)</u> 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
((b)) <u>(2)</u> Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
((c)) <u>(3)</u> Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
((d)) <u>(4)</u> Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
((e)) <u>(4)</u> Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
((f)) <u>(5)</u> Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
((g)) <u>(6)</u> Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
((h)) <u>(7)</u> Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
((i)) <u>(8)</u> Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
((j)) <u>(9)</u> Gonzaga University alumni	\$ 40.00	\$ 30.00	RCW 46.68.420

association	((k)) <u>(10)</u> Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
	((l)) <u>(11)</u> Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
	((m)) <u>(12)</u> Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
	((n)) <u>(13)</u> Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
	((o)) <u>(14)</u> Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
	((p)) <u>(15)</u> Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
	((q)) <u>Purple Heart</u>	\$ 40.00	\$ 30.00	RCW 46.68.425
	((r)) <u>(16)</u> Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
	<u>(17)</u> Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
	((s)) <u>(18)</u> Ride share	\$ 25.00	N/A	RCW 46.68.030
	((t)) <u>(19)</u> Seattle Mariners	\$ 40.00	\$ 30.00	RCW 46.68.420
	<u>(20)</u> Seattle Seahawks	\$ 40.00	\$ 30.00	RCW 46.68.420

((~~tt~~)) \$ \$ RCW
 (21) 40.00 30.00 46.68.420

Seattle
 Sounders
 FC

state
 wrestling

((~~vv~~)) \$ \$ RCW
 (22) 40.00 30.00 46.68.420

Seattle
 University

((~~gg~~)) \$ \$ RCW
 (33) 40.00 30.00 46.68.420
 Washington
 tennis

((~~ww~~)) \$ \$ RCW
 (23) Share 40.00 30.00 46.68.420
 the road

((~~hh~~)) \$ \$ RCW
 (34) 40.00 30.00 46.68.425
 Washington
 's fish
 collection

((~~xx~~)) \$ \$ RCW
 (24) Ski & 40.00 30.00 46.68.420
 ride
 Washington

((~~ii~~)) \$ \$ RCW
 (35) 40.00 30.00 46.68.420
 Washington
 's
 national
 parks

((~~yy~~)) \$ N/A RCW
 (25) 40.00 46.68.070
 Square
 dancer

((~~jj~~)) \$ \$ RCW
 (36) 40.00 30.00 46.68.425
 Washington
 's
 wildlife
 collection

((~~zz~~)) \$ \$ RCW
 (26) State 40.00 30.00 46.68.420
 flower

((~~aa~~)) \$ \$ RCW
 (27) 40.00 30.00 46.68.420
 Volunteer
 firefighte
 rs

((~~kk~~)) \$ \$ RCW
 (37) We 40.00 30.00 46.68.420
 love our
 pets

((~~bb~~)) \$ \$ RCW
 (28) 40.00 30.00 46.68.420
 Washington
 farmers
 and
 ranchers

((~~ll~~)) \$ \$ RCW
 (38) Wild 40.00 30.00 46.68.425
 on
 Washington

((~~cc~~)) \$ \$ RCW
 (29) 40.00 30.00 46.68.420
 Washington
 lighthouse
 s

~~((2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.)~~

((~~dd~~)) \$ \$ RCW
 (30) 40.00 30.00 46.68.420
 Washington
 state
 aviation

Sec. 5. RCW 46.18.200 and 2017 c 25 s 1 and 2017 c 11 s 2 are each reenacted and amended to read as follows:

((~~ee~~)) \$ \$ RCW
 (31) 40.00 30.00 46.68.425
 Washington
 state
 parks

(1) Special license plate series reviewed and approved by the department:

((~~ff~~)) \$ \$ RCW
 (32) 40.00 30.00 46.68.420
 Washington

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two

license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.
Fred Hutch	Displays the Fred Hutch logo.

Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
Music matters	Displays the "Music Matters" logo.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
<u>Seattle Mariners</u>	<u>Displays the "Seattle Mariners" logo.</u>
Seattle Seahawks	Displays the "Seattle Seahawks" logo.
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.
Seattle University	Recognizes Seattle University.
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.

Ski & ride Washington	Recognizes the Washington snowsports industry.		tennis in Washington state.
State flower	Recognizes the Washington state flower.	<u>Washington's fish collection</u>	<u>Recognizes Washington's fish.</u>
Volunteer firefighters	Recognizes volunteer firefighters.	Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.		
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.		
Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.	((Washington's fish collection	Recognizes Washington's fish.))
Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.	Washington's wildlife collection	Recognizes Washington's wildlife.
Washington state wrestling	Promotes and supports college wrestling in the state of Washington.	We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.
Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing	Wild on Washington	Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of

eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

Sec. 6. RCW 46.68.430 and 2010 c 161 s 811 are each amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220 ((1) (e) and (e)) (6);

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

SPECIAL LICENSE PLATE TYPE	ACCOUNT	PURPOSE
((Baseball stadium	A county	To pay the principal and interest payments on

~~bonds issued by the county to construct a baseball stadium, as defined in RCW 92.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 92.14.360. After the principal and interest payments on bonds have been made, the state treasurer shall credit the funds to the state general fund.)~~

Collegiate RCW Student
28B.10.890 scholarships

NEW SECTION. Sec. 7. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Mariners license plates" means special license plates issued under RCW 46.18.200 that display a symbol or artwork recognizing the Seattle Mariners.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 46.04.062 (Baseball stadium license plate) and 2010 c 161 s 105; and

(2) RCW 46.18.215 (Baseball stadium license plates) and 2011 c 332 s 3, 2010 c 161 s 614, 1997 c 291 s 5, 1995 3rd sp.s. c 1 s 102, 1994 c 194 s 2, & 1990 c 250 s 1.

NEW SECTION. Sec. 9. Sections 3 through 8 of this act take effect January 1, 2019."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Orcutt; Ortiz-Self; Pellicciotti; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Pike; Shea and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6012 Prime Sponsor, Committee on Transportation: Concerning requirements for the issuance of a driver's license that includes a veteran designation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Orcutt; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6034 Prime Sponsor, Committee on Energy, Environment & Technology: Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Technology & Economic Development. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey and Stokesbary.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6066 Prime Sponsor, Committee on Transportation: Exempting certain tow truck operators using the telephone call functionality of a wireless communications device from traffic infractions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.672 and 2017 c 334 s 1 are each amended to read as follows:

(1) A person who uses a personal electronic device while driving a motor vehicle on a public highway is guilty of a traffic infraction and must pay a fine as provided in RCW 46.63.110(3).

(2) Subsection (1) of this section does not apply to:

(a) A driver who is using a personal electronic device to contact emergency services;

(b) The use of a system by a transit system employee for time-sensitive relay communication between the transit system employee and the transit system's dispatch services;

(c) An individual employed as a commercial motor vehicle driver who uses a personal electronic device within the scope of such individual's employment if such use is permitted under 49 U.S.C. Sec. 31136 as it existed on July 23, 2017; and

(d) A person operating an authorized emergency vehicle.

(3) The state preempts the field of regulating the use of personal electronic devices in motor vehicles while driving, and this section supersedes any local laws, ordinances, orders, rules, or regulations enacted by any political subdivision or municipality to regulate the use of a personal electronic device by the operator of a motor vehicle.

(4) A second or subsequent offense under this section is subject to two times the penalty amount under RCW 46.63.110.

(5) For purposes of this section:

(a) "Driving" means to operate a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. "Driving" does not include when the vehicle has pulled over to the side of, or off of, an active roadway and has stopped in a location where it can safely remain stationary.

(b) "Personal electronic device" means any portable electronic device that is

capable of wireless communication or electronic data retrieval and is not manufactured primarily for hands-free use in a motor vehicle. "Personal electronic device" includes, but is not limited to, a cell phone, tablet, laptop, two-way messaging device, or electronic game. "Personal electronic device" does not include two-way radio, citizens band radio, or amateur radio equipment.

(c) "Use" or "uses" means:

(i) Holding a personal electronic device in either hand or both hands;

(ii) Using your hand or finger to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data; however, this does not preclude the minimal use of a finger to activate, deactivate, or initiate a function of the device; or

(iii) Watching video on a personal electronic device.

NEW SECTION. Sec. 2. (1) The traffic safety commission must review available information on the safety record of tow trucks in the state related to the use or possible use of the telephone call functionality of a wireless communications device by its operator while the tow truck is being driven on a public highway.

(2) By December 1, 2018, the traffic safety commission must report to the transportation committees of the legislature on its findings and the implications of these findings for the possible use of the telephone call functionality of a wireless communications device by the operator of a tow truck permitted under chapter 46.55 RCW while the operator is driving the tow truck on a public highway and responding to a request for towing services."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Rodne; Stambaugh; Tarleton; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Orcutt; Pike; Shea and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

ESB 6140 Prime Sponsor, Senator King: Promoting the efficient and effective management of state-managed lands. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6195 Prime Sponsor, Committee on Transportation: Facilitating transportation projects of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Hayes; Irwin; Orcutt; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6218 Prime Sponsor, Senator King: Bringing the state into compliance with the federal FAST act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Orcutt; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6251 Prime Sponsor, Committee on Ways & Means: Concerning property tax exemptions for service-connected disabled

veterans and senior citizens. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Condotta and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6329 Prime Sponsor, Committee on Local Government: Clarifying the authority and procedures for contracting by public port districts. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that unit priced contracting is a decades old, proven practice used at ports for competitively bid maintenance and repair work that is common but unpredictable in its timing and scope. Unit priced contracting is an efficient mechanism to maintain essential services to port customers, often on short notice or in emergency situations.

(2) The legislature also finds that unit priced contracting ensures that necessary work is performed safely and at a competitive rate by qualified contractors, and also saves public money because of additional costs that would be incurred by bidding each work order separately.

(3) The legislature also finds that, in order to avoid litigation and audit risk, statutory clarification is needed regarding the authority for port districts to engage in unit priced contracting.

(4) The legislature also finds that flexibility for small projects produces a more efficient process.

Sec. 2. RCW 53.08.120 and 2009 c 74 s 2 are each amended to read as follows:

(1) All material and work required by a port district not meeting the definition of public work in RCW 39.04.010(4) may be procured in the open market or by contract and all work ordered may be done by contract or day labor.

(2)(a) All such contracts for work meeting the definition of "public work" in RCW 39.04.010(4), the estimated cost of which exceeds three hundred thousand dollars, shall be awarded using a competitive bid process. The contract must be awarded at public bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases or public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(b) For all contracts related to work meeting the definition of "public work" in RCW 39.04.010(4) that are estimated at three hundred thousand dollars or less, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of advertising for bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

(c) Any port district may construct any public work, as defined in RCW 39.04.010, by contract without calling for bids whenever the estimated cost of the work or improvement, including cost of materials, supplies, and equipment, will not exceed the sum of forty thousand dollars. A "public works project" means a complete project. The restrictions in

this subsection do not permit the division of the project into units of work or classes of work to avoid calling for bids. The port district managing official shall make his or her best effort to reach out to qualified contractors, including certified minority and woman-owned contractors.

(3) (a) A port district may procure public works with a unit priced contract under this section or RCW 39.04.010(2) for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, unit priced contract means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of a port district, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price, for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the port district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit priced bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the port district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the port district must invite at least one proposal from a minority or woman contractor who otherwise qualifies under this section.

(e) Unit priced contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts shall have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid shall be submitted annually for all work completed within

the previous twelve-month period of the unit priced contract."

Correct the title.

Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6354

Prime Sponsor, Senator Ericksen: Allowing counties to request ferry capital improvement funds without creating ferry districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Orcutt; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6363

Prime Sponsor, Senator Chase: Concerning a rail line over the Milwaukee Road corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.115 and 2009 c 338 s 1 are each amended to read as follows:

~~((1))~~ The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

~~((2) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019-))~~

Sec. 2. RCW 79A.05.120 and 2009 c 338 s 2 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation;

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission as of June 7, 2006; and

(d) Portions owned by the state between Lind and Marengo are transferred to the department of transportation.

(2) The department of natural resources may, by mutual agreement with the parks and recreation commission, transfer management authority over portions of the Milwaukee Road corridor to the state parks and recreation commission, at any time prior to the department of transportation entering into a franchise agreement.

(3) ~~((This section expires July 1, 2019, and))~~ No transfers shall occur unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo ~~((by July 1, 2019))~~.

Sec. 3. RCW 79A.05.125 and 2009 c 338 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate one or more franchises with rail carriers to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Marengo. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for

negotiating the franchise and establishing the right-of-way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

~~((4) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the~~

~~portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.-)~~

Sec. 4. RCW 79A.05.130 and 2009 c 338 s 4 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

~~((5) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.-))~~

Sec. 5. RCW 79.73.010 and 2003 c 334 s 456 are each amended to read as follows:

Except as provided in chapter 79A.05 RCW, the portion of the Milwaukee Road corridor from the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., to the Idaho border purchased by the state shall be under the management and control of the department."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Orcutt; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6367 Prime Sponsor, Senator Honeyford: Concerning publicly owned industrial wastewater treatment facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Eslick; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6371 Prime Sponsor, Senator Mullet: Concerning facilities financing by the housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Eslick; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Kraft; MacEwen; Volz and Walsh.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6414 Prime Sponsor, Senator Billig: Concerning population-based representation on the governing body of public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Hayes; Irwin; Orcutt; Pike; Rodne; Shea; Stambaugh; Van Werven and Young.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6437 Prime Sponsor, Committee on Transportation: Addressing the disposal of recreational vehicles abandoned on public property. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been impounded and abandoned pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state;

(3) Abandoned recreational vehicles continue to be a hazard to the health and safety of citizens, business owners, and the environment; and

(4) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow

truck operators may be successful in their duties of public impounding, transporting, and storing unauthorized vehicles.

NEW SECTION. Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle under section 5 of this act without being licensed as a hulk hauler. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery to a licensed dismantler or authorized disposal site for each abandoned recreational vehicle by use of an abandoned vehicle report or junk vehicle affidavit to be sent to the department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the disposal of a properly processed abandoned recreational vehicle.

Sec. 3. RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prohibit: Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle under section 5 of this act in compliance with this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor, or other agent, or subagent appointed by the director, shall require an applicant to pay a six-dollar fee in addition to any other fees and taxes required by law.

(2) The abandoned recreational disposal fee must be deposited into the abandoned recreational vehicle disposal account created in section 6 of this act.

(3) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

NEW SECTION. Sec. 5. (1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap metal businesses, as defined in RCW 19.290.010, may apply to the department on a form prescribed by the department for cost reimbursement for the transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under section 6 of this act for cost reimbursement for the transport, storage, dismantling, and disposal of abandoned recreational vehicles.

(3) After consulting with the 2017 stakeholder group, the department may develop rules including, but not limited to, towing, storage, dismantling, and disposal rates, application form and contents, and cost reimbursement and the reimbursement process, to implement this section.

(4) The department shall convene a stakeholder work group every two years, with the first meeting to be held within twelve months of rule adoption, to make recommendations on rule amendments.

(5) An "abandoned recreational vehicle" means a camper, motorhome, or travel trailer that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) The abandoned recreational vehicle disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any

provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department to reimburse registered tow truck operators and licensed dismantlers for up to one hundred percent of the total reasonable and auditable administrative costs for transport, dismantling, and disposal of abandoned recreational vehicles under section 5 of this act when the last registered owner is unknown after a reasonable search effort. The department may not authorize reimbursements that total more than ten thousand dollars per vehicle for which cost reimbursements are requested. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle. Any funds received by the registered tow truck operators or licensed dismantlers through collection efforts from the last owner of record shall be turned over to the department for vehicles reimbursed under section 5 of this act.

(3) Funds in the account resulting from transfers from the general fund must be used to reimburse one hundred percent of eligible costs up to a limit of ten thousand dollars per vehicle for which cost reimbursements are requested.

(4) In each fiscal biennium, beginning in the 2019-2021 fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department in implementing this chapter.

Sec. 7. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings

required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account,

the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal

transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement

fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 46.80.020 and 2003 c 53 s 253 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of

wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter 70.95 RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in section 5 of this act.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. Sec. 9. Section 4 of this act applies to vehicle registrations that are due or become due on or after May 1, 2019.

NEW SECTION. Sec. 10. The director of licensing may take necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 11. Section 5 of this act constitutes a new chapter in Title 46 RCW.

NEW SECTION. Sec. 12. This act takes effect May 1, 2019."

Correct the title.

Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Stambaugh; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Orcutt; Pike; Rodne; Shea and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6438 Prime Sponsor, Committee on Transportation: Clarifying the collection process for existing vehicle service transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority

Member; Hargrove, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Orcutt; Ortiz-Self; Pellicciotti; Pike; Riccelli; Rodne; Shea; Stambaugh; Tarleton; Valdez; Van Werven and Young.

Referred to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 26, 2018

HB 2638 Prime Sponsor, Representative Goodman: Creating a graduated reentry program of partial confinement for certain offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 26, 2018

HB 2989 Prime Sponsor, Representative Lytton: Funding the business license account created in RCW 19.02.210 through a charge imposed by the secretary of state on annual report filings by certain legal entities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Haler; Manweller; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SSB 5179 Prime Sponsor, Committee on Ways & Means: Requiring coverage for hearing instruments under public employee and medicaid programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger; Vick and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Assistant Ranking Minority Member; Condotta; Graves; Schmick; Taylor and Volz.

Referred to Committee on Rules for second reading.

February 26, 2018

E4SSB 5251 Prime Sponsor, Committee on Ways & Means: Concerning tourism marketing. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community Development, Housing & Tribal Affairs. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris;

Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 5307 Prime Sponsor, Committee on Human Services & Corrections: Creating alternatives to total confinement for certain qualifying offenders with minor children. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Caldier; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 5442 Prime Sponsor, Senator Fortunato: Concerning expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 5588 Prime Sponsor, Committee on Ways & Means: Developing information concerning racial disproportionality. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 5588 Prime Sponsor, Committee on Ways & Means: Developing information concerning racial disproportionality. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 5598 Prime Sponsor, Senator Pedersen: Granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Calder; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew;

Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member Stokesbary, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 5643 Prime Sponsor, Senator Wellman: Concerning lead-based paint certification fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 5683 Prime Sponsor, Committee on Ways & Means: Concerning health care for Pacific Islanders residing in Washington under a compact of free association. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) The compact of free association (COFA) islands, which consists of the Republic of Palau, the Republic of the Marshall Islands, and the Federated

States of Micronesia, has had a long-standing relationship with the United States;

(b) The relationship between the COFA islands and the United States includes economic development and a military presence in the islands;

(c) The region served as a testing ground for atmospheric nuclear weapons between 1946 and 1957, which resulted in past and current inhabitants being exposed to nuclear fallout;

(d) Residents of the COFA islands are allowed to enter the United States without work permits or visas where they live, study, work, serve in the military, and pay state and federal taxes, but are ineligible for federal health programs like medicaid and medicare; and

(e) This ineligibility for federal health programs has exacerbated barriers to health care access for this population, which has led to poorer health outcomes and increased, long-term costs on the health care system as a whole.

(2) The legislature therefore intends to increase access to health care services for COFA islanders residing in Washington by providing premium and cost-sharing assistance for health coverage purchased through the health benefit exchange.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advance premium tax credit" means the premium assistance amount determined in accordance with the affordable care act.

(2) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(3) "Authority" means the Washington state health care authority.

(4) "COFA citizen" means a person who is a citizen of:

(a) The Republic of the Marshall Islands;

(b) The Federated States of Micronesia; or

(c) The Republic of Palau.

(5) "Health benefit exchange" or "exchange" means the Washington health benefit exchange established in chapter 43.71 RCW.

(6) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(7) "In-network provider" means a health care provider or group of providers that directly contracts with an insurer to provide health benefits covered by a health benefit plan offered by an insurer.

(8) "Open enrollment period" means the period during which a person may enroll in a qualified health plan.

(9) "Out-of-pocket costs" means copayments, coinsurance, deductibles, and other cost-sharing requirements imposed under a qualified health plan for services, pharmaceuticals, devices, and other health benefits that are covered by the plan and rendered by in-network providers.

(10) "Premium cost" means an individual's premium for a qualified health plan less the amount of the individual's advance premium tax credit.

(11) "Qualified health plan" means a health benefit plan sold through the health benefit exchange.

(12) "Resident" means a person who is domiciled in this state.

(13) "Special enrollment period" means a period during which a person who has not done so during the open enrollment period may enroll in a qualified health plan through the exchange if the person meets specified requirements.

NEW SECTION. **Sec. 3.** (1) An individual is eligible for the COFA premium assistance program if the individual:

(a) Is a resident;

(b) Is a COFA citizen;

(c) Enrolls in a silver qualified health plan;

(d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and

(e) Is ineligible for a federal or state medical assistance program administered by the authority under chapter 74.09 RCW.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall pay the premium cost for a qualified health plan and the out-of-pocket costs for the coverage provided by the plan for an individual who is eligible for the premium assistance program under subsection (1) of this section.

(3) The authority may disqualify a participant from the program if the participant:

(a) No longer meets the eligibility criteria in subsection (1) of this section;

(b) Fails, without good cause, to comply with procedural or documentation requirements established by the authority in accordance with subsection (4) of this section;

(c) Fails, without good cause, to notify the authority of a change of address in a timely manner;

(d) Withdraws the participant's application or requests termination of coverage; or

(e) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(4) The authority shall establish:

(a) Application, enrollment, and renewal processes for the COFA premium assistance program;

(b) The qualified health plans that are eligible for reimbursement under the program;

(c) Procedural requirements for continued participation in the program, including participant documentation requirements that are necessary for the authority to administer the program;

(d) Open enrollment periods and special enrollment periods consistent with the enrollment periods for the health insurance exchange; and

(e) A comprehensive community education and outreach campaign, working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the program. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities.

(5) The community education and outreach campaign conducted by the authority must begin no later than September 1, 2018.

(6) The first open enrollment period for the COFA premium assistance program must begin no later than November 1, 2018.

NEW SECTION. Sec. 4. The authority shall appoint an advisory committee that includes, but is not limited to, insurers and representatives of communities of COFA citizens. The committee shall advise the authority in the development, implementation, and operation of the COFA premium assistance program established in this chapter. The advisory committee must exist until at least December 31, 2019. Subject to the availability of amounts appropriated for this specific purpose, advisory committee members may be reimbursed for transportation and travel expenses related to serving on the committee, as needed.

NEW SECTION. Sec. 5. No later than December 31, 2019, the authority shall report to the governor and the legislature on the implementation of the COFA premium assistance program established under this chapter including, but not limited to:

(1) The number of individuals participating in the program;

(2) The actual costs of the program compared to predicted costs;

(3) The results of the community education and outreach campaign; and

(4) Funding needed to continue the program through the end of the biennium.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

2SSB 6015 Prime Sponsor, Committee on Ways & Means: Concerning actions for wrongful injury or death. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives MacEwen, Assistant Ranking Minority Member; Bergquist and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6024 Prime Sponsor, Senator Mullet: Addressing the disposition of certain fees collected by the department of financial institutions for the securities division. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Fitzgibbon; Graves;

Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta and Taylor.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SSB 6029 Prime Sponsor, Committee on Ways & Means: Establishing a student loan bill of rights. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

ESB 6087 Prime Sponsor, Senator Mullet: Modifying the Washington advanced college tuition payment and college savings programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.95.020 and 2016 c 69 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program

account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW (~~28B.95.010~~) 28B.95.085.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030 (7) and (8).

(7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

(8) "Eligible beneficiary" means the person designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not

designate a beneficiary at the time of purchase.

(9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

(11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

(13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

(18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

(22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030 (7) and (8).

(23) "Unit cash value price" means the total value of assets under management in the advanced college tuition payment program on a date to be determined by the committee, divided by the total number of outstanding credits purchased by eligible purchasers before July 1, 2015, and any outstanding credits accrued by eligible purchasers as a result of the July 2017 unit rebase.

(24) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to

the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

Sec. 2. RCW 28B.95.030 and 2016 c 69 s 4 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) (a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (7) and (8) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (7) and (8) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (7) and (8) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the

state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3) (a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of

any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

(8) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of the effective date of this section, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit cash value price established in this subsection (8)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

(9)(a) After the governing body completes the requirements of subsection (8) of this section, the governing body shall adjust, by June 30, 2019, all unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after (a)(i) of this subsection is completed, if the funded status of the Washington advanced college tuition payment program is above one hundred twenty-five percent as of the June 30, 2018, guaranteed education tuition annual valuation report as determined by the state actuary, the governing body shall determine the difference between the funded status of the program as a whole and a funded status of one hundred twenty-five percent, calculate the cash equivalent value above one hundred twenty-five percent funded status, and add additional units, at the 2016-17 unit payout value, in a proportion equal to each account holder's total unredeemed units purchased before July 1, 2015.

(b) For the purpose of this subsection (9), the governing body shall only include purchased and unredeemed units in a custom monthly contract.

(10) In any year that the funded status of the program, as determined by the guaranteed education tuition annual valuation report prepared by the state actuary, or its successor, falls below one hundred fifteen percent, the governing body shall impose an amortization fee of at least one dollar per every new unit purchased for every five percent below one hundred fifteen percent funded.

(11) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

~~((+9))~~ (12) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

Sec. 3. RCW 28B.95.045 and 2016 c 69 s 6 are each amended to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover or investment change of a 529 account from a:

(a) ~~((a))~~ State-sponsored prepaid tuition plan to a state-sponsored college savings plan ~~((7))~~;

(b) ~~((a))~~ State-sponsored college savings plan to a state-sponsored prepaid tuition plan ~~((7))~~; or

(c) ~~((a))~~ State-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 15, 2018."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6109 Prime Sponsor, Committee on Ways & Means: Concerning the International Wildland Urban Interface Code. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Assistant Ranking Minority Member and Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6159 Prime Sponsor, Senator Takko: Concerning the reauthorization of the underground storage tank program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environment. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SSB 6160 Prime Sponsor, Committee on Ways & Means: Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Human Services. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6199 Prime Sponsor, Committee on Health & Long Term Care: Concerning the consumer directed employer program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6210 Prime Sponsor, Senator Conway: Addressing the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

ESB 6211 Prime Sponsor, Senator Hawkins: Concerning the federal lands revolving account. (REVISED FOR PASSED LEGISLATURE: Concerning the fish and wildlife federal lands revolving account and the natural resources federal lands revolving account.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn;

Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6214 Prime Sponsor, Committee on Labor & Commerce: Allowing industrial insurance coverage for posttraumatic stress disorders affecting law enforcement officers and firefighters. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Condotta; Manweller; Schmick; Taylor and Vick.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6222 Prime Sponsor, Committee on Human Services & Corrections: Concerning expansion of extended foster care eligibility. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

February 26, 2018

2SSB 6236 Prime Sponsor, Committee on Ways & Means: Establishing the Washington state economic growth commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment

by Committee on Technology & Economic Development.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state economic growth commission is established to:

(a) Develop a state economic growth strategy related to accelerating technology innovation to increase the number of high-paying jobs in the state's economy; and

(b) Establish the feasibility and devise a plan for establishing a manufacturing innovation institute.

(2)(a) The Washington state economic growth commission shall consist of sixteen voting members appointed by the governor as follows: One representative from the department of commerce, four representatives from academia, three representatives from private industry or trade associations, three representatives from a labor organization, one senior economist with expertise in manufacturing and technology, one representative from Impact Washington, two representatives from the workforce training and education coordinating board, and one representative from the state board for community and technical colleges.

(b) The chair of the commission is a voting member selected by the governor, and serves at the pleasure of the governor.

(3) The commission may adopt rules for its own governance and hire staff as needed to perform functions under this chapter.

(4) The commission may establish committees as it desires, and may invite people who are not members of the commission to serve as committee members.

(5) The commission may meet as often as it deems appropriate, but not more than six times per year.

(6) Administrative support for the commission must be provided by the department of commerce.

NEW SECTION. Sec. 2. Section 1 of this act constitutes a new chapter in Title 43 RCW.

NEW SECTION. Sec. 3. The department of commerce may contract with a statewide nonprofit organization for the purposes of this act.

Sec. 4. RCW 43.15.020 and 2017 3rd sp.s. c 6 s 814 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) Sentencing guidelines commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Financial education public-private partnership, RCW 28A.300.450;

(g) Joint administrative rules review committee, RCW 34.05.610;

(h) Capital projects advisory review board, RCW 39.10.220;

(i) Select committee on pension policy, RCW 41.04.276;

(j) Legislative ethics board, RCW 42.52.310;

(k) Washington citizens' commission on salaries, RCW 43.03.305;

(l) Legislative oral history committee, RCW 44.04.325;

(m) State council on aging, RCW 43.20A.685;

(n) State investment board, RCW 43.33A.020;

(o) Capitol campus design advisory committee, RCW 43.34.080;

(p) Washington state arts commission, RCW 43.46.015;

(q) PNWER-Net working subgroup under chapter 43.147 RCW;

(r) Community economic revitalization board, RCW 43.160.030;

(s) Washington economic development finance authority, RCW 43.163.020;

(t) Life sciences discovery fund authority, RCW 43.350.020;

(u) Joint legislative audit and review committee, RCW 44.28.010;

(v) Joint committee on energy supply and energy conservation, RCW 44.39.015;

(w) Legislative evaluation and accountability program committee, RCW 44.48.010;

(x) Agency council on coordinated transportation, RCW 47.06B.020;

(y) Washington horse racing commission, RCW 67.16.014;

(z) Correctional industries board of directors, RCW 72.09.080;

(aa) Joint committee on veterans' and military affairs, RCW 73.04.150;

(bb) Joint legislative committee on water supply during drought, RCW 90.86.020; and

(cc) Statute law committee, RCW 1.08.001 (~~and~~) .

~~(dd) Joint legislative oversight committee on trade policy, RCW 44.55.020) .~~

NEW SECTION. **Sec. 5.** The following acts or parts of acts are each repealed:

(1) RCW 44.55.010 (Findings-Intent) and 2003 c 404 s 1;

(2) RCW 44.55.020 (Committee membership) and 2003 c 404 s 2;

(3) RCW 44.55.030 (Chair-Officers-Rules) and 2003 c 404 s 3;

(4) RCW 44.55.040 (Powers, duties) and 2003 c 404 s 4;

(5) RCW 44.55.050 (Staff support) and 2003 c 404 s 5; and

(6) RCW 44.55.060 (Compensation) and 2003 c 404 s 6.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2018."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6241 Prime Sponsor, Committee on Ways & Means: Concerning the January 1, 2020, implementation of the school employees' benefits board program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

2SSB 6245 Prime Sponsor, Committee on Ways & Means: Concerning spoken language interpreter services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to centralize and consolidate the procurement of spoken language interpreter services and expand the use of language access providers, thereby reducing administrative costs while protecting consumers. The legislature further intends to exclude interpreter services for sensory-impaired persons from the provisions of this act.

Sec. 2. RCW 74.04.025 and 2011 1st sp.s. c 15 s 63 are each amended to read as follows:

(1) The department, the authority, and the office of administrative hearings shall ensure that bilingual services are provided to non-English speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

(2) If the number of non-English speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

(3) Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with language

access providers, local agencies, or other community resources.

(4) The department shall certify, authorize, and qualify language access providers as needed to maintain an adequate pool of providers such that residents can access state services. Except as needed to certify, authorize, or qualify bilingual personnel per subsection (2) of this section, the department will only offer spoken language interpreter testing in the following manner:

(a) To individuals speaking languages for which ten percent or more of the requests for interpreter services in the prior year for department employees and the health care authority on behalf of limited English-speaking applicants and recipients of public assistance that went unfilled through the procurement process in section 3 of this act;

(b) To spoken language interpreters who were decertified or deauthorized due to noncompliance with any continuing education requirements; and

(c) To current department certified or authorized spoken language interpreters seeking to gain additional certification or authorization.

(5) The department shall require compliance with RCW 41.56.113(2) through its contracts with third parties.

(6) Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English speaking persons. Basic informational pamphlets shall be translated into all primary languages.

(7) To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to if necessary, the written communication. The department shall assure that sufficient resources are available to assist applicants and recipients in a timely fashion with understanding, responding to, and

complying with the requirements of all such written communications.

(8) As used in this section:

(a) "Language access provider" means any independent contractor who provides spoken language interpreter services for ~~((department))~~ state agencies, injured worker, or crime victim appointments through the department of labor and industries, or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010, whether paid by a broker, language access agency, or ((the department)) a state agency. "Language access provider" does not mean ~~((an owner,))~~ a manager ~~((r))~~ or employee of a broker or a language access agency.

(b) "Primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

NEW SECTION. Sec. 3. A new section is added to chapter 39.26 RCW to read as follows:

(1) The department of social and health services, the department of children, youth, and families, and the health care authority are each authorized to purchase interpreter services on behalf of limited English-speaking applicants and recipients of public assistance.

(2) The department of labor and industries is authorized to purchase interpreter services for medical and vocational providers authorized to provide services to limited English-speaking injured workers or crime victims.

(3) No later than September 1, 2020, the department of social and health services, the department of children, youth, and families, the health care authority, and the department of labor and industries must purchase in-person spoken language interpreter services directly from language access providers as defined in RCW 74.04.025, or through limited contracts with scheduling and coordinating delivery organizations, or both. Each state agency must have at least one contract with an entity that provides interpreter services through telephonic and video remote technologies. Nothing in this section precludes the department of labor and industries from purchasing in-person spoken language interpreter services directly from language access providers

or from directly reimbursing language access providers.

(4) Notwithstanding subsection (3) of this section, the department of labor and industries may pay a language access provider directly for the costs of interpreter services when the services are necessary for use by a medical provider for emergency or urgent care, or where the medical provider determines that advanced notice is not feasible.

(5) Upon the expiration of any contract in effect on the effective date of this section, but no later than September 1, 2020, the department must develop and implement a model that all state agencies must use to procure spoken language interpreter services by purchasing directly from language access providers or through contracts with scheduling and coordinating entities, or both. The department must have at least one contract with an entity that provides interpreter services through telephonic and video remote technologies. If the department determines it is more cost-effective or efficient, it may jointly purchase these services with the department of social and health services, the department of children, youth, and families, the health care authority, and the department of labor and industries as provided in subsection (3) of this section. The department of social and health services, department of children, youth, and families, the health care authority, and the department of labor and industries have the authority to procure interpreters through the department if the demand for spoken language interpreters cannot be met through their respective contracts.

(6) All interpreter services procured under this section must be provided by language access providers who are certified or authorized by the state, or nationally certified by the certification commission for health care interpreters or the national board for certification of medical interpreters. When a nationally certified, state-certified, or authorized language access provider is not available, a state agency is authorized to contract with a spoken language interpreter with other certifications or qualifications deemed to meet agency needs. Nothing in this subsection precludes providing interpretive services through state employees or employees of medical or vocational providers.

(7) Nothing in this section is intended to address how state agencies procure interpreters for sensory-impaired persons.

(8) For purposes of this section, "state agency" means any state office or activity of the executive branch of state government, including state agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions, but excludes institutions of higher education as defined in RCW 28B.10.016, the school for the blind, and the center for childhood deafness and hearing loss.

Sec. 4. RCW 39.26.100 and 2013 2nd sp.s. c 33 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in any manner to the operation of the state legislature except as requested by the legislature.

(2) The provisions of this chapter do not apply to the contracting for services, equipment, and activities that are necessary to establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility, that are approved by the technology services board or the acquisition of proprietary software, equipment, and information technology services necessary for or part of the provision of services offered by the consolidated technology services agency.

(3) Primary authority for the purchase of specialized equipment, and instructional and research material, for their own use rests with the institutions of higher education as defined in RCW 28B.10.016.

(4) Universities operating hospitals with approval from the director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations if documented to be more cost-effective.

(5) Primary authority for the purchase of materials, supplies, and equipment,

for resale to other than public agencies, rests with the state agency concerned.

(6) The authority for the purchase of insurance and bonds rests with the risk manager under RCW 43.19.769, except for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029.

~~(7) ((The authority to purchase interpreter services and interpreter brokerage services on behalf of limited-English speaking or sensory impaired applicants and recipients of public assistance rests with the department of social and health services and the health care authority.~~

~~(8))~~ The provisions of this chapter do not apply to information technology purchases by state agencies, other than institutions of higher education and agencies of the judicial branch, if (a) the purchase is less than one hundred thousand dollars, (b) the initial purchase is approved by the chief information officer of the state, and (c) the agency director and the chief information officer of the state jointly prepare a public document providing a detailed justification for the expenditure.

Sec. 5. RCW 41.56.030 and 2015 2nd sp.s. c 6 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 (~~or 74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance

procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(~~(4)~~) (3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10) (a) "Language access provider" means any independent contractor who provides spoken language interpreter services (~~for department of social and health services appointments or medicaid enrollee appointments, or provided these services on or after January 1, 2009, and before June 10, 2010~~), whether paid by a broker, language access agency, or the respective department:

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2016, and before the effective date of this section; or

(iii) For state agencies, or who provided these services on or after January 1, 2016, and before the effective date of this section.

(b) "Language access provider" does not mean (~~an owner~~) a manager(~~(7)~~) or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

Sec. 6. RCW 41.56.030 and 2017 3rd sp.s. c 6 s 808 are each amended to read as follows:

As used in this chapter:

(1) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(2) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(3) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 (~~or 74.08A.340~~), 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) under chapter 43.216 RCW, is either licensed by the state or is exempt from licensing.

(8) "Individual provider" means an individual provider as defined in RCW 74.39A.240(~~(+4)~~) (3) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(9) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(10) (a) "Language access provider" means any independent contractor who provides spoken language interpreter services (~~for department of social and health services appointments or medicaid enrollee appointments, or department of~~

~~children, youth, and families appointments, or provided these services on or after January 1, 2009, and before June 10, 2010)), whether paid by a broker, language access agency, or the respective department:~~

(i) For department of social and health services appointments, department of children, youth, and families appointments, medicaid enrollee appointments, or who provided these services on or after January 1, 2011, and before June 10, 2012;

(ii) For department of labor and industries authorized medical and vocational providers, or who provided these services on or after January 1, 2016, and before the effective date of this section; or

(iii) For state agencies, or who provided these services on or after January 1, 2016, and before the effective date of this section.

(b) "Language access provider" does not mean ~~((an owner,))~~ a manager ~~((r))~~ or employee of a broker or a language access agency.

(11) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(12) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(13) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(9), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other firefighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer; or (i) court marshals of any county who are employed by, trained for, and commissioned by the county sheriff and charged with the responsibility of enforcing laws, protecting and maintaining security in all county-owned or contracted property, and performing any other duties assigned to them by the county sheriff or mandated by judicial order.

Sec. 7. RCW 41.56.510 and 2010 c 296 s 2 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) ~~((A statewide unit of all language access providers is))~~ The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective

bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of payments; (ii) professional development and training; (iii) labor-management committees; and (iv) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of ((June 10, 2010)) the effective date of this section. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The ((department's)) obligation of any state agency to comply with ((the)) federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining

agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

Sec. 8. RCW 41.56.510 and 2017 3rd sp.s. c 6 s 809 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to language

access providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of language access providers who, solely for the purposes of collective bargaining, are public employees. The governor or the governor's designee shall represent the public employer for bargaining purposes.

(2) There shall be collective bargaining, as defined in RCW 41.56.030, between the governor and language access providers, except as follows:

(a) ~~((A statewide unit of all language access providers is))~~ The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for language access providers who provide spoken language interpreter services for department of social and health services appointments, department of children, youth, and families appointments, or medicaid enrollee appointments;

(ii) A statewide unit for language access providers who provide spoken language interpreter services for injured workers or crime victims receiving benefits from the department of labor and industries; and

(iii) A statewide unit for language access providers who provide spoken language interpreter services for any state agency through the department of enterprise services, excluding language access providers included in (a)(i) and (ii) of this subsection;

(b) The exclusive bargaining representative of language access providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070.

Bargaining authorization cards furnished as the showing of interest in support of any representation petition or motion for intervention filed under this section are exempt from disclosure under chapter 42.56 RCW;

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for language access providers under this section is limited solely to: (i) Economic compensation, such as the manner and rate of payments; (ii) professional development and training;

(iii) labor-management committees; and (iv) grievance procedures. Retirement benefits are not subject to collective bargaining. By such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter;

(d) In addition to the entities listed in the mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480, the provisions apply to the governor or the governor's designee and the exclusive bargaining representative of language access providers, except that:

(i) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement;

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, the decision is not binding on the state;

(e) Language access providers do not have the right to strike;

(f) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit;

(g) If a single employee organization is the exclusive bargaining representative for two or more bargaining units, the governor and the employee organization may agree to negotiate a single collective bargaining agreement for all of the bargaining units that the employee organization represents.

(3) Language access providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any other purpose. This section

applies only to the governance of the collective bargaining relationship between the employer and language access providers as provided in subsections (1) and (2) of this section.

(4) Each party with whom the department of social and health services (~~(or)~~), the department of children, youth, and families, the department of labor and industries, and the department of enterprise services contracts for language access services and each of their subcontractors shall provide to the respective department an accurate list of language access providers, as defined in RCW 41.56.030, including their names, addresses, and other contact information, annually by January 30th, except that initially the lists must be provided within thirty days of (~~June 10, 2010~~) the effective date of this section. The department shall, upon request, provide a list of all language access providers, including their names, addresses, and other contact information, to a labor union seeking to represent language access providers.

(5) This section does not create or modify:

(a) The (~~department's~~) obligation of any state agency to comply with (~~the~~) federal statute and regulations; and

(b) The legislature's right to make programmatic modifications to the delivery of state services under chapter 74.04 or 39.26 RCW or Title 51 RCW. The governor may not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection.

(6) Upon meeting the requirements of subsection (7) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement the agreement.

(7) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section may not be submitted by the governor to the legislature unless the request has been:

(a) Submitted to the director of financial management by October 1st prior to the legislative session at which the requests are to be considered, except that, for initial negotiations under this section, the request may not be submitted before July 1, 2011; and

(b) Certified by the director of financial management as financially feasible for the state or reflective of a binding decision of an arbitration panel reached under subsection (2)(d) of this section.

(8) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any collective bargaining agreement must be reopened for the sole purpose of renegotiating the funds necessary to implement the agreement.

(9) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(10) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in the agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of language access providers and their exclusive bargaining representative to the extent the activities are authorized by this chapter.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under

this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. Nothing in this act may restrict an agency's ability to serve limited English proficient clients in a timely manner.

NEW SECTION. Sec. 10. Sections 5 and 7 of this act expire July 1, 2018.

NEW SECTION. Sec. 11. Sections 6 and 8 of this act take effect July 1, 2018."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6257 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing early intervention services for eligible children. (REVISED FOR ENGROSSED: Developing a funding model for early intervention services for eligible children.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of children, youth, and families, in consultation with the department of early learning, the office of the superintendent of public instruction, the office of financial management, the caseload forecast council, legislative fiscal staff, and with advice and assistance from the applicable committees of the state interagency coordinating council, must develop a funding model with which to determine the amount of annual allocations that shall be appropriated in the omnibus appropriations act after July 1, 2019, for early intervention services for children with disabilities from birth

through two years of age, which the department of children, youth, and families oversees.

(2) The department must submit a final report that includes the agreed-upon funding model and any necessary statutory changes to the office of financial management and the fiscal committees of the legislature no later than September 1, 2018.

(3) This section expires July 1, 2020."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Haler.

Referred to Committee on Rules for second reading.

February 26, 2018

2SSB 6274 Prime Sponsor, Committee on Ways & Means: Helping former foster youth and youth experiencing homelessness access and complete college and registered apprenticeships. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Caldier; Condotta; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6309 Prime Sponsor, Committee on Ways & Means: Extending the timeline for completing a family assessment response. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6340 Prime Sponsor, Committee on Ways & Means: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.32.4851 and 2011 c 362 s 4 are each amended to read as follows:

(1) No one who becomes a beneficiary after June 30, 1995, shall receive a monthly retirement allowance of less than twenty-four dollars and twenty-two cents times the number of years of service creditable to the person whose service is the basis of such retirement allowance.

(2) If the retirement allowance payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum allowance provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Beginning July 1, 1996, the minimum benefit set forth in subsection (1) of this section shall be adjusted annually by the annual increase. Beginning with payments made on July 1, 2018, the minimum monthly retirement allowance provided in this subsection shall also be increased by three percent

over the minimum monthly allowance provided in June 2018.

(4) Those receiving a temporary disability benefit under RCW 41.32.540 shall not be eligible for the benefit provided by this section.

(5)(a) Beginning July 1, 2011, the minimum benefit set forth in subsection (1) of this section, prior to adjustments set forth in subsection (2) of this section, for a beneficiary with either ~~((a))~~(i) at least twenty years of service and who has been retired at least twenty-five years, or ~~((b))~~(ii) at least twenty-five years of service and who has been retired at least twenty years, shall be one thousand five hundred dollars per month. On July 1, 2011, and each year thereafter, the minimum benefit in this subsection shall be increased by three percent, rounded to the nearest cent.

(b) On July 1, 2018, the minimum benefit in this subsection (5) shall be increased by three percent, in addition to the annual adjustment made in subsection (5)(a) of this section.

Sec. 2. RCW 41.40.1984 and 2011 c 362 s 7 are each amended to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, no one who becomes a beneficiary after June 30, 1995, shall receive a monthly retirement allowance of less than twenty-four dollars and twenty-two cents times the number of years of service creditable to the person whose service is the basis of such retirement allowance.

(2) Where the retirement allowance payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum allowance provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Beginning July 1, 1996, the minimum benefit set forth in subsection (1) of this section shall be adjusted annually by the annual increase. Beginning with payments made on July 1, 2018, the minimum monthly retirement allowance provided in this subsection shall also be increased by three percent over the minimum monthly allowance provided in June 2018.

(4) Those receiving a benefit under RCW 41.40.220(1) or under RCW 41.44.170 (3) and (5) shall not be eligible for the benefit provided by this section.

(5) For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month per each year of creditable service.

(6)(a) Beginning July 1, 2011, the minimum benefit set forth in subsection (1) of this section, prior to adjustments set forth in subsection (2) of this section, for a beneficiary with either (a) at least twenty years of service and who has been retired at least twenty-five years, or (b) at least twenty-five years of service and who has been retired at least twenty years, shall be one thousand five hundred dollars per month. On July 1, 2011, and each year thereafter, the minimum benefit in this subsection shall be increased by three percent, rounded to the nearest cent.

(b) On July 1, 2018, the minimum benefit in this subsection (6) shall be increased by three percent, in addition to the annual adjustment made in subsection (6)(a) of this section."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Caldier; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SSB 6362 Prime Sponsor, Committee on Ways & Means: Modifying basic education funding provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I: PROGRAM FUNDING

Sec. 101. RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the

categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to

provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education	
average class size	
Grades K-3	17.00
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science	
average class size	
Grades 9-12	19.98

(b)(i) Beginning September 1, (~~2018~~) 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical	
education average	
class size	

Approved career and technical education offered at

the middle school and high school level 23.00

Skill center programs meeting the standards established

by the office of the superintendent of public

instruction..... 20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

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Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880

Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523
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Health and social services:

School nurses...	0.076	0.060	0.096
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Social workers..	0.042	0.006	0.015
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Psychologists...	0.017	0.002	0.007
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Guidance counselors, a function that includes parent outreach and graduation advising	0.493	0.126	0.239
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Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
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Office support and other noninstructional aides	2.012	2.325	3.269
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Custodians.....	1.657	1.942	2.965
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Classified staff providing student and staff safety ..	0.079	0.022	0.141
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Parent involvement coordinators	0.0825	0.000	0.000
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(6) (a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000

K-12 students

Technology.....0.628

Facilities, maintenance, and grounds.....1.813

Warehouse, laborers, and mechanics.....0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4) (a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8) (a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average	
full-time equivalent student	
in grades K-12	
Technology.....	\$130.76
Utilities and insurance.....	\$355.30
Curriculum and textbooks.....	\$140.39
Other supplies ((and library materials))	(\$298.05) <u>\$278.05</u>
<u>Library materials</u>	<u>\$20.00</u>
Instructional professional development for certificated and classified staff.....	\$21.71
Facilities maintenance.....	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average
full-time equivalent student

in grades 9-12	
Technology.....	\$36.35
Curriculum and textbooks.....	\$39.02
Other supplies ((and library materials)).....	(\$82.84) <u>\$77.28</u>
<u>Library materials</u>	<u>\$5.56</u>
Instructional professional development for certificated and classified staff.....	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

- (a) (i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.
- (ii) In addition to funding allocated under (a) (i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in (~~schools where at least fifty percent of students are eligible for free and reduced price meals~~) qualifying schools. A qualifying

school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b) (i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0

hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW

28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 102. RCW 28A.150.390 and 2017 3rd sp.s. c 13 s 406 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((0.9309))~~ 0.9609.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8) and 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.160 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, the percentage of students served under the McKinney-Vento homeless assistance act from outside the district, or whether the district is a nonhigh district.

Sec. 104. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10) (a) (ii), but all funds

appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ as defined in RCW 28A.150.260(10) and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must require school districts to have identification procedures for their highly capable programs that are clearly stated and implemented by school districts using the following criteria:

(a) Districts must use multiple objective criteria to identify students who are among the most highly capable. Multiple pathways for qualifications must be available and no single criterion may disqualify a student from identification;

(b) Highly capable selection decisions must be based on consideration of criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms at the same percentile;

(c) Subjective measures such as teacher recommendations or report card grades may not be used to screen out a student from assessment. These data points may be used alongside other criteria during selection to support identification, but may not be used to disqualify a student from being identified; and

(d) To the extent practicable, screening and assessments must be given in the native language of the student. If native language screening and assessments are not available, a nonverbal screening and assessment must be used.

(2) The superintendent of public instruction must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices.

Sec. 106. RCW 28A.150.392 and 2017 3rd sp.s. c 13 s 407 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual special education students served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a program of education for students enrolled in special education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((h))~~ (i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

~~((i))~~ (j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By September 1, 2019, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow

school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

PART II: COMPENSATION

NEW SECTION. **Sec. 201.** The legislature recognizes that Initiative Measure No. 1433 was approved by the voters of the state of Washington in 2016 requiring employers to provide paid sick leave to each of its employees. The legislature acknowledges that the enactment of this initiative contributes to the costs of operations of the state's public schools and intends to provide funding in the omnibus appropriations act to support school districts with these additional costs.

Sec. 202. RCW 28A.150.410 and 2017 3rd sp.s. c 13 s 101 are each amended to read as follows:

(1) Through the 2017-18 school year, the legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used

to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher-librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Through the 2017-18 school year, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW,

or any other state retirement system benefits.

(5) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated instructional staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of sixty-four thousand dollars adjusted for inflation from the 2017-18 school year.

(6) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated administrative staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of ninety-five thousand dollars adjusted for inflation from the 2017-18 school year.

(7) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for classified staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of forty-five thousand nine hundred twelve dollars adjusted by inflation from the 2017-18 school year.

~~((To implement the new minimum salary allocations in subsections (5) through (7) of this section, the legislature must fund fifty percent of the increased salary allocation in the 2018-19 school year and the entire increased salary allocation in the 2019-20 school year.))~~ For school year 2018-19, a district's minimum state allocation for salaries is the greater of the district's 2017-18 state salary allocation, adjusted for inflation, or the district's allocation based on the state salary level specified in subsections (5) through (7) of this section, and as further specified in the omnibus appropriations act.

(9) Beginning with the 2018-19 school year, state allocations for salaries for certificated instructional staff, certificated administrative staff, and classified staff must be adjusted for regional differences in the cost of hiring staff. Adjustments for regional differences must be specified in the omnibus appropriations act for each school year through at least school year 2022-23. For school years 2018-19 through school year 2022-23, the school district regionalization factors are based on the median single-family residential value

of each school district and proximate school district median single-family residential value as described in RCW 28A.150.412.

(10) Beginning with the 2023-24 school year and every six years thereafter, the minimum state salary allocations and school district regionalization factors for certificated instructional staff, certificated ~~((administration [administrative]))~~ administrative staff, and classified staff must be reviewed and rebased, as provided under RCW 28A.150.412, to ensure that state salary allocations continue to align with staffing costs for the state's program of basic education.

(11) For the purposes of this section, "inflation" has the meaning provided in RCW 28A.400.205 for "inflationary adjustment index."

Sec. 203. RCW 28A.150.412 and 2017 3rd sp.s. c 13 s 104 are each amended to read as follows:

(1) Beginning with the 2023 regular legislative session, and every six years thereafter, the legislature shall review and rebase state basic education compensation allocations compared to school district compensation data, regionalization factors, what inflationary measure is the most representative of actual market experience for school districts, and other economic information. The legislature shall revise the minimum allocations ~~((and)),~~ regionalization factors, and inflationary measure if necessary to ensure that state basic education allocations continue to provide market-rate salaries and that regionalization adjustments reflect actual economic differences between school districts.

(2)(a) For school districts with single-family residential values above the statewide median residential value, regionalization factors for school years 2018-19 through school year 2022-23 are as follows:

(i) For school districts in tercile 1, state salary allocations for school district employees are regionalized by six percent;

(ii) For school districts in tercile 2, state salary allocations for school district employees are regionalized by twelve percent; and

(iii) For school districts in tercile 3, state salary allocations for school district employees are regionalized by eighteen percent.

(b) In addition to the regionalization factors specified in (a) of this subsection, school districts located west of the crest of the Cascade mountains and sharing a boundary with any school district with a regionalization factor more than one tercile higher, are regionalized by six additional percentage points.

(c) In addition to the regionalization factors specified in this subsection, for school districts that have certificated instructional staff median years of experience that exceed the statewide average certificated instructional staff years of experience and a ratio of certificated instructional staff advanced degrees to bachelor degrees above the statewide ratio, an experience factor of four percentage points is added to the regionalization factor.

(d) Additional school district adjustments are identified in the omnibus appropriations act, and these adjustments are partially reduced or eliminated by the 2022-23 school year as follows:

(i) Adjustments that increase the regionalization factor to a value that is greater than the tercile 3 regionalization factor must be reduced by two percentage points each school year beginning with school year 2020-21, through 2022-23.

(ii) Adjustments that increase the regionalization factor to a value that is less than or equal to the tercile 3 regionalization factor must be reduced by one percentage point each school year beginning with school year 2020-21, through 2022-23.

(3) To aid the legislature in reviewing and rebasing regionalization factors, the department of revenue shall, by November 1, 2022, and by November 1st every six years thereafter, determine the median single-family residential value of each school district as well as the median value of proximate districts within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(4) No district may receive less state funding for the minimum state salary allocation as compared to its prior

school year salary allocation as a result of adjustments that reflect updated regionalized salaries.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Median residential value of each school district" means the median value of all single-family residential parcels included within a school district and any other school district that is proximate to the school district.

(b) "Proximate to the school district" means within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(c) "School district employees" means state-funded certificated instructional staff, certificated administrative staff, and classified staff.

(d) "School districts in tercile 1" means school districts with median single-family residential values in the first tercile of districts with single-family residential values above the statewide median residential value.

(e) "School districts in tercile 2" means school districts with median single-family residential values in the second tercile of districts with single-family residential values above the statewide median residential value.

(f) "School districts in tercile 3" means school districts with median single-family residential values in the third tercile of districts with single-family residential values above the statewide median residential value.

(g) "Statewide median residential value" means the median value of single-family residential parcels located within all school districts, reduced by five percent.

Sec. 204. RCW 28A.400.006 and 2017 3rd sp.s. c 13 s 703 are each amended to read as follows:

(1) A school district may not (~~provide any~~) increase average total school district expenditures for certificated administrative staff (~~with a percentage increase to total salary~~) for the 2018-19 school year (~~(, including supplemental contracts, that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of~~

~~labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated administrative staff salary is less than the average certificated administrative salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated administrative staff salary equals the average certificated administrative staff salary allocated by the state)) in excess of the following:~~

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to what was the prior year's practice within the school district; or

(c) School districts with an average total certificated administrative staff salary less than the statewide average certificated administrative staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 205. RCW 28A.400.200 and 2017 3rd sp.s. c 13 s 103 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2) (a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the ~~((2019-20))~~ 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c) (i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3) (a) (i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(ii) For the 2018-19 school year, salaries for certificated instructional

staff are subject to the limitations in RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a) (i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) (a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is

developing its four-year budget plan under RCW 28A.505.040.

(b) Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220. Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276. The rate the district pays under a supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified pursuant to subsection (3) (a) (iii) of this section.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

Sec. 206. RCW 28A.400.205 and 2017 3rd sp.s. c 13 s 102 are each amended to read as follows:

(1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the ~~((2020-21))~~ 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the

superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means, for any school year, the implicit price deflator for that fiscal year, using the official current base, compiled by the bureau of ~~((labor statistics, United States department of labor for the state of Washington))~~ economic analysis, United States department of commerce.

Sec. 207. RCW 41.56.800 and 2017 3rd sp.s. c 13 s 701 are each amended to read as follows:

(1) A school district collective bargaining agreement for classified staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district classified staff with a percentage))~~ increase ((to)) average total salary for the 2018-19 school year, including supplemental contracts, ((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average classified staff salary is less than the average classified salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average classified staff salary equals the average classified staff salary allocated by the state)) in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base

compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260; or

(d) School districts with an average total classified staff salary less than the statewide average classified salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 208. RCW 41.59.800 and 2017 3rd sp.s. c 13 s 702 are each amended to read as follows:

(1) A school district collective bargaining agreement for certificated instructional staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district certificated instructional staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated instructional staff salary is less than the average certificated instructional staff salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated instructional staff salary equals the average certificated instructional staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the

yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260;

(d) Salary changes to provide professional learning under RCW 28A.415.430;

(e) Increases related to bonuses for attaining certification from the national board for professional teaching standards;

(f) School districts with an average total certificated instructional staff salary less than the statewide average certificated instructional staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation; or

(g) Salaries for new certificated instructional staff hired in the 2018-19 school year.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

PART III: LEVIES

Sec. 301. RCW 28A.150.276 and 2017 3rd sp.s. c 13 s 501 are each amended to read as follows:

(1) (a) Beginning September 1, ~~((2019))~~ 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW 28A.150.220 and 28A.150.260.

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW 84.52.053, (~~(transportation vehicle enrichment levies,)~~) local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250.

(2)(a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW 28A.150.220 or 28A.150.260;

(ii) Staffing ratios or program components of RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW 28A.150.200, 28A.150.220, or 28A.150.260; or

(iv) Program of professional learning as defined by RCW 28A.415.430 beyond that allocated pursuant to RCW 28A.150.415.

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education

under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW 84.52.053 and 28A.505.240.

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW 28A.400.200, permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed (~~(the proportion)~~) twenty-five percent of the ((district's local revenues to its other revenues)) total district expenditures for administrator salaries; and

(b) Supplemental contracts under RCW 28A.400.200 are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section.

Sec. 302. RCW 28A.500.015 and 2017 3rd sp.s. c 13 s 206 are each amended to read as follows:

(1) Beginning in calendar year 2019 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) For an eligible school district, annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy divided by the school district's maximum allowable enrichment levy.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district whose maximum allowable enrichment levy divided by the school district's total student enrollment in

the prior school year is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means ~~((inflation as defined in RCW 84.55.005))~~, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.

(d) "Maximum local effort assistance" means ~~((the school district's student enrollment in the prior school year multiplied by))~~ the difference ~~((of))~~ between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and ~~((a))~~

(ii) The school district's maximum allowable enrichment levy ~~((divided by the school district's student enrollment in the prior school year))~~.

(e) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

(f) "State local effort assistance threshold" means one thousand five hundred dollars per student, ~~((adjusted))~~ increased for inflation beginning in calendar year 2020.

(g) "Student enrollment" means the average annual ~~((resident))~~ full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

Sec. 303. RCW 28A.505.240 and 2017 3rd sp.s. c 13 s 204 are each amended to read as follows:

(1) As required by RCW 84.52.053(4), before a school district may submit an enrichment levy ~~((including a transportation vehicle enrichment levy))~~ under RCW 84.52.053 to the voters, it must have received approval from the office of the superintendent of public instruction of an expenditure plan for the district's enrichment levy and other local revenues as defined in RCW 28A.150.276. Within thirty days after receiving the plan the office of the superintendent of public instruction must notify the school district whether the spending plan is approved. If the office of the superintendent of public instruction rejects a district's proposed spending plan, then the district may submit a revised spending plan, and the superintendent must approve or reject the revised submission within thirty days. The office of the superintendent of public instruction may approve a spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(2)(a) Except as provided in (b) of this subsection, after a school district has received voter approval for a levy for an enrichment levy under RCW 84.52.053, a school district may change its spending plan for the voter-approved levy by submitting a revised spending plan to the office of the superintendent of public instruction for review and approval. To revise a previously approved spending plan, the district must provide notice and an opportunity for review and comment at an open meeting of the school board, and the board must adopt the revised spending plan by resolution. The board must then submit the plan to the office of the superintendent of public instruction. Within thirty days after receiving the revised spending plan the office must notify the school district whether the revised spending plan is approved. The office of the superintendent of public instruction may approve a revised spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(b) If the superintendent has approved expenditures for specific purposes under (a) of this subsection, a district may change the relative amounts to be spent for those respective purposes for the same levy in subsequent years without having to first receive approval for the change from the office of the superintendent of public instruction if the district adopts the change as part of its annual budget proposal after a public hearing under RCW 28A.505.060.

(3) This section applies to taxes levied for collection beginning in calendar year 2020 and thereafter.

NEW SECTION. Sec. 304. A new section is added to chapter 84.52 RCW to read as follows:

For districts in a high/nonhigh relationship, if the high school district is subject to the maximum per pupil limit under RCW 84.52.0531, the high school district's maximum levy amount must be reduced by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy.

Sec. 305. RCW 84.52.053 and 2017 3rd sp.s. c 13 s 201 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) and Article IX, section 1 of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for enrichment funding for a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130 (~~through calendar year 2019, authorizing two year levies for transportation vehicle enrichment beginning with calendar year 2020,~~) or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2) (a) Once additional tax levies have been authorized for enrichment funding for a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for enrichment funding for the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's maximum levy.

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for enrichment funding for a school district may be called and held before the effective date of dissolution to replace existing enrichment levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b)(i) of this subsection is held but does not pass, the affected school district may subsequently hold a supplemental levy election pursuant to (b)(ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a supplemental levy election is held under (b)(ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b)(i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing enrichment levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not

be deemed to be a tax levy for enrichment funding for a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4) (a) Beginning September 1, (~~2019~~) 2018, school districts may use enrichment levies (~~(and transportation vehicle enrichment levies)~~) solely to enrich the state's statutory program of basic education as authorized under RCW 28A.150.276.

(b) Beginning with propositions for enrichment levies (~~(and transportation vehicle enrichment levies)~~) for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan from the superintendent of public instruction under RCW 28A.505.240 before submission of the proposition to the voters.

Sec. 306. RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 are each amended to read as follows:

(1) (a) Beginning with taxes levied for collection in 2019, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of one dollar and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit, except as provided in (b) of this subsection.

(b) A school district may levy a maximum dollar amount equal to the greater of the maximum per-pupil limit or one dollar fifty cents per thousand dollars of the assessed value of property in the school district, if the sum of the school district's enrichment levy under (a) of this subsection and local effort assistance under RCW 28A.500.015 is less than half of the sum of the maintenance and operations levy and local effort assistance provided under law as it existed on January 1, 2017. For purposes of the calculation in this subsection (1)(b), the maintenance of operations levy is limited to the lesser of the voter-approved levy as of January 1,

2017, or the maximum levy under law as of January 1, 2017.

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(b) "Maximum per-pupil limit" means two thousand five hundred dollars, multiplied by the number of average annual (~~resident~~) full-time equivalent students enrolled in the school district in the prior school year. Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.

(c) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

~~((4))~~ (6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

~~((5))~~ (7) Beginning with taxes levied for collection in (~~2020~~) 2018,

enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

~~((46))~~ (8) Funds collected from ~~((transportation vehicle enrichment levies shall not be subject to the levy limitations in))~~ levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

Sec. 307. RCW 84.52.054 and 2007 c 54 s 27 are each amended to read as follows:

(1) The additional tax provided for in Article VII, section 2 of the state Constitution, and specifically authorized by RCW 84.52.052, 84.52.053, 84.52.0531, and 84.52.130, shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters except as provided in subsection (2) of this section, together with an estimate of the dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of dollar rate of tax levy carried in said proposition. In the case of a school district or fire protection district proposition for a particular period, the dollar amount and the corresponding estimate of the dollar rate of tax levy shall be set forth for each of the years in that period. The dollar amount for each annual levy in the particular period may be equal or in different amounts.

(2) For school districts levying the maximum enrichment funding levy rate of one dollar and fifty cents as authorized by RCW 84.52.053 and 84.52.0531, the additional tax shall be set forth in terms of the dollar rate of tax levy on the ballot of the proposition to be submitted to the voters.

PART IV: OTHER POLICIES

NEW SECTION. Sec. 401. (1) For the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction shall allocate a hold-harmless payment to school districts if the sum of (b) of this subsection is greater than the sum of (a) of this

subsection for either of the respective school years.

(a) The current school year is calculated as the sum of (a)(i) through (iii) of this subsection using the enrollments and values in effect for that school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) The lesser of the school district's voter-approved enrichment levy collection or the maximum levy authority provided under RCW 84.52.0531 for the previous calendar year.

(b) The baseline school year is calculated as the sum of (b)(i) through (iii) of this subsection using the current school year enrollments and the values in effect during the 2017-18 school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) Maintenance and operation levy collection under RCW 84.52.0531 in the 2017 calendar year.

(2) Districts eligible for hold-harmless payments under subsection (1) of this section shall receive the difference between subsection (1)(b) and (a) of this section through the apportionment payment process in RCW 28A.510.250.

(3) The voters of the school district must approve an enrichment levy under RCW 84.52.0531 to be eligible for a hold-harmless payment under this section.

(4) This section expires December 31, 2020.

Sec. 402. RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each amended to read as follows:

(1) Beginning with the ~~((2018-19))~~ 2019-20 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. The state allocation must be used solely for the purpose of providing professional learning. At a minimum, the state must allocate funding for:

(a) One professional learning day in the ~~((2018-19))~~ 2019-20 school year;

(b) Two professional learning days in the ~~((2019-20))~~ 2020-21 school year; and

(c) Three professional learning days in the ~~((2020-21))~~ 2021-22 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each local educational agency. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus appropriations act. Professional learning allocations shall be included in per-pupil calculations for programs funded on a per student rate calculation.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

~~((4))~~ (4) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

(5) As the legislature phases in the funding for professional learning days under this section, the number of late start or early release of students resulting in partial days of instruction shall be phased down in the following manner:

(a) In the school years when one professional learning day is funded, each school district shall limit the number of partial days of instruction to no more than thirteen during the school years.

(b) In the school years when two professional learning days are funded, each school district shall limit the number of partial days of instruction to no more than ten during the school years.

(c) In the school years when three professional learning days are funded, each school district shall limit the number of partial days of instruction to no more than seven during the school years.

(6) The use of the funding provided under this section must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this section.

Sec. 403. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average ~~((staff mix factor))~~ salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection~~((7-as applicable))~~.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under

this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 404. RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the statewide average (~~staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act~~) salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located (~~subject to conditions and limitations established by the omnibus appropriations act~~) as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

Sec. 405. RCW 72.40.028 and 2009 c 381 s 7 are each amended to read as follows:

All teachers employed by the Washington state center for childhood deafness and hearing loss and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendent and the director, by rule, may adopt additional

educational standards for their respective facilities. Salaries of all certificated employees shall be ~~((set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in))~~ based on the statewide average salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the program or facility is located. The superintendent and the director may provide for provisional certification for teachers in their respective facilities including certification for emergency, temporary, substitute, or provisional duty.

Sec. 406. RCW 43.09.2856 and 2017 3rd sp.s. c 13 s 503 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200.

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415.

Sec. 407. RCW 28A.510.250 and 2017 3rd sp.s. c 13 s 1004 are each amended to read as follows:

(1) On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the

state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September	.....	9%
October	.....	8%
November	.....	5%
December	.....	9%
January	.....	8.5%
February	.....	((9%))) 8%
March	.....	((9%))) 8%
April	.....	((9%))) 8.5%
May	.....	5%
June	.....	6.0%
July	.....	12.5%
August	.....	((10-0%)) 12.5%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September 1st and continuing through August 31st. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year, except as provided in subsection (2) of this section. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The

superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

(2) In the 2010-11 school year, the June apportionment payment to school districts shall be reduced by one hundred twenty-eight million dollars, and an additional apportionment payment shall be made on July 1, 2011, in the amount of one hundred twenty-eight million dollars. This July 1st payment shall be in addition to the regularly calculated July apportionment payment.

Sec. 408. RCW 41.05.740 and 2017 3rd sp.s. c 13 s 801 are each amended to read as follows:

(1) The school employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for school employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) By September 30, 2017, the governor shall appoint the following voting members to the board as follows:

(a) Two members from associations representing certificated employees;

(b) Two members from associations representing classified employees;

(c) Four members with expertise in employee health benefits policy and administration, one of which is nominated by an association representing school business officials; and

(d) The director of the authority or his or her designee.

(3) Initial members of the board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(4) Members of the board must be compensated in accordance with RCW 43.03.250 and must be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060.

(5) The director of the authority or his or her designee shall be the chair and another member shall be selected by the board as vice chair. The chair shall conduct meetings of the board. The vice chair shall preside over meetings in the absence of the chair. The board shall develop bylaws for the conduct of its business.

(6) The board shall:

(a) Study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment, and disability insurance, or any of, or combination of, the enumerated types of insurance for eligible employees and their dependents on the best basis possible with relation both to the welfare of the employees and the state. However, liability insurance should not be made available to dependents;

(b) Develop employee benefit plans that include comprehensive, evidence-based health care benefits for employees. In developing these plans, the board shall consider the following elements:

(i) Methods of maximizing cost containment while ensuring access to quality health care;

(ii) Development of provider arrangements that encourage cost containment and ensure access to quality care including, but not limited to, prepaid delivery systems and prospective payment methods;

(iii) Wellness, preventive care, chronic disease management, and other incentives that focus on proven strategies;

(iv) Utilization review procedures to support cost-effective benefits delivery;

(v) Ways to leverage efficient purchasing by coordinating with the public employees' benefits board;

(vi) Effective coordination of benefits; and

(vii) Minimum standards for insuring entities;

(c) Authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient health care systems. For participating employees, the required employee share of the cost for family coverage under a plan may not exceed three times the required employee share of the cost for employee-only coverage;

(d) Determine the terms and conditions of employee and dependent eligibility criteria, enrollment policies, and scope of coverage. At a minimum, the eligibility criteria established by the board shall address the following:

(i) The effective date of coverage following hire;

(ii) An employee must work at least six hundred thirty hours per year to qualify for coverage; and

(iii) Coverage for dependents, including criteria for legal spouses; children up to age twenty-six; children of any age with disabilities, mental illness, or intellectual or other developmental disabilities; and state registered domestic partners, as defined in RCW 26.60.020, and others authorized by the legislature;

(e) Determine the terms and conditions of purchasing system participation, consistent with chapter 13, Laws of 2017 3rd sp. sess., including establishment of criteria for employing districts and individual employees;

(f) Establish penalties to be imposed when the employing district fails to comply with established participation criteria; and

(g) Participate with the authority in the preparation of specifications and selection of carriers contracted for employee benefit plan coverage of eligible employees in accordance with the criteria set forth in rules. To the extent possible, the board shall leverage efficient purchasing by coordinating with the public employees' benefits board.

(7) By November 30, 2021, the authority shall review the benefit plans provided through the school employees' benefits board, complete an analysis of the benefits provided and the administration of the benefits plans, and determine whether provisions in chapter 13, Laws of 2017 3rd sp. sess. have

resulted in cost savings to the state. The authority shall submit a report to the relevant legislative policy and fiscal committees summarizing the results of the review and analysis.

Sec. 409. 2017 3rd sp.s. c 13 s 1005 (uncodified) is amended to read as follows:

Section 1004 of this act takes effect September 1, (~~2019~~) 2018.

NEW SECTION. **Sec. 410.** The following acts or parts of acts are each repealed:

(1)RCW 28A.415.020 (Credit on salary schedule for approved in-service training, continuing education, and internship) and 2011 1st sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

(2)RCW 28A.415.023 (Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules) and 2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6; and

(3)RCW 28A.415.024 (Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1.

NEW SECTION. **Sec. 411.** (1) Section 407 of this act takes effect September 1, 2018.

(2) Sections 302 and 306 of this act take effect January 1, 2019."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Calder; Condotta; Graves; Haler; Harris; Manweller; Schmick; Taylor; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

E2SSB 6386 Prime Sponsor, Committee on Ways & Means: Ensuring the funding of fairs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6393 Prime Sponsor, Senator Braun: Allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6404 Prime Sponsor, Senator Wellman: Concerning background checks for persons providing child care services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SB 6407 Prime Sponsor, Senator Darneille: Concerning private case management of child welfare services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Human Services.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.025 and 2009 c 520 s 20 are each amended to read as follows:

(1) The department and (~~(supervising)~~) agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and (~~(supervising)~~) agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

(c) Access training for department and (~~(supervising)~~) agency staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers (~~(including supervising agencies)~~), to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department (~~(or supervising agency)~~) in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services

defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department (~~or supervising agency~~) shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

Sec. 2. RCW 13.34.030 and 2017 c 276 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual

disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other (~~supervising~~) agencies to federal, state, local, or private

agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably

available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond

with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~(23) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

~~(24))~~ "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 3. RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability

originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ~~(supervising)~~ agencies to federal, state, local, or private agencies or organizations, assistance

with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing

assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan

to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(23) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

~~(24))~~ "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 4. RCW 13.34.065 and 2013 c 162 s 6 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, ~~((in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case-))~~ the department ~~((or supervising agency))~~ shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department (~~(or supervising agency)~~) the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in

the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5) (a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii) (A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or

legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the ~~((supervising agency's))~~ department's plan or is ordered by the court; and

(iii) Cooperate with the department ~~((or supervising agency))~~ in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the ~~((supervising agency))~~ department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or ~~((supervising))~~ agency's case plan and compliance with court

orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice

and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8) (a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 5. RCW 13.34.067 and 2013 c 173 s 1 are each amended to read as follows:

(1) (a) Following shelter care and no later than thirty days prior to fact-finding, the department (~~(or supervising agency)~~) shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department (~~(or supervising agency)~~) and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department (~~(or supervising agency)~~) is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or

written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department (~~(or supervising agency)~~), upon the parent's request, shall convene a case conference.

(3) If a case conference is convened pursuant to subsection (1) or (2) of this section and the parent is unable to participate in person due to incarceration, the parent must have the option to participate through the use of a teleconference or videoconference.

Sec. 6. RCW 13.34.094 and 2009 c 520 s 24 are each amended to read as follows:

The department (~~(or supervising agency after the shelter care hearing)~~) shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 7. RCW 13.34.096 and 2016 c 180 s 1 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department of social and health services to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~(supervising)~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 8. RCW 13.34.096 and 2017 3rd sp.s. c 6 s 304 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or

other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~(supervising)~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 9. RCW 13.34.125 and 2009 c 520 s 26 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department (~~(or supervising agency)~~) shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or

parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department ((~~or supervising agency~~)) has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 10. RCW 13.34.130 and 2013 c 254 s 1 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition that maintains the child in his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b) (i) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person, the department, or ((~~a supervising~~)) agency responsible for supervision of the child's placement. If the court orders that the child be placed with a caregiver over the objections of the parent or the department, the court shall articulate, on the record, his or her reasons for ordering the placement. The court may not order an Indian child, as defined in RCW 13.38.040, to be removed from his or her home unless the court finds, by clear and convincing evidence including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(ii) The department ((~~or supervising agency~~)) has the authority to place the child, subject to review and approval by the court (A) with a relative as defined in RCW 74.15.020(2)(a), (B) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department ((~~or supervising agency~~)) to be suitable and competent to provide care for the child, or (C) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW.

(iii) The department may also consider placing the child, subject to review and approval by the court, with a person with whom the child's sibling or half-sibling is residing or a person who has adopted the sibling or half-sibling of the child being placed as long as the person has completed all required criminal history background checks and otherwise appears to the department ((~~or supervising agency~~)) to be competent to provide care for the child.

(2) Absent good cause, the department ((~~or supervising agency~~)) shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260.

(3) The department ((~~or supervising agency~~)) may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a), including a placement provided for in subsection (1)(b)(iii) of this section, when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, the child shall be placed with a person who is willing, appropriate, and available to care for the child, and who is: (I) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (II) a suitable person as described in subsection (1)(b) of this section. The court shall consider the child's existing relationships and attachments when determining placement.

(4) When placing an Indian child in out-of-home care, the department ((~~or supervising agency~~)) shall follow the placement preference characteristics in RCW 13.38.180.

(5) Placement of the child with a relative or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(6) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental

visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a stepbrother or stepsister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the stepsibling.

(7) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(8) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(9) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the department (~~or supervising agency~~) to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 11. RCW 13.34.132 and 2013 c 302 s 11 are each amended to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the department ~~((or the supervising agency))~~;

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of trafficking, or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child;

(f) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(g) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(h) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in RCW 13.38.040, the court shall also consider tribal efforts to assist the parent in completing treatment and make it possible for the child to return home;

(i) An infant under three years of age has been abandoned;

(j) Conviction of the parent, when a child has been born of the offense, of: (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

Sec. 12. RCW 13.34.136 and 2015 c 270 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the ~~((supervising agency))~~ department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The ~~((agency supervising the dependency))~~ department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's ~~((or supervising agency's))~~ proposed permanency plan must be provided to the department ~~((or supervising agency))~~, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including

a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department (~~or supervising agency~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps (~~the supervising agency or~~) the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department (~~or supervising agency~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~or supervising agency's~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the developmental

disabilities administration, the department shall make reasonable efforts to consult with the developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii) (A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The (~~supervising agency or~~) department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information

provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department (~~(or supervising agency)~~) should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~(or supervising agency)~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The (~~(supervising agency or)~~) department shall provide all reasonable services that are available within the department (~~(or supervising agency)~~), or within the community, or those services

which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department (~~(or supervising agency)~~) shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's

siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other ~~((supervising))~~ agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other ~~((supervising))~~ agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 13. RCW 13.34.136 and 2017 3rd sp.s. c 6 s 306 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the ~~((supervising agency))~~ department assumes responsibility for providing services, including placing the child, or at the

time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The ~~((agency supervising the dependency))~~ department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's ~~((or supervising agency's))~~ proposed permanency plan must be provided to the department ~~((or supervising agency))~~, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department ~~((or supervising agency))~~ shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps ~~((the supervising agency or))~~ the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the

department (~~(or supervising agency)~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~(or supervising agency's)~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii) (A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The (~~(supervising agency or)~~) department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care

of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department (~~(or supervising agency)~~) should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) (A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be

approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~or supervising agency~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The (~~supervising agency or~~) department shall provide all reasonable services that are available within the department (~~or supervising agency~~), or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department (~~or supervising agency~~) shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not

made a good cause exception, the court shall require the department (~~or supervising agency~~) to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other (~~supervising~~) agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other (~~supervising~~) agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to

provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 14. RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the ~~((supervising agency or))~~ department shall continue for a period of six months, at which time there shall be

a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department ~~((or supervising agency))~~ must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department ~~((or supervising agency))~~ may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department ~~((or supervising agency))~~ must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department ~~((or supervising agency))~~ of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department ~~((or supervising agency))~~ to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether (~~the supervising agency or~~) the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department (~~or supervising agency~~);

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3) (a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the (~~supervising agency's~~) department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's (~~or supervising agency's~~) case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the

child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(4)~~) (6).

Sec. 15. RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are each reenacted and amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption

decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department (~~(or supervising agency)~~) and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department (~~(or supervising agency)~~) staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department (~~(or supervising agency)~~) to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

(i) The child is being cared for by a relative;

(ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;

(iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;

(iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;

(v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or

(vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury

stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

(i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department (~~(or supervising agency)~~) or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department (~~(or the supervising agency)~~);

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the

provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) If the department (~~(or supervising agency)~~) is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the (~~(supervising agency)~~) department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department (~~(or supervising agency)~~) shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department (~~(or supervising agency)~~) requests dismissal of the petition prior

to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the (~~supervising agency~~) department of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 16. RCW 13.34.155 and 2009 c 526 s 2 and 2009 c 520 s 31 are each reenacted and amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency (~~(including the supervising agency)~~), the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department (~~(or supervising agency)~~) shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing

when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapters 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapters 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written

finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or, parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapters 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding.

Sec. 17. RCW 13.34.174 and 2009 c 520 s 32 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the

affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's (~~or supervising agency's~~) caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, (~~the supervising agency,~~) and the person or person's counsel regarding the person's cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, (~~the supervising agency if any,~~) and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 18. RCW 13.34.176 and 2009 c 520 s 33 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's (~~or supervising agency's~~) request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 19. RCW 13.34.180 and 2013 c 173 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party (~~including the supervising agency,~~) to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute

failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department (~~or supervising agency~~) made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services or ~~((the supervising agency and))~~ other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure) .

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 20. RCW 13.34.180 and 2017 3rd sp.s. c 6 s 308 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party (~~((including the supervising agency))~~) to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to

receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department (~~or supervising agency~~) made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in

keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

juvenile court shall order that a hearing on the merits of the petition be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department (~~(or the supervising agency)~~), the child's attorney, and the child. The court shall also order the department (~~(or supervising agency)~~) to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department (~~(or supervising agency)~~) shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9)(a) If the court conditionally grants the petition under subsection (7)

of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department (~~(or supervising agency)~~) shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(10) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(11) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(12) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(13) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the

child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(14) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(15) The state, the department, (~~the supervising agency~~) and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, (~~the supervising agency~~) or its employees concerning the original termination.

Sec. 23. RCW 13.34.233 and 2009 c 520 s 38 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department (~~or supervising agency~~) was not previously a party to the guardianship proceeding, the department (~~or supervising agency~~) shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party, or the department (~~, or the supervising agency~~) if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department (~~or a supervising agency~~) for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 24. RCW 13.34.245 and 2009 c 520 s 39 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition

for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department ((~~or supervising agency~~)) which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon

withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department ((~~or supervising agency~~)) which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 25. RCW 13.34.320 and 2009 c 520 s 40 are each amended to read as follows:

The department ((~~or supervising agency~~)) shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department ((~~or supervising agency~~)) shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department ((~~or supervising agency~~)) does not allow time for the department ((~~or supervising agency~~)) to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department ((~~or supervising agency~~)) shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 26. RCW 13.34.330 and 2009 c 520 s 41 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department ((~~or supervising agency~~)), in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 27. RCW 13.34.340 and 2009 c 520 s 42 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department (~~(or supervising agency)~~) because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department (~~(or supervising agency)~~) has authorized to provide mental health treatment under RCW 13.34.320, the department (~~(or supervising agency)~~) shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's (~~(or supervising agency's)~~) possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department (~~(or supervising agency)~~) in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department (~~(or supervising agency)~~) records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department (~~(or supervising agency)~~) records to another treating physician.

Sec. 28. RCW 13.34.370 and 2009 c 520 s 44 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, (~~(the supervising agency,)~~) the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 29. RCW 13.34.380 and 2013 c 254 s 3 are each amended to read as follows:

The department shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be

limited to: The structure and quality of visitations; consultation with the assigned law enforcement officer in the event the parent or sibling of the child is identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child; and training for department (~~(and supervising agency)~~) caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 30. RCW 13.34.385 and 2009 c 520 s 46 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department(~~(7)~~) or another public agency(~~(7, or a supervising agency)~~); and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, other public agency, or (~~(supervising)~~) agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the

child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.

Sec. 31. RCW 13.34.400 and 2009 c 520 s 48 are each amended to read as follows:

In any proceeding under this chapter, if the department (~~or supervising~~

~~agency~~) submits a report to the court in which the department is recommending a new placement or a change in placement, the department (~~or supervising agency~~) shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department (~~or supervising agency~~) shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department (~~or supervising agency~~) relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department (~~or supervising agency~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or (~~supervising~~) agency relating to visitation with a child, the department (~~or supervising agency~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department (~~or supervising agency~~) relating to the psychological status of a person, the department (~~or supervising agency~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department (~~or supervising agency~~) relating to injuries to a child, the department (~~or supervising agency~~) shall attach a summary of the physician's

report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department (~~(or supervising agency)~~) relating to a home study, licensing action, or background check information, the department (~~(or supervising agency)~~) shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 32. RCW 26.44.020 and 2012 c 259 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered

in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity

or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 33. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the

nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the department of children, youth, and families.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to

reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or

agent of any public or private organization or institution.

(25) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~)

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 34. RCW 74.13.010 and 2009 c 520 s 49 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of child welfare services provided by both the department and (~~supervising~~) agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

Sec. 35. RCW 74.13.020 and 2015 c 240 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal

mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) (~~"Committee" means the child welfare transformation design committee.~~)

~~(6))~~ "Department" means the department of social and health services.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs;

independent living services; medical assistance; and counseling or treatment.

~~((9))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9))~~ "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

~~((10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and

well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((17))~~ "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

~~((18))~~ (15) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((19))~~ (16) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 36. RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports,

attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) ~~("Committee" means the child welfare transformation design committee.~~

~~(6))~~ "Department" means the department of children, youth, and families.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not

limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance based contract, in time periods established in the contract.~~

~~((10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Secretary" means the secretary of the department.

~~((17))~~ (15) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.~~

~~(19))~~ (16) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((20))~~ (17) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 37. RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265 s 2 are each reenacted and amended to read as follows:

(1) The department (~~and supervising agencies~~) shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department (~~and supervising agencies~~) shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's (~~and supervising agency's~~) success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department (~~or supervising agencies~~) shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department (~~or supervising agencies~~) shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the

legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department (~~and the supervising agencies~~) shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department (~~and supervising agencies are~~) is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department (~~or supervising agencies~~) shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department (~~and supervising agencies~~) shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department (~~and supervising agency~~) shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department (~~and supervising agency~~) shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee (~~with sufficient members representing supervising agencies~~) which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11) (a) The department (~~and supervising agencies~~) shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care

services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department (~~(and supervising agencies)~~) shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of

support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the (~~(supervising agency or)~~) department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department (~~(and supervising agencies)~~) shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department (~~(and supervising agencies)~~) shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (~~(and supervising agencies are)~~) is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 (~~(and 74.13.320)~~) regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

Sec. 38. RCW 74.13.0311 and 2009 c 520 s 52 are each amended to read as follows:

The department (~~(or supervising agencies)~~) may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department (~~(or supervising agencies)~~) from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 39. RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are each reenacted and amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are

implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department (~~(or supervising agency)~~) staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the

implementation of chapters 13.32A and 13.34 RCW.

Sec. 40. RCW 74.13.042 and 2009 c 520 s 56 are each amended to read as follows:

If the department (~~(or supervising agency)~~) is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department (~~(or supervising agency)~~) may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department (~~(or supervising agency)~~), without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 41. RCW 74.13.045 and 2009 c 520 s 57 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department (~~(or supervising agency)~~), foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The

process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department (~~(and supervising agency)~~) caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 42. RCW 74.13.055 and 2009 c 520 s 58 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. (~~(The department shall also work cooperatively with supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.)~~)

Sec. 43. RCW 74.13.065 and 2009 c 520 s 60 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department (~~(or supervising agency)~~). The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 44. RCW 74.13.170 and 2009 c 520 s 70 are each amended to read as follows:

The department may, through performance-based contracts with ~~((supervising))~~ agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 45. RCW 74.13.280 and 2013 c 200 s 28 are each amended to read as follows:

(1) Except as provided in RCW 70.02.220, whenever a child is placed in out-of-home care by the department or ~~((a supervising))~~ with an agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or ~~((supervising))~~ agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include

information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or ~~((supervising agencies))~~ an agency to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 46. RCW 74.13.283 and 2009 c 520 s 73 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department (~~or supervising agency~~) to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department (~~or supervising agency~~) letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department (~~or supervising agency~~) is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person with the department (~~or supervising agency~~).

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department (~~or supervising agency~~) may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department (~~or supervising agency~~) caseworker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department (~~or supervising agency~~) shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 47. RCW 74.13.285 and 2009 c 520 s 74 are each amended to read as follows:

(1) Within available resources, the department (~~or supervising agency~~) shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department (~~or supervising agency~~) shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements shall have first priority in the preparation of passports.

(2) In addition to the requirements of subsection (1) of this section, the department (~~or supervising agency~~) shall, within available resources,

notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider (~~(including supervising agencies)~~) for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 48. RCW 74.13.289 and 2013 c 200 s 29 are each amended to read as follows:

(1) Upon any placement, the department (~~(or supervising agency)~~) shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department (~~(or supervising agency)~~).

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.02.220.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 49. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department (~~(or supervising agency)~~) and the child has thereafter resided in the home for at least ninety consecutive days, the department (~~(or supervising agency)~~) shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department (~~(or supervising agency)~~) shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 50. RCW 74.13.310 and 2009 c 520 s 78 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department (~~(and supervising agency)~~) shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 51. RCW 74.13.315 and 2009 c 520 s 79 are each amended to read as follows:

The department (~~(or supervising agency)~~) may provide child care for all foster parents who are required to attend department-sponsored (~~(or supervising agency-sponsored)~~) meetings or training sessions. If the department (~~(or~~

~~supervising agency~~) does not provide such child care, the department (~~or supervising agency~~), where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 52. RCW 74.13.325 and 2009 c 520 s 81 are each amended to read as follows:

Within available resources, the department (~~and supervising agencies~~) shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. (~~The department shall enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities.~~)

Sec. 53. RCW 74.13.333 and 2013 c 23 s 206 are each amended to read as follows:

(1) A foster parent who believes that a department (~~or supervising agency~~) employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(a) The foster parent made a complaint with the office of the family and children's ombuds, the attorney general, law enforcement agencies, or the department (~~, or the supervising agency~~) provided information, or otherwise cooperated with the investigation of such a complaint;

(b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(d) The foster parent has advocated for services on behalf of the foster child;

(e) The foster parent has sought to adopt a foster child in the foster parent's care; or

(f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombuds.

(2) The ombuds may investigate the allegations of retaliation. The ombuds

shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombuds shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombuds in writing, within thirty days of receiving the ombuds's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombuds shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombuds shall identify trends which may indicate a need to improve relations between the department (~~or supervising agency~~) and foster parents.

Sec. 54. RCW 74.13.334 and 2013 c 23 s 207 are each amended to read as follows:

The department (~~and supervising agency~~) shall develop procedures for responding to recommendations of the office of the family and children's ombuds as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 55. RCW 74.13.500 and 2009 c 520 s 84 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department (~~or a supervising agency~~) has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a

prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department (~~(or a supervising agency)~~) at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 56. RCW 74.13.515 and 2009 c 520 s 85 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department (~~(or a supervising agency)~~) at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 57. RCW 74.13.525 and 2009 c 520 s 86 are each amended to read as follows:

The department (~~(or a supervising agency)~~), when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 58. RCW 74.13.530 and 2009 c 520 s 87 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice

law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department (~~(or a supervising agency)~~) under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 59. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

The administrative regions of the department (~~(and the supervising agencies)~~) shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 60. RCW 74.13.590 and 2009 c 520 s 89 are each amended to read as follows:

The department (~~(and supervising agencies)~~) shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 61. RCW 74.13.600 and 2009 c 520 s 90 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department (~~(and supervising agencies)~~) shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used (~~(by supervising agencies)~~) when searching for kin of children prior to out-of-home

placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department (~~(or supervising agencies)~~) shall request that the juvenile court require parents to disclose to the (~~(agencies)~~) department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department (~~(and supervising agencies)~~) shall encourage the parents to disclose to the department (~~(and agencies)~~) all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department (~~(or supervising agency)~~) provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the

decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 62. RCW 74.13.640 and 2015 c 298 s 1 are each amended to read as follows:

(1)(a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in the care of the department (~~(or a supervising agency)~~) or receiving services described in this chapter or who has been in the care of the department (~~(or a supervising agency)~~) or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombuds to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

(c) The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case, including individuals whose professional expertise is pertinent to the dynamics of the case.

(d) Upon conclusion of a child fatality review required pursuant to this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(e) The department shall develop and implement procedures to carry out the requirements of this section.

(2)(a) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within one year preceding the near fatality, the department shall promptly notify the office of the family and children's ombuds. The department may conduct a review of the near fatality at its discretion or at the request of the office of the family and children's ombuds.

(b) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within three months preceding the near fatality, or was the subject of an investigation by the department for possible abuse or neglect, the department shall promptly notify the office of the family and children's ombuds and the department shall conduct a review of the near fatality.

(c) "Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(3) In any review of a child fatality or near fatality in which the child was placed with or received services from (~~a supervising~~) an agency pursuant to a contract with the department, the department and the fatality review team shall have access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the (~~supervising~~) agency.

(4)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team,

may not be examined in a civil or administrative proceeding regarding (i) the work of the child fatality or near fatality review team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

Sec. 63. RCW 74.13.650 and 2009 c 520 s 92 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with ~~((supervising))~~ agencies to provide this program.

Sec. 64. RCW 74.13B.020 and 2013 c 205 s 3 are each amended to read as follows:

(1) ~~((No later than July 1, 2014,))~~ The department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) It is the goal of the legislature to expand the coverage area of network administrators to encompass the entire state. Recognizing that phased implementation may be necessary, the department shall conduct ~~((a))~~ one or more procurement ~~((process))~~ processes to ~~((enter into performance based contracts with one or more))~~ expand the geographic coverage of network administrators for family support and related services. ~~((As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being.))~~ Expenditures for family support and related services purchased under this

section must remain within the levels appropriated in the operating budget.

(3)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; ~~((and))~~

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract;

(iii) Manage the entire family support and related service array within the geographic boundaries of a given network; and

(iv) Have the authority to redistribute funding within the network based on provider performance and the need to address service gaps if approval is provided by the department.

(b) While the department caseworker retains responsibility for case management, nothing in chapter 205, Laws of 2012 limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

~~(4) ((In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.~~

~~(5))~~ The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

~~((6))~~ (5) The procurement and resulting contracts must include, but are

not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

~~((47))~~ (6) As part of the procurement process under this section to expand the coverage of network administrators, the department shall issue the request for proposals or request for information no later than ~~(December 31, 2013, shall begin)~~ September 30, 2018, to expand the coverage area of the existing network administrator or expand the number of network administrators so that there is expanded network administrator coverage on the east side of the crest of the Cascade mountain range. Expanded implementation of performance-based contracting must begin no later than ~~(July 1, 2014, and shall fully implement performance based contracting no later than July 1, 2015)~~ January 30, 2019, if a qualified organization responds to the procurement process. Based on the costs and benefits of the network administrator expansion in this subsection, the department shall submit a recommendation to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature by September 1, 2020, regarding the time frame for expansion of network administrator coverage to additional regions of the state.

~~((48))~~ (7) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

~~((49))~~ (8) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

~~((10))~~ (9) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(10) The department shall, consistent with state and federal confidentiality requirements:

(a) Share all relevant data with the network administrators in order for the network administrators to track the performance and effectiveness of the services in the network; and

(b) Make all performance data available to the public.

(11) The department must not require existing network administrators to reapply to provide network administrator services in the coverage area of the existing network administrator on the effective date of this section.

(12) Beginning January 1, 2019, and in compliance with RCW 43.01.036, the department shall annually submit to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature a report detailing the status of the network administrator procurement and implementation process.

(13) In determining the cost estimate for expanded network administrator implementation, the department shall consider the value of the existing data platform for child welfare services.

Sec. 65. RCW 74.15.010 and 2009 c 520 s 12 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their

own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public ((and supervising)) agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 66. RCW 74.15.020 and 2017 c 39 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of

juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based

on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted

children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing

functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and

confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her

parent or at his or her legally authorized residence.

(10) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

~~(11))~~ "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 67. RCW 74.15.020 and 2017 3rd sp.s. c 6 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement

of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to

international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen

residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

~~(10) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

~~(11))~~ "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 68. RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1 are each reenacted and amended to read as follows:

Each agency (~~or supervising agency~~) shall make application for a license or renewal of license to the department on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee. The license shall be limited to a particular location which shall be stated on the license. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for thirty days after a move, except that this will apply only if the family remains intact. Licensees must notify their licensor before moving to a new location and may request a continuation of the license at the new location. At the request of the licensee, the department shall, within thirty days following a foster-family home licensee's move to a new location, amend the license to reflect the new location, provided the new location and the licensee meet minimum licensing standards.

NEW SECTION. **Sec. 69.** The following acts or parts of acts are each repealed:

(1) RCW 74.13.320 (Printing informational materials—Department's duty) and 2009 c 520 s 80 & 1990 c 284 s 15;

(2)RCW 74.13.360 (Performance-based contracts—Child welfare demonstration sites—Department duties—Contracts with tribes) and 2016 c 184 s 1, 2013 c 205 s 4, 2012 c 205 s 8, 2010 c 291 s 4, & 2009 c 520 s 3;

(3)RCW 74.13.362 (Performance-based contracts—Legislative mandate) and 2009 c 520 s 4;

(4)RCW 74.13.364 (Performance-based contracts—State authority—Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s 5;

(5)RCW 74.13.366 (Performance-based contracts—Preference for qualifying private nonprofit entities) and 2010 c 291 s 6 & 2009 c 520 s 6;

(6)RCW 74.13.370 (Performance-based contracts—Washington state institute for public policy report) and 2016 c 184 s 2, 2012 c 205 s 9, & 2009 c 520 s 9;

(7)RCW 74.13.372 (Performance-based contracts—Determination of expansion of delivery of child welfare services by contractors—Governor's duty) and 2016 c 184 s 3, 2012 c 205 s 11, & 2009 c 520 s 10; and

(8)RCW 43.10.280 (Dependency and termination of parental rights—Legal services to supervising agencies under state contract) and 2009 c 520 s 7.

NEW SECTION. **Sec. 70.** Sections 3, 8, 13, 20, 33, 36, and 66 of this act take effect July 1, 2018.

NEW SECTION. **Sec. 71.** Sections 2, 7, 12, 19, 32, 35, and 65 of this act expire July 1, 2018."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6452 Prime Sponsor, Committee on Ways & Means: Expanding the activities of the children's mental health services

consultation program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Human Services.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The health care authority shall convene the University of Washington, Seattle children's hospital, medicaid managed care organizations, organizations connecting families to children's mental health services and providers, health insurance carriers as defined in RCW 48.44.010, and the office of the insurance commissioner to recommend:

(a) An alternative funding model for the partnership access line; and

(b) A strategy to ensure that expanded services for the partnership access line identified in subsection (2) of this section do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(2) The funding model must identify potential sources to support:

(a) Current partnership access line services for primary care providers;

(b) An expansion of partnership access line services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and

(c) An expansion of partnership access line services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(3) In the development of the alternative funding model, the authority and office of the insurance commissioner must:

(a) Consider a mechanism that determines the annual cost of operating the partnership access line and collects a proportional share of the program cost from each health insurance carrier; and

(b) Differentiate between partnership access line activities eligible for medicaid funding from other nonmedicaid eligible activities.

(4) By December 1, 2018, the authority must recommend a plan to the appropriate committees of the legislature, and the children's mental health work group created in chapter . . ., Laws of 2018 (Engrossed Second Substitute House Bill No. 2779), if chapter . . ., Laws of 2018 (Engrossed Second Substitute House Bill No. 2779) is enacted by the effective date of this section.

(5) This section expires December 30, 2018.

Sec. 2. RCW 71.24.061 and 2014 c 225 s 35 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to behavioral health organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, behavioral health organization contracts shall authorize behavioral health organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, ~~((children's hospital and regional medical center))~~ Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the ~~((department))~~ health care authority in collaboration with the ~~((evidence-based practice institute))~~ University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(a) Implement a ((pilot)) program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(b) Beginning January 1, 2019, implement a two-year pilot program called the partnership access line for moms and kids to:

(i) Support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(ii) Facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(c) The program activities described in (a) and (b)(i) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The health care authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the health care authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The health care authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

2SSB 6453

Prime Sponsor, Committee on Ways & Means: Concerning legal support for

kinship caregivers. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6486 Prime Sponsor, Committee on Higher Education & Workforce Development: Expanding registered apprenticeship programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The apprenticeship council under chapter 49.04 RCW and the workforce training and education coordinating board under RCW 28C.18.020 shall develop a strategic plan focused on apprenticeship. In consultation with the governor's office, the department of labor and industries, the apprenticeship council and the workforce training and education coordinating board shall collaborate with the state board for community and technical colleges, the employment security department, and the office of the superintendent of public instruction to:

(a) Review existing registered apprenticeship programs;

(b) Analyze opportunities for statewide expansion of registered apprenticeship programs and preapprenticeship programs; and

(c) Recommend policies to implement strategies that increase registered youth and adult apprenticeships.

(2) The apprenticeship council and the workforce training and education coordinating board shall consult individuals from the public and private

sectors with expertise in apprenticeships, including representatives of labor unions, professional technical organizations, and business and industry in the development of their recommendations.

(3) The apprenticeship work group is established to review the work being done under subsection (1) of this section by the governor's office concerning students' preparation for pathways towards a living wage, to study policy recommendations, and to advise the legislature on a future statewide cross-sector registered apprenticeship system.

(a) The work group shall consist of the following members:

(i) Four senators, two from each of the two largest caucuses, appointed by the president of the senate;

(ii) Four members of the house of representatives, two from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(iii) One representative from each of the agencies collaborating in subsection (1) of this section;

(iv) Two representatives from the governor's office;

(v) Six representatives of the labor community;

(vi) Six business representatives from different industry sectors; and

(vii) Two representatives with subject matter expertise in apprenticeship models.

(b) The work group shall choose two cochairs, one from among its business membership and one representative from state government.

(c) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(d) The work group shall meet at least three times before October 15, 2018.

(4) The work group shall consolidate its findings and recommendations into one

report delivered to the governor and the higher education and labor committees of the legislature by October 15, 2018.

(5) This section expires December 31, 2018.

NEW SECTION. Sec. 2. A new section is added to chapter 49.04 RCW to read as follows:

(1) Within existing resources, the complete Washington program is created for the purpose of connecting prior learning, including registered apprenticeships and other skills-based work experience, with postsecondary degree completion. The office of the lieutenant governor, in consultation with the Washington student achievement council and the academic credit for prior learning work group in RCW 28B.77.230, shall coordinate the program. The program's purpose is to expand postsecondary degree pathways that recognize prior learning in the form of registered apprenticeship programs.

(2) Moneys deposited into the student achievement council fund for innovation and quality established in RCW 28B.120.040 may be spent by the student achievement council for the purposes of incentive grants to organizations consistent with the overall goals of the complete Washington program and consistent with the guidelines established by the student achievement council and the office of the lieutenant governor in RCW 28B.120.005.

Sec. 3. RCW 28B.120.005 and 2010 c 245 s 6 are each amended to read as follows:

The legislature finds that encouraging collaboration among the various (~~educational~~) sectors to meet statewide productivity and educational attainment needs as described in the system design plan developed by the (~~higher education coordinating board~~) student achievement council and the office of the lieutenant governor will strengthen the entire educational system through to careers, from kindergarten through twelfth grade (~~and~~), to higher education or registered apprenticeships. The legislature also recognizes that the most effective way to develop innovative and collaborative programs is to encourage institutions to develop them voluntarily, in line with established state goals. Through a system of competitive grants, the legislature shall encourage the development of

innovative and collaborative and cost-effective solutions to issues of critical statewide need, including:

(1) Raising educational attainment and access to occupation-oriented learning through planning and piloting innovative initiatives to reach new locations and populations;

(2) Recognizing needs of special populations of students, including access and completion efforts targeting underrepresented populations;

(3) Furthering the development of learner-centered, technology-assisted course delivery, including expansion of online and hybrid coursework, open courseware, and other uses of technology in order to effectively and efficiently share costs, improve the quality of instruction and student, faculty, and administrative services, increase undergraduate and graduate student access, retention, and graduation, and to enhance transfer capability;

(4) Furthering the development of competency-based measurements of student achievement to be used as the basis for awarding degrees and certificates;

(5) Increasing the collaboration among both public and private sector institutions of higher education; (~~and~~)

(6) Expanding postsecondary degree pathways that recognize prior learning in the form of registered apprenticeship programs; and

(7) Improving productivity through innovations such as accelerated programs and alternative scheduling.

Sec. 4. RCW 28B.120.010 and 2012 c 229 s 571 are each amended to read as follows:

Within existing resources, the Washington fund for innovation and quality in higher education program is established. The student achievement council shall administer the program and shall work in close collaboration with the office of the lieutenant governor, the state board for community and technical colleges, and other local and regional entities. Through this program the student achievement council may award on a competitive basis incentive grants to state public or private nonprofit institutions of higher education or consortia of institutions to encourage programs designed to address specific

system problems. Each institution or consortia of institutions receiving the award shall contribute some financial support, either by covering part of the costs for the program during its implementation, or by assuming continuing support at the end of the grant period. Strong priority will be given to proposals that involve more than one sector of education or workforce development. Institutions are encouraged to solicit nonstate funds to support these cooperative programs.

Sec. 5. RCW 28B.120.030 and 2012 c 229 s 574 are each amended to read as follows:

Within existing resources, the student achievement council and the ((state board for community and technical colleges)) office of the lieutenant governor may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 6. RCW 28B.120.040 and 2012 c 229 s 575 are each amended to read as follows:

The student achievement council fund for innovation and quality is hereby established in the custody of the state treasurer. The student achievement council and the office of the lieutenant governor shall deposit in the fund all moneys received under RCW 28B.120.030. Moneys in the fund may be spent only for the purposes of RCW 28B.120.010 ((and)), 28B.120.020, and the complete Washington program in section 2 of this act. Disbursements from the fund shall be on the authorization of the student achievement council. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member;

MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Schmick; Sullivan; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Referred to Committee on Rules for second reading.

February 26, 2018

ESSB 6491 Prime Sponsor, Committee on Ways & Means: Increasing the availability of assisted outpatient behavioral health treatment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Tharinger; Vick; Volz and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6514 Prime Sponsor, Committee on Higher Education & Workforce Development: Concerning suicide prevention and behavioral health in higher education, with enhanced services to student veterans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

February 26, 2018

SSB 6549 Prime Sponsor, Committee on Ways & Means: Expanding the access to baby and child dentistry program to serve children

with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Calder; Cody; Condotta; Fitzgibbon; Graves; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Sullivan; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 2858
- SUBSTITUTE SENATE BILL NO. 5064
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5084
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5108
- SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5180
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143
- SENATE BILL NO. 5213
- ENGROSSED SENATE BILL NO. 5450
- SUBSTITUTE SENATE BILL NO. 5493
- ENGROSSED SENATE BILL NO. 5518
- SUBSTITUTE SENATE BILL NO. 5596
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5928
- SECOND SUBSTITUTE SENATE BILL NO. 5970
- SENATE BILL NO. 5987
- SUBSTITUTE SENATE BILL NO. 5991
- SUBSTITUTE SENATE BILL NO. 5996
- SENATE BILL NO. 6027
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6037
- SENATE BILL NO. 6058
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6068
- SENATE BILL NO. 6070
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6081
- SENATE BILL NO. 6113
- SENATE BILL NO. 6125

- SUBSTITUTE SENATE BILL NO. 6126
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6137
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6143
- SUBSTITUTE SENATE BILL NO. 6147
- SUBSTITUTE SENATE BILL NO. 6152
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6157
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6162
- SENATE BILL NO. 6163
- SUBSTITUTE SENATE BILL NO. 6175
- SENATE BILL NO. 6180
- SENATE BILL NO. 6190
- SENATE BILL NO. 6205
- SENATE BILL NO. 6240
- SENATE BILL NO. 6264
- SUBSTITUTE SENATE BILL NO. 6273
- SUBSTITUTE SENATE BILL NO. 6294
- SENATE BILL NO. 6298
- SENATE BILL NO. 6311
- SUBSTITUTE SENATE BILL NO. 6313
- SUBSTITUTE SENATE BILL NO. 6318
- SENATE BILL NO. 6319
- SENATE BILL NO. 6368
- SUBSTITUTE SENATE BILL NO. 6388
- SUBSTITUTE SENATE BILL NO. 6399
- SENATE BILL NO. 6408
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6434
- SENATE BILL NO. 6462
- SUBSTITUTE SENATE BILL NO. 6473
- SUBSTITUTE SENATE BILL NO. 6475
- SUBSTITUTE SENATE BILL NO. 6519
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6550
- SUBSTITUTE SENATE BILL NO. 6560
- SENATE BILL NO. 6563
- SENATE BILL NO. 6582

There being no objection, the House adjourned until 9:00 a.m., February 27, 2018, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker
 BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, February 27, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Annali Snyder and Thomas Monahan. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Greg Wilt, Liberty Lake Baptist Church, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5912, by Senators Kuderer, Rivers, Cleveland, Walsh, Conway, Mullet, Keiser and Hasegawa

Concerning insurance coverage of tomosynthesis or three-dimensional mammography.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Rodne was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5912.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5912, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey,

Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler and Schmick.

Excused: Representative Rodne.

SENATE BILL NO. 5912, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5522, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Palumbo, Fain and Nelson)

Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children. Revised for 1st Substitute: Requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 44, February 20, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5522, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5522, as amended by the House,

and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SUBSTITUTE SENATE BILL NO. 5522, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6115, by Senators McCoy, Darneille, Keiser, Palumbo, Nelson, Liias, Van De Wege, Hunt, Chase, Saldaña, Kuderer and Hasegawa

Concerning residential custody services for tribal youth.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6115.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6115, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford,

Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SENATE BILL NO. 6115, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5450, by Senators Liias, Warnick, Ranker, Fain, Miloscia, Zeiger, Wilson, McCoy, Chase, Mullet and Frockt

Concerning the use of cross-laminated timber for building construction. (REVISED FOR ENGROSSED: Concerning the use of mass timber for building construction.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5450.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5450, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hayes, Holy, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Harmsworth, Irwin, Schmick, Stokesbary, Van Werven and Wilcox.

Excused: Representative Rodne.

ENGROSSED SENATE BILL NO. 5450, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6113, by Senators Bailey, Keiser, Darneille and Rivers

Concerning priority processing for adult family home license applications.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6113.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6113, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Irwin.

Excused: Representative Rodne.

SENATE BILL NO. 6113, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 6113.

Representative Irwin, 31 District

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2995, and the bill was referred to the Committee on Rules.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Saldaña, Billig, Palumbo, Frockt, Rolfes, Van De Wege, Liias, Ranker, Keiser, Pedersen, Hunt, Wellman, Conway, Chase, McCoy, Dhingra, Kuderer, Hasegawa, Nelson, Carlyle and Mullet)

Enacting the Washington voting rights act of 2018.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government, Elections & Information Technology was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 20, 2018).

With the consent of the house, amendments (1100), (1102) and (1171) to the committee amendment were withdrawn.

Representative Irwin moved the adoption of amendment (1174) to the committee amendment:

Beginning on page 1, line 29 of the amendment, after "groups." strike all material through "polarization." on page 2, line 2

Representative Irwin spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Jinkins and Santos spoke against the adoption of the amendment to the committee amendment.

Amendment (1174) was not adopted.

Representative Irwin moved the adoption of amendment (1176) to the committee amendment:

On page 2, beginning on line 33 of the amendment, after "city," strike all material through "district" on line 35 and insert "and town"

On page 5, beginning on line 1 of the amendment, strike all of section 203

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 6, line 21 of the amendment, strike all of sections 208, 209, and 210

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 14, beginning on line 18 of the amendment, after "one thousand" strike all material through "two hundred fifty" on line 19

Correct the title.

Representatives Irwin, Manweller, Stokesbary, Dye, Walsh and MacEwen spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Wylie and Hudgins spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1176) to the committee amendment, and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (1176) to the committee amendment, was not adopted.

Representative Harmsworth moved the adoption of amendment (1160) to the committee amendment:

On page 2, line 34 of the amendment, after "port district," insert "regional transit authority,"

On page 8, after line 28 of the amendment, insert the following:

"NEW SECTION. Sec. 211. A new section is added to chapter 81.112 RCW to read as follows:

(1) Any regional transit authority created under this chapter must be

governed by a board consisting of eleven directly elected nonpartisan members. By January 1, 2019, the board of any existing regional transit authority must create an election system for the board, in accordance with the authority provided in this act. The election system may provide for district-based elections, as provided in this act.

(2) Elected board members have terms of office for four years, commencing January 1st after the election. The initial terms of board member positions may be designated into two or four-year terms, as determined by the secretary of the Washington state department of transportation, in order to provide for staggered terms.

(3) The membership and authority of any existing board is effective through December 31, 2019, after which time the board is dissolved. The board membership elected in the 2019 general election shall take over all functions of the existing board beginning January 1, 2020.

Sec. 212. RCW 81.112.030 and 2007 c 509 s 3 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall

decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

~~(3) (Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.~~

~~(4))~~ The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the ~~((appointments))~~ names of the elected board members. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

~~((5))~~ (4) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

~~((6))~~ (5) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following

receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

~~((7))~~ (6) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

~~((8))~~ (7) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

~~((9))~~ (8) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board, subject to section 211 of this act. If the composition of the board is changed, the participating counties shall revise the membership of the board ~~((accordingly))~~ subject to section 211 of this act. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

~~((10))~~ (9) At the 2007 general election, the authority shall submit a proposition to support a system and financing plan or additional implementation phases of the authority's system and financing plan as part of a single ballot proposition that includes a plan to support a regional transportation investment plan developed under chapter 36.120 RCW. The authority's plan shall not be considered approved unless both a majority of the persons voting on the proposition residing within the authority vote in favor of the proposition and a majority of the persons voting on the proposition residing within the proposed regional transportation investment district vote in favor of the proposition.

~~((11))~~ (10) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

~~((12))~~ (11) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

Sec. 213. RCW 81.112.040 and 1994 c 109 s 1 are each amended to read as follows:

(1) ~~((The regional transit authority shall be governed by a board consisting of representatives appointed by the county executive and confirmed by the council or other legislative authority of each member county. Membership shall be based on population from that portion of each county which lies within the service area. Board members shall be appointed initially on the basis of one for each one hundred forty-five thousand population within the county. Such appointments shall be made following consultation with city and town jurisdictions within the service area. In addition, the secretary of transportation or the secretary's designee shall serve as a member of the board and may have voting status with approval of a majority of the other members of the board. Only board members, not including alternates or designees, may cast votes.~~

~~Each member of the board, except the secretary of transportation or the secretary's designee, shall be:~~

~~(a) An elected official who serves on the legislative authority of a city or as mayor of a city within the boundaries of the authority;~~

~~(b) On the legislative authority of the county, if fifty percent of the population of the legislative official's district is within the authority boundaries; or~~

~~(c) A county executive from a member county within the authority boundaries.~~

~~When making appointments, each county executive shall ensure that representation on the board includes an elected city official representing the largest city in each county and assures proportional representation from other cities, and representation from unincorporated areas of each county~~

~~within the service area. At least one-half of all appointees from each county shall serve on the governing authority of a public transportation system.~~

~~Members appointed from each county shall serve staggered four year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.~~

~~The governing board shall be reconstituted, with regard to the number of representatives from each county, on a population basis, using the official office of financial management population estimates, five years after its initial formation and, at minimum, in the year following each official federal census. The board membership may be reduced, maintained, or expanded to reflect population changes but under no circumstances may the board membership exceed twenty five.~~

~~(2))~~ Major decisions of the authority shall require a favorable vote of two-thirds of the entire membership of the voting members. "Major decisions" include at least the following: System plan adoption and amendment; system phasing decisions; annual budget adoption; authorization of annexations; modification of board composition; and executive director employment.

~~((3))~~ (2) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation as provided in RCW 43.03.250."

Correct any internal references accordingly and correct the title.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1160) to Engrossed Substitute Senate Bill No. 6002.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The bill before us creates a state voting rights act to protect the equal opportunity of minority groups to participate in local elections and elect candidates of choice; creates a cause of action authorizing courts to order appropriate remedies for violation of the act; and authorizes local governments to change voting districts to remedy potential violations of the act.

Amendment 1160 changes the governing structure of regional transit authorities from an appointed board to an elected board. The appropriate type of governing structure

for such an entity presents a policy choice unrelated to addressing inequities faced by minority groups in existing election systems.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Pike moved the adoption of amendment (1190) to the committee amendment:

On page 3, after line 16 of the striking amendment, insert the following:

"(3) Any political subdivision implementing a district-based election system under authority of this section may not include more than three districts within the subdivision."

On page 11, after line 3 of the striking amendment, insert the following:

"(5) Any political subdivision's remedy that includes a district-based election system may not include more than three districts within the subdivision."

On page 11, after line 36 of the striking amendment, insert the following:

"(4) Any political subdivision's remedy that includes a district-based election system may not include more than three districts within the subdivision."

On page 13, after line 30 of the striking amendment, insert the following:

"(4) Any court order providing a remedy that includes a district-based election system may not include more than three districts within the subdivision."

Representatives Pike and Manweller spoke in favor of the adoption of the amendment to the committee amendment.

Representative Gregerson spoke against the adoption of the amendment to the committee amendment.

Amendment (1190) to the committee amendment, was not adopted.

Representative Gregerson moved the adoption of amendment (1156) to the committee amendment:

On page 4, at the beginning of line 2 of the amendment, strike "this section" and insert "section 201 of this act"

On page 4, beginning on line 7 of the amendment, after "under" strike "this section" and insert "section 201 of this act"

On page 4, line 15 of the amendment, after "system" insert "under section 201(2) of this act"

On page 4, beginning on line 36 of the amendment, after "under" strike "this section" and insert "section 201 of this act"

On page 11, line 4 of the amendment, after "Any" strike "person" and insert "voter who resides in the political subdivision"

On page 14, line 23 of the amendment, after "preparation of a" strike "subsequent" and after "redistricting plan" insert "under section 201 of this act"

Representatives Gregerson and Irwin spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1156) to the committee amendment, was adopted.

Representative Stokesbary moved the adoption of amendment (1173) to the committee amendment:

On page 6, after line 29 of the amendment, insert the following:

"Sec. 210. RCW 53.12.010 and 2002 c 51 s 1 are each amended to read as follows:

(1) The powers of the port district shall be exercised through a port commission consisting of three or five members, ~~((when))~~ or as otherwise permitted by this title~~((seven members))~~.

(a) Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into the same number of commissioner districts as there are commissioner positions, each having approximately equal population, unless provided otherwise under subsection (2) of this section.

(b) Where a port district with three commissioner positions is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port commissioner districts shall be the county legislative authority districts.

(c) In other instances where a port district is divided into commissioner

districts, the port commission shall divide the port district into commissioner districts unless the commissioner districts have been described pursuant to RCW 53.04.031. The commissioner districts shall be altered as provided in chapter 53.16 RCW.

(d) Commissioner districts shall be used as follows: ~~((a))~~ (i) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and ~~((b))~~ (ii) only the voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Except as provided in subsection (3) of this section, voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

(2) (a) In port districts with five commissioners, two of the commissioner districts may include the entire port district if approved by the voters of the district either at the time of formation or at a subsequent port district election at which the issue is proposed pursuant to a resolution adopted by the board of commissioners and delivered to the county auditor.

(b) In a port district with five commissioners, where two of the commissioner districts include the entire port district, the port district may be divided into five commissioner districts if proposed pursuant to a resolution adopted by the board of commissioners or pursuant to a petition by the voters and approved by the voters of the district at the next general or special election occurring sixty or more days after the adoption of the resolution. A petition proposing such an increase must be submitted to the county auditor of the county in which the port district is located and signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election.

Upon approval by the voters, the commissioner district boundaries shall be redrawn into five districts within one hundred twenty days and submitted to the county auditor pursuant to RCW 53.16.015. The new commissioner districts shall be numbered one through five and the three incumbent commissioners representing the three former districts shall represent

commissioner districts one through three. The two at large incumbent commissioners shall represent commissioner districts four and five. If, as a result of redrawing the district boundaries, more than one of the incumbent commissioners resides in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which of the numbered commissioner districts they shall represent for the remainder of their respective terms.

(3) (a) Beginning in 2019, any port district with five members that is coextensive with a county having a population of over one and one-half million, and with a legislative authority of nine members, must be divided into the same commissioner districts as the county legislative authority districts and include the same number of commissioner positions as the county legislative authority.

(b) Each commissioner must reside in the district from which he or she is elected, and only voters from each district may elect the commissioner to fill that district's commissioner position. No commissioner position may be elected at large.

(c) Each commissioner elected prior to 2019 with at least two years remaining in his or her term may complete his or her term for the new commissioner district in which he or she resides. If, as a result of redrawing the district boundaries, more than one of the incumbent commissioners, with at least two years remaining on each of their terms, reside in one of the new commissioner districts, the commissioners who reside in the same commissioner district shall determine by lot which commissioner will represent the district for the remainder of the term.

(d) The initial election under this subsection (3) will include the election of positions in each of the remaining district positions as follows:

(i) A certain number of positions elected to serve an initial two-year term, which in addition to any incumbent commissioner's position, as established in (c) of this subsection (3), provide a total number of four positions that will expire at the end of 2021; and

(ii) Five positions elected to serve four-year terms.

(e) The county auditor must select which district positions will be two-year or four-year terms for the initial election, pursuant to (d) of this subsection. All subsequent terms for all positions must be for four-year terms.

(f) Each commissioner must receive the same salary as a member of the state legislature, as set under RCW 43.03.013."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1173) to Engrossed Substitute Senate Bill No. 6002.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The bill before us creates a state voting rights act to protect the equal opportunity of minority groups to participate in local elections and elect candidates of choice; creates a cause of action authorizing courts to order appropriate remedies for violation of the act; and authorizes local governments to change voting districts to remedy potential violations of the act.

Amendment 1173 changes the election system for certain port districts without regard to whether those changes relate to protecting the equal opportunity of minority groups to participate in local elections and elect candidates of choice.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Rodne moved the adoption of amendment (1107) to the committee amendment:

On page 8, line 33 of the amendment, after "subdivision." insert "The person providing notice, as well as any subsequent notice as provided under section 304 of this act, must be a member of the protected class identified in the notice."

Representative Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hansen spoke against the adoption of the amendment to the committee amendment.

Amendment (1107) to the committee amendment, was not adopted.

Representative Irwin moved the adoption of amendment (1104) to the committee amendment:

Beginning on page 9, line 5 of the amendment, strike all of section 302 and insert the following:

"NEW SECTION. **Sec. 302.** (1) A political subdivision is in violation of this act when:

(a) It is established by prima facie evidence that:

(i) The protected class is sufficiently large and geographically compact enough to constitute a majority in a single member voting district;

(ii) The protected class is politically cohesive; and

(iii) The majority votes sufficiently as a bloc to enable it to defeat the protected class' preferred candidate; and

(b) It is established that, by the totality of circumstances, the voters of the protected class have less opportunity than members of the majority group to participate in the political process and to elect representatives of their choice.

(2) In determining whether there is a violation of this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. Only elections conducted prior to the filing of an action pursuant to this chapter shall be used to establish or rebut the existence of a violation. In determining whether, by the totality of the circumstances, the voters of the protected class have less opportunity than members of the majority group to participate in the political process and to elect representatives of their choice, the court shall consider, at a minimum, the following factors:

(a) The history of voter-related discrimination in the political subdivision;

(b) The extent to which voting in elections of the political subdivision is racially polarized;

(c) The extent to which the political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority voting requirements, and prohibitions against bullet voting;

(d) The exclusion of members of the protected class from the candidate slating process;

(e) The extent to which protected class members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process;

(f) The use of overt or subtle racial appeals in political campaigns;

(g) The extent to which members of the protected class have been elected to public office in the political subdivision; and

(h) Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the protected class.

(3) In determining whether there is a violation of this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. The court shall also consider whether the proportion of elected officials serving on the political subdivision's legislative body who are members of the protected class is equivalent to the proportion of the population who are members of the protected class. Only elections conducted prior to the filing of an action pursuant to this chapter shall be used to establish or rebut the existence of a violation.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this chapter shall not preclude a finding of a violation of this act."

Correct any internal references accordingly.

Representatives Irwin, Manweller and Manweller (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hudgins and Hudgins (again) spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 48 - YEAS; 50 - NAYS.

Amendment (1104) to the committee amendment, was not adopted.

Representative Graves moved the adoption of amendment (1106) to the committee amendment:

On page 10, beginning on line 29 of the amendment, after "stage." strike all material through "stage." on line 31

Representatives Graves, Graves (again) Irwin and Stokesbary spoke in favor of the adoption of the amendment to the committee amendment.

Representative Valdez spoke against the adoption of the amendment to the committee amendment.

Amendment (1106) to the committee amendment, was not adopted.

Representative McDonald moved the adoption of amendment (1098) to the committee amendment:

On page 11, beginning on line 9 of the amendment, after "this act." strike all material through "filed." on line 11

Representatives McDonald and Irwin spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Valdez and Hudgins spoke against the adoption of the amendment to the committee amendment.

Amendment (1098) to the committee amendment, was not adopted.

Representative Kraft moved the adoption of amendment (1101) to the committee amendment:

On page 13, after line 30 of the amendment, insert the following:

"(4) Within thirty days of the conclusion of any action filed under section 402 of this act, the political subdivision must publish on the subdivision's web site, the outcome and summary of the action, as well as the legal costs incurred by the subdivision.

If the political subdivision does not have its own web site, then it may publish on the county web site."

Representatives Kraft and Hudgins spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1101) to the committee amendment, was adopted.

Representative McDonald moved the adoption of amendment (1099) to the committee amendment:

On page 14, line 7 of the amendment, after "405." strike "(1)"

On page 14, beginning on line 8 of the amendment, after "prevailing" strike all material through "thereof," on line 9 and insert "party"

On page 14, at the beginning of line 13 of the amendment, strike all material through "RCW 4.84.185." on line 14

Representatives McDonald and Smith spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kilduff spoke against the adoption of the amendment to the committee amendment.

Amendment (1099) to the committee amendment, was not adopted.

Representative Walsh moved the adoption of amendment (1165) to the committee amendment:

On page 14, beginning on line 17 of the amendment, after "applicable to" strike all material through "fifty" on line 19 and insert "any political subdivision with a population under ten thousand"

Representative Walsh spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1165) to the committee amendment, and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Blake, Buys, Caldwell, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary,

Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCaslin, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (1165) to the committee amendment, was not adopted.

Representative Irwin moved the adoption of amendment (1170) to the committee amendment:

On page 14, beginning on line 33 of the amendment, after "the act" strike all material through "affected" on line 34 and insert "also is invalid"

Representative Irwin spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hudgins spoke against the adoption of the amendment to the committee amendment.

Amendment (1170) to the committee amendment, was not adopted.

Division was demanded on the adoption of the committee amendment as amended and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

The committee amendment, as amended, was adopted.

By the adoption of the committee amendment as amended, amendments (1095), (1096), (1097), (1103), (1105), (1108), (1161), (1166), (1167), (1168), (1169), (1172), (1175) and (1188) were ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Gregerson, Wylie, Haler, Ortiz-Self, Riccelli, Riccelli (again) Hudgins and Stonier spoke in favor of the passage of the bill.

Representatives Irwin, Kraft, Klippert, Hargrove, Steele, Manweller, Muri, Vick, Pike, Orcutt, Stokesbary, McCaslin, Harmsworth and McDonald spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6002, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6021, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Kuderer, Billig, Darneille, Palumbo, Frockt, Rolfes, Liias, Keiser, Pedersen, Hunt, Wellman, Conway, Saldaña, Hasegawa, Mullet and Nelson)

Extending the period for voter registration.

The bill was read the second time.

With the consent of the House, amendment (1072) was withdrawn.

Representative Irwin moved the adoption of amendment (1163):

On page 7, line 10, after "effect" strike "June 30" and insert "December 15"

Representatives Irwin, Irwin (again) Kraft and Harmsworth spoke in favor of the adoption of the amendment.

Representatives Hudgins and Dolan spoke against the adoption of the amendment.

Amendment (1163) was not adopted.

Representative Irwin moved the adoption of amendment (1164):

On page 7, line 10, after "effect" strike "June 30, 2019" and insert "when the modern elections management system

operated by the secretary of state is fully implemented and installed in the office of the secretary of state and in all county elections departments.

NEW SECTION. **Sec. 7.** The office of the secretary of state must provide notice of the effective date of sections 1 through 4 of this act to the office of the code reviser"

Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Representatives Irwin, DeBolt and Shea spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

Amendment (1164) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dolan, Jinkins and Bergquist spoke in favor of the passage of the bill.

Representatives McDonald, DeBolt and Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6021.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6021, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 6021, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6059, by Senators Angel and Mullet

Addressing the insurer corporate governance annual disclosure model act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Vick and Kirby (again) spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6059.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6059, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6059, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5996, by Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Darneille, Frockt, Van De Wege, Pedersen, Hunt, Chase, Saldaña, Kuderer and Hasegawa)

Encouraging the disclosure and discussion of sexual harassment and sexual assault in the workplace.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5996.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5996, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5996, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, by Senate Committee on Law & Justice (originally sponsored by Senators Frockt, Pedersen, Palumbo, Conway, Saldaña, Kuderer and Mullet)

Concerning the applicability of nondisclosure agreements in civil actions for sexual harassment or assault.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff, Rodne and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6068, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6471, by Senators Keiser, Walsh, Rolfes, Dhingra, Bailey, Darneille, Hasegawa, Frockt, Conway, Chase, Kuderer and Saldaña

Developing model policies to create workplaces that are safe from sexual harassment.

The bill was read the second time.

Representative Orwall moved the adoption of amendment (1225):

On page 2, line 7, after "organizations;" strike "and"

On page 2, line 8, after "(e)" insert "Representatives of farmworkers or groups advocating for farmworkers;

(f) Representatives from agricultural industries; and

(g) "

Representatives Orwall, Ortiz-Self and McCabe spoke in favor of the adoption of the amendment.

Amendment (1225) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6471, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6471, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6471, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, by Senate Committee on Health Care (originally sponsored by Senators Rolfes, Angel, Hasegawa, Nelson, Honeyford, Darneille, Billig, Keiser, Wilson, Saldaña, Warnick and Kuderer)

Providing women with timely information regarding their breast health.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri, Graves, Hargrove and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5084, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5084, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6155, by Senate Committee on Transportation (originally sponsored by Senators Short, King, Hobbs, Takko, Brown, Padden, Saldaña and Keiser)

Concerning bone marrow donation information provided to driver's license and identicard applicants.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6155.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6155, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller,

Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6155, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Short, Kuderer, Rivers, Cleveland, Palumbo, Nelson, Becker, Walsh, Warnick and Van De Wege)

Regarding prior authorization.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Eslick spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6157.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6157, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Graves, Harris, Nealey, Rodne, Schmick, Stokesbary, Vick and Wilcox.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6163, by Senators Becker, Cleveland, Fain, Bailey, Brown, Wilson, Short, Conway, Keiser and Kuderer

Extending the duration of the collaborative for the advancement of telemedicine.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schmick and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6163, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6163, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6163, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6221, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Walsh and Darneille)

Concerning the Washington achieving a better life experience program account.

The bill was read the second time.

Representative Taylor moved the adoption of amendment (1232):

On page 2, line 22, after "~~43.79A.040-~~")" insert "Administrative expenses allowed under this section may not exceed one and one-half percent of the moneys in the Washington achieving a better life experience program account on an annual basis."

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

Amendment (1232) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6221, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6221, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6221, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2437, by Representatives Robinson, Tharinger, Macri, Ryu, Kagi, Pollet, Ormsby, Doglio, Santos and Tarleton

Encouraging investments in affordable and supportive housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2437 was substituted for House Bill No. 2437 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2437 was read the second time.

Representative Robinson moved the adoption of the striking amendment (1159):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.14 RCW to read as follows:

(1) (a) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter. The rate of the tax under this section may not exceed 0.03 percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(b) (i) If a county with a population of one million five hundred thousand or less has not imposed the full tax rate authorized under (a) of this subsection by July 1, 2020, any city legislative authority in that county may authorize, fix, and impose the sales and use tax in accordance with the terms of this chapter. The rate of tax under this section may not exceed 0.03 percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(ii) If a county with a population of greater than one million five hundred thousand has not imposed the full tax rate authorized under (a) of this subsection by July 1, 2021, any city legislative authority in that county may authorize, fix, and impose the sales and use tax in accordance with the terms of this chapter. The rate of tax under this section may not exceed 0.03 percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(c) The effective date of a tax imposed under this section must be the first day of a state fiscal year.

(d) If a county imposes a tax authorized under (a) of this subsection after a city located in that county has imposed the tax authorized under (b) of this subsection, the county must provide a credit against its tax for the full amount of tax imposed by the city.

(e) If a county or city has not imposed the tax under this subsection by July 1, 2023, the county or city may not authorize, fix, and impose the tax.

(2) The tax imposed under subsection (1) of this section must be deducted from the amount of tax otherwise required to be collected or paid to the department of revenue under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city.

(3) A county or city imposing a tax under subsection (1) of this section must provide annual matching funds for the purposes in subsection (6) of this section. The matching funds must not be derived from the state-subsidized portion of any state loan or grant, any local tax that is credited against state retail sales and use taxes, or any other state funds. The amount of the matching funds is determined by the rate imposed as follows:

(a) If the rate imposed is 0.0125 percent or less, the matching funds must equal at least ten percent of the annual maximum amount of tax distributions as calculated in subsection (4) of this section;

(b) If the rate imposed is greater than 0.0125 percent but no more than 0.025 percent, the matching funds must equal at least fifteen percent of the annual maximum amount of tax distributions as calculated in subsection (4) of this section; and

(c) If the rate imposed is greater than 0.025 percent, the matching funds must equal at least thirty-five percent of the annual maximum amount of tax distributions as calculated in subsection (4) of this section.

(4) By December 31, 2018, or within thirty days of a county or city authorizing the tax under subsection (1) of this section, whichever is later, the department must calculate the maximum amount of tax distributions for each county and city authorizing the tax under

subsection (1) of this section as follows:

(a) The maximum amount for a county equals the taxable retail sales within the county in state fiscal year 2018 multiplied by the tax rate imposed under subsection (1) of this section. If a county imposes a tax authorized under subsection (1) of this section after a city located in that county has imposed the tax, the taxable retail sales within the city in state fiscal year 2018 must be subtracted from the taxable retail sales within the county for the calculation of the maximum amount.

(b) The maximum amount for a city equals the taxable retail sales within the city in state fiscal year 2018 multiplied by the tax rate imposed under subsection (1) of this section.

(5) The tax must cease to be distributed to a county or city for the remainder of any fiscal year in which the amount of tax exceeds the maximum amount in subsection (4) of this section. The department must remit any annual tax revenues above the maximum to the state treasurer for deposit in the general fund. Distributions to a county or city meeting the maximum amount must resume at the beginning of the next fiscal year.

(6) The moneys collected or bonds issued under this section may only be used for the following purposes:

(a) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services;

(b) Funding the operations and maintenance costs of new units of affordable or supportive housing; or

(c) Providing rental assistance to tenants.

(7) The housing and services provided pursuant to subsection (6) of this section may only be provided to persons whose income is at or below sixty percent of the median income of the county imposing the tax.

(8) In determining the use of funds under subsection (6) of this section, a county or city must consider the income of the individuals and families to be served, the leveraging of the resources made available under this section, and

the housing needs within the jurisdiction of the taxing authority.

(9) To carry out the purposes of this section including, but not limited to, financing loans or grants to nonprofit organizations or public housing authorities, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, the moneys collected under this section for repayment of such bonds.

(10) A county with a population of greater than one million five hundred thousand imposing a tax under this section must distribute funds in an equitable manner throughout the county in furtherance of a regional implementation plan. The county legislative authority must refer the plan to a regional committee for review and recommendation pursuant to, and consistent with, county charter regional committee provisions. The county must produce an annual report on the geographic distribution of funds across the county, including the location of affordable or supportive housing by jurisdiction, and identify barriers, if any, to distributing funds in certain communities.

(11) A county or city may enter into an interlocal agreement with one or more counties, cities, or public housing authorities in accordance with chapter 39.34 RCW. The agreement may include, but is not limited to, pooling the tax receipts received under this section, pledging those taxes to bonds issued by one or more parties to the agreement, and allocating the proceeds of the taxes levied or the bonds issued in accordance with such interlocal agreement and this section.

(12) Counties and cities imposing the tax under this section must report annually to the housing finance commission on the collection and use of the revenue. The commission must adopt rules prescribing content of such reports. By December 1, 2019, and annually thereafter, and in compliance with RCW 43.01.036, the housing finance commission must submit a report annually to the appropriate legislative committees with regard to such uses.

(13) The tax imposed by a county or city under this section expires twenty

years after the date on which the tax is first imposed."

Correct the title.

Representatives Robinson and Nealey spoke in favor of the adoption of the striking amendment.

The striking amendment (1159) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson, Macri and Senn spoke in favor of the passage of the bill.

Representatives Nealey, Barkis, Walsh, Orcutt, Orcutt (again), Maycumber and Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2437.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2437, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Santos, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2437, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6550, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille and Saldaña)

Concerning diversion of juvenile offenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Kagi spoke in favor of the passage of the bill.

Representatives Dent and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6550.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6550, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6550, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6560, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Darneille, Billig, Frockt, Hunt, Kuderer, Palumbo and Wellman)

Ensuring that no youth is discharged from a public system of care into homelessness.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6560, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6560, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6560, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6051, by Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Keiser, Walsh, Frockt, Saldaña, Darneille, Pedersen, Conway, Kuderer and Mullet)

Concerning the medicaid fraud control unit.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 46, February 22, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6051, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6051, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Caldier and Wilcox.

SUBSTITUTE SENATE BILL NO. 6051, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6053, by Senators Keiser, Frockt, Pedersen, Kuderer and Mullet**Concerning medicaid fraud false claims civil penalties.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6053.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6053, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall,

Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6053, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6147, by Senate Committee on Ways & Means (originally sponsored by Senators Rivers, Cleveland, Walsh, Kuderer, Nelson, Carlyle, Angel, Hasegawa and Keiser)**Concerning prescription drug insurance continuity of care.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

With the consent of the House, amendment (1244) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri, Harris and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6147, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6147, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6147, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6399, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Becker, Cleveland, Rivers, Brown, Bailey, Fain, Kuderer and Van De Wege)

Concerning telemedicine payment parity.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6399.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6399, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6399, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6580, by Senator Rolfes

Concerning human immunodeficiency virus (HIV) testing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Graves spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6580, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier and Young.

SENATE BILL NO. 6580, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

SUBSTITUTE SENATE BILL NO. 6388, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Mullet and Rivers)

Concerning paraeducators.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Bergquist, Harris and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6388, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6388, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6388, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6055, by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Hawkins, Carlyle, Palumbo and Mullet)

Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 22, 2018).

Representative Taylor moved the adoption of amendment (1219) to the committee striking amendment:

On page 1, line 18 of the striking amendment, after "more than" strike "two" and insert "four"

Representatives Taylor and Fitzgibbon spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1219) to the committee striking amendment, was adopted.

Representative Taylor moved the adoption of amendment (1218) to the committee striking amendment:

On page 1, beginning on line 20 of the striking amendment, after "must" strike all material through "day" on line

22, and insert "issue a media advisory announcing any burning conducted under this section"

Representatives Taylor and Fitzgibbon spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1218) to the committee striking amendment, was adopted.

Representative Fitzgibbon moved the adoption of amendment (1224) to the committee striking amendment:

On page 2, after line 4 of the striking amendment, insert the following:

"Sec. 2. RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation

of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests."

Correct the title.

Representatives Fitzgibbon and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1224) to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6055, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmic, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6055, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6073, by Senator Takko

Adjusting assessments levied on hardwood processors.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6073.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6073, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmic, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6073, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6229, by Senators Van De Wege, Chase, Conway, Wellman, Hasegawa, Saldaña, Keiser, Hunt and Kuderer

Requiring employers to provide exclusive bargaining representatives reasonable access to new employees for the purposes of presenting information about their exclusive bargaining representative.

The bill was read the second time.

With the consent of the House, amendment (1178) was withdrawn.

Representative Condotta moved the adoption of amendment (1192):

On page 1, line 12, after "employer" strike "must" and insert "may, subject to bargaining with the exclusive bargaining representative,"

On page 1, line 1 of the title, after "to" strike "requiring employers to provide" and insert "providing"

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1192) was not adopted.

Representative Kraft moved the adoption of amendment (1179):

On page 2, line 7, after "representative." insert "However, public funds may not be expended in providing reasonable access to the new employee."

Representative Kraft spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1179) was not adopted.

Representative Pike moved the adoption of amendment (1177):

On page 2, after line 10, insert the following:

"(3) Immediately prior to exclusive bargaining representative meetings or presentations conducted pursuant to this section, employers must provide factual information to employees about their current legal rights to join and financially support, or to refrain from joining and financially supporting, the exclusive bargaining representative. The information must be neutral in tone and may not encourage or discourage employees from joining or refraining from joining the exclusive bargaining representative."

Representatives Pike and Manweller spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (1177) was not adopted.

Representative Buys moved the adoption of amendment (1185):

On page 2, after line 10, insert the following:

"(3) When presenting information about the exclusive bargaining representative under subsection (1) of this section, an exclusive bargaining representative may not engage in any unfair or deceptive acts or practices prohibited by chapter 19.86 RCW. The attorney general may bring a civil action under chapter 19.86 RCW for violations of this subsection."

Representative Buys spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1185) was not adopted.

Representative Condotta moved the adoption of amendment (1191):

On page 2, after line 10, insert the following:

"(3) The exclusive bargaining representative making the presentation must inform the employees that attendance at the meeting or presentation is voluntary."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1191) was not adopted.

Representative Manweller moved the adoption of amendment (1216):

On page 2, after line 10, insert the following:

"(3) The employer must inform employees that attendance at exclusive bargaining representative meetings or presentations is voluntary. The employer must not encourage or discourage employees from attending meetings with or presentations by the exclusive bargaining representative."

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1216) was not adopted.

Representative Manweller moved the adoption of amendment (1217):

On page 2, after line 10, insert the following:

"(3) Nothing in this section prohibits an employer representative from observing meetings or presentations conducted by an exclusive bargaining representative pursuant to this section."

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1217) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representatives McCabe and Manweller spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6229.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6229, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hayes, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Harmsworth, Harris, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

ENGROSSED SENATE BILL NO. 6229, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6207, by Senators Palumbo, Short and Sheldon

Clarifying the authority of port districts to offer programs relating to air quality improvement equipment and fuel programs that provide emission reductions for engines, vehicles, and vessels.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McBride and Griffey spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6207.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6207, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCaslin, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Haler, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

SENATE BILL NO. 6207, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6230, by Senators Conway, Chase, Saldaña, Wellman, Hasegawa, Keiser and Hunt

Concerning the collective bargaining rights of the professional personnel of port districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sells spoke in favor of the passage of the bill.

Representative McCabe spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6230.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6230, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hayes, Hudgins, Irwin, Jenkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Harris, Holy, Jenkin, Johnson, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SENATE BILL NO. 6230, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 6230.

Representative Klippert, 8 District

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

SENATE BILL NO. 6278, by Senators Warnick, Schoesler and Chase

Concerning the use of seed certification fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Buys and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6278.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6278, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6278, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, by Senate Committee on Transportation (originally sponsored by Senators Rolfes, Rivers, Nelson, Brown and Saldaña)

Concerning electric-assisted bicycles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Orcutt spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6434.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6434, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Jenkin, Kraft, McCaslin, Shea, Stokesbary, Taylor, Vick, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6145, by Senators Saldaña, Keiser, Dhingra and Kuderer

Addressing civil service qualifications.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and Stokesbary spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6145.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6145, and the bill passed the House by the following vote: Yeas, 84; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris,

Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dent, Klippert, Kraft, Kretz, Maycumber, McCaslin, Pike, Shea, Taylor, Vick, Walsh and Young.

SENATE BILL NO. 6145, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6027, by Senators Kuderer and Palumbo

Concerning the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws.

The bill was read the second time.

Representative Graves moved the adoption of amendment (1264):

On page 2, beginning on line 4, after "finds" strike "exceptional circumstances to order" and insert "that records and communications created or occurring outside of this time period are exceptionally likely to lead to the discovery of admissible evidence and orders"

Representative Graves spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1264) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6027, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6027, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson,

Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Buys.

SENATE BILL NO. 6027, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6126, by Senate Committee on Labor & Commerce (originally sponsored by Senators Saldaña, Hasegawa, Chase, Conway, Zeiger, Keiser and Kuderer)

Requiring completion of an apprenticeship program to receive a journey level electrician certificate of competency.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 23, 2018).

Representative Manweller moved the adoption of amendment (1254) to the committee striking amendment:

On page 2, line 31 of the striking amendment, after "competency." insert "Hours spent in in-class education shall be credited towards the eight thousand hour work experience requirement."

Representative Manweller spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Sells spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1254) to the committee striking amendment, was not adopted.

Representative Manweller moved the adoption of amendment (1255) to the committee striking amendment:

On page 9, at the beginning of line 27 of the striking amendment, strike "one" and insert "~~(one)~~ two"

Representatives Manweller and Buys spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Sells spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1255) to the committee striking amendment, was not adopted.

Representative Manweller moved the adoption of amendment (1256) to the committee striking amendment:

On page 11, after line 29 of the striking amendment, insert the following:

"NEW SECTION. Sec. 5. The department of labor and industries shall conduct a study of other states that require, at the state level, passage of an examination to be credentialed as a journey level electrician. The department shall review the requirements for taking the examinations, content of the examinations, and the pass/fail rates of applicants compared to the training of the applicants. The department shall report the results of the study to the appropriate committees of the legislature by December 1, 2019."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Manweller spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Sells spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1256) to the committee striking amendment, was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Sells, McCabe and Stambaugh spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6126, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6126, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Vick, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Taylor, Van Werven, Volz, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 6126, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6311, by Senators Mullet and Angel

Concerning lost or destroyed state warrants, bonds, and other instruments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6311.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6311, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6311, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, by Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, King, Keiser, Hasegawa and Wilson)

Clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Vick and Pike spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6137.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6137, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6137, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Mullet, Liias, Keiser and Saldaña)

Concerning the capital budget. Revised for 1st Substitute: Concerning the supplemental capital budget.

The bill was read the second time.

Representative Tharinger moved the adoption of the striking amendment (1235):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2019, out of the several funds specified in this act.

PART 1

GENERAL GOVERNMENT

Sec. 1001. 2018 c 2 s 1005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Appropriation:

<u>State Taxable Building Construction</u>	
Account-State.....	\$5,000,000
Public Facility Construction Loan Revolving	
Account-State.....	\$8,020,000
<u>Subtotal Appropriation....</u>	
	<u>\$13,020,000</u>
Prior Biennia	
(Expenditures)	\$5,000,000
Future Biennia (Projected Costs)... \$0	
<u>TOTAL.....</u>	
	<u>\$18,020,000</u>

Sec. 1002. 2018 c 2 s 1006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,000,000 of the state taxable building construction account-state appropriation, (~~(\$43,400,000)~~) \$44,131,000 of the state building construction account-state appropriation, and (~~(\$5,370,000)~~) \$8,658,000 of the Washington housing trust account-state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

(i) The property is more than fifteen years old;

(ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.

(iii) The improvements will result in reduction of operating or utilities costs, or both; and

(iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the

governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults.

(f) (~~(\$21,987,000)~~) \$26,006,000 is provided solely for the following list of housing projects:

- (i) Cross Laminated Timber Spokane Housing Predesign \$500,000
- (ii) El Centro de la Raza.... \$737,000
- (iii) Highland Village Preservation \$1,500,000
- (iv) King County Modular Housing Project \$3,000,000
- (v) Nisqually Tribal Housing \$1,250,000
- (vi) Othello Homesight Community Center \$3,000,000
- (vii) Firs Mobile Home Park \$2,500,000
- (viii) Parkview Apartments Affordable Housing \$100,000
- (ix) Supported Housing and Employment (Longview) \$129,000

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the

legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection.

(~~(viii) \$6,000,000~~) (xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: (~~(\$3,000,000)~~) \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

- (i) 10 percent is provided solely for housing projects that benefit veterans;
- (ii) 10 percent is provided solely for housing projects that benefit homeownership;
- (iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;
- (iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated

in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account— State	(\$43,400,000)	<u>\$44,131,000</u>
State Taxable Building Construction Account—State	\$58,000,000	
Washington Housing Trust Account—State	(\$5,370,000)	<u>\$8,658,000</u>
Subtotal Appropriation	(\$106,770,000)	<u>\$110,789,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)	\$400,000,000	
TOTAL.....	\$506,770,000	<u>\$510,789,000</u>

Sec. 1003. 2018 c 2 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy Funds 3 (30000881)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting

processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3) (a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that advance clean and renewable energy technologies, and transmission and distribution control systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) \$7,900,000 of the state building construction account and \$3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle

fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7) (a) \$8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) \$750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) \$8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology,

and other energy and materials collaborations with the University of Washington and Washington State University.

(9) \$1,600,000 of the state building construction account and \$2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating at least five hundred kilowatts of direct current generating capacity.

(c) Grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant. Applicants may not use other state grants.

(d) At least 25 percent of the total allocation of a project shall be provided solely for projects that provide direct benefits to low-income residents or communities. The department must attempt to prioritize an equal geographic distribution.

(e) Priority must be given to major components made in Washington.

(10) (~~(\$2,400,000)~~) \$4,800,000 of the state building construction account is provided solely for a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create manufacturing jobs located in a county with a population of less than three hundred thousand.

(11) \$1,100,000 of the state building construction account-state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account-State (~~(\$32,600,000)~~)
\$35,000,000

State Taxable Building Construction Account-State.....\$8,000,000
 Energy Efficiency Account-State.....\$5,500,000
 Subtotal Appropriation (~~(\$46,100,000)~~)
\$48,500,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs).....\$200,000,000
 TOTAL.....~~\$246,100,000~~
\$248,500,000

Sec. 1004. 2017 3rd sp.s. c 4 s 1003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.

(2) \$235,000 of the reappropriation is provided solely to the Spokane river forum. The department shall not execute a contract with the grant recipient unless the Spokane river forum is in receipt of all permits by (~~(March)~~) June 1, 2018. If the terms and conditions of this subsection are not met by (~~(March)~~) June 1, 2018, the funding provided in this subsection shall lapse.

Reappropriation:

State Building Construction Account-State.....\$235,000
 Prior Biennia (Expenditures).....\$45,657,000
 Future Biennia (Projected Costs) ...\$0
 TOTAL.....\$45,892,000

Sec. 1005. 2018 c 2 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen).....	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis).....	\$104,000
Airway Heights Recreation Complex (Airway Heights).....	\$515,000
Alder Creek Pioneer Museum Expansion (Bickelton).....	\$500,000
Anderson Island Historical Society (Anderson Island).....	\$26,000
Appleway Trail Amenities (Spokane Valley).....	\$556,000
ARC Community Center Renovation (Bremerton).....	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center (Tacoma).....	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair)	\$515,000
Billy Frank Jr. Heritage Center (Olympia).....	\$206,000
Bloodworks NW Bloodmobiles ...	\$425,000
Bothell Parks Projects (Bothell).....	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver)	\$500,000
Brier ADA Ramp Updates Phase (Brier).....	\$115,000
Camp Schechter New Infrastructure and Dining Hall (Tumwater)	\$200,000
Capitol Campus E. WA Butte (Olympia).....	\$52,000
Captain Joseph House (Port Angeles).....	\$225,000
Carnation Central Business District Revitalization (Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock).....	\$10,000

Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000	Darrington Rodeo Grounds (Darrington).....	\$250,000
Centerville Grange Renovation (Centerville)	\$134,000	Des Moines Marina Bulkhead & Fishing Pier Renovation (Des Moines)	\$2,000,000
Centralia Fox Theatre Restoration (Centralia)	\$299,000	Disaster Response Communications Project (Colville).....	\$1,000,000
Chamber Economic Development Project (Federal Way)	\$250,000	District 5 Public Safety Center (Sultan).....	\$1,500,000
Chelan County Emergency Operations Center (Wenatchee)	\$1,000,000	Downtown Pocket Park at Rockwell (Port Orchard).....	\$309,000
Chelatchie Prairie Railroad Maintenance Bldg. Phase 2 (Yacolt).....	\$250,000	DuPont Historical Museum Renovation HVAC (DuPont).....	\$53,000
Cherry St. Fellowship (Seattle)	\$360,000	East Grays Harbor Fiber Project (Elma)	\$463,000
Children's Playgarden (Seattle)	\$315,000	East Hill YMCA/Park Renovation (Kent).....	\$1,000,000
Chimacum Ridge Forest Pilot (Port Townsend)	\$3,400,000	Eastside Community Center (Tacoma).....	\$2,550,000
City of Brewster Manganese Abatement (Brewster)	\$752,000	Ebey Waterfront Trail and Shoreline Access (Marysville)	\$1,000,000
Cityview Conversion to Residential Treatment (Moses Lake).....	\$250,000	Emmanuel Life Center Kitchen (Spokane)	\$155,000
Clark County Historical Museum (Vancouver)	\$300,000	Ethiopian Community Affordable Senior Housing (Seattle).....	\$400,000
Clymer Museum and Gallery Remodel (Ellensburg)	\$258,000	Evergreen Pool Resurfacing (White Center).....	\$247,000
Coastal Harvest Roof Replacement (Hoquiam)	\$206,000	Fall City Wastewater Infrastructure Planning & Design (Fall City)	\$1,000,000
Cocoon House (Everett).....	\$1,000,000	Family Medicine Remodel (Goldendale).....	\$195,000
College Place Well Consolidation and Replacement (College Place).....	\$900,000	Federal Way Camera Replacement (Federal Way).....	\$250,000
Columbia River Trail (Washougal)	\$1,000,000	Federal Way Senior Center (Federal Way).....	\$175,000
Confluence Park Improvements (P2&3) (Issaquah)	\$206,000	Flood Protection Wall & Storage Building (Sultan).....	\$286,000
((Coordinated and Safe Service Center (Redmond)	\$309,000)	Food Lifeline Food Bank....	\$1,250,000
Country Doctor Community Health Centers (Seattle)	\$280,000	Forestry Museum Building (Tenino).....	\$16,000
Covington Town Center Civic Plaza Development (Covington).....	\$820,000	Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000
Cross Park (Puyallup).....	\$1,500,000	Francis Anderson Center Roofing Project (Edmonds).....	\$391,000
Daffodil Heritage Float Barn (Puyallup)	\$103,000		

Freeland Water and Sewer District Sewer Project	(Freeland).....	\$1,500,000	(Bainbridge Island)	\$200,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique	(Federal Way).....	\$500,000	((Japanese Gulch Creek Restoration Project (Mukilteo).....	\$721,000)
Gig Harbor Sports Complex (Gig Harbor)	.....	\$206,000	Kenmore Public Boathouse (Kenmore).....	\$250,000
Granger Historical Society Museum Acquisition	(Granger).....	\$255,000	Key Peninsula Civic Center Generator (Vaughn).....	\$60,000
Greater Maple Valley Veterans Memorial Foundation	(Maple Valley).....	\$258,000	Key Peninsula Elder Community (Lakebay).....	\$515,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000		Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000
Harmony Sports Complex Infrastructure & Safety Imprve	(Vancouver).....	\$1,177,000	Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000
Harrington School District #204, Pool Renovation	(Harrington).....	\$97,000	Kona Kai Coffee Training Center (Tukwila).....	\$407,000
Historic Mukai Farm and Garden Restoration (Vashon)	\$250,000		La Conner New Regional Library (La Conner).....	\$500,000
Holly Ridge Center Building (Bremerton)	\$475,000		Lacey Boys and Girls Club (Lacey).....	\$30,000
Honor Point Military and Aerospace Museum (Spokane)	\$100,000		Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000
HopeWorks TOD Center (Everett)	\$2,760,000		Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000
Hoquiam Library (Hoquiam)....	\$250,000		Lake Stevens Civic Center (Lake Stevens).....	\$3,100,000
HUB Sports Center (Liberty Lake)	\$516,000		Lake Stevens Food Bank (Lake Stevens).....	\$300,000
Industrial Park No. 5 Road Improvements (George)	\$412,000		Lake Sylvia State Park Legacy Pavilion (Montesano).....	\$696,000
Industrial Park No. 5 Water System Improvements (George).....	\$700,000		Lake Tye All-Weather Fields (Monroe).....	\$800,000
Inland Northwest Rail Museum (Reardan)	\$170,000		Lakewood Playhouse Lighting System Upgrade (Lakewood).....	\$60,000
Innovative Health Care Learning Center (Yakima)	\$1,000,000		Lambert House Purchase (Seattle).....	\$500,000
Interbay PDAC (Seattle).....	\$900,000		Larson Playfield Lighting Renovation (Moses Lake).....	\$146,000
Intrepid Spirit Center (Tacoma)	\$1,000,000		Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000
Islandwood Comm Dining Hall and Kitchen			LIGO STEM Exploration Center (Richland).....	\$411,000
			Longbranch Marina (Longbranch).....	\$248,000

Longview Police Department Range and Training (Castle Rock).....	\$271,000	Pepin Creek Realignment (Lynden).....	\$3,035,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park).....	\$1,200,000	Performing Arts & Events Center (Federal Way).....	\$1,000,000
Maury Island Open Space Remediation (Maury Island)	\$2,000,000	Pioneer Village ADA Accessible Pathways (Ferndale).....	\$154,000
McChord Airfield North Clear Zone (Lakewood)	\$2,000,000	((Ponders Wells Treatment Replacement (Lakewood).....	\$500,000))
Mill Creek Flood Control Project (Kent)	\$2,000,000	Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)	\$77,000
Millionair Club Charity Kitchen (Seattle)	\$167,000	Port Orchard Marina Breakwater Refurbishment (Port Orchard)	\$1,019,000
Moorlands Park Improvements (Kenmore)	\$250,000	Poulsbo Outdoor Salmon Observation Area (Poulsbo).....	\$475,000
Morrow Manor (Poulsbo).....	\$773,000	Puyallup Meeker Mansion Public Plaza (Puyallup).....	\$500,000
Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000	Quincy Square on 4th (Bremerton).....	\$250,000
Mount Rainier Early Warning System (Pierce County)	\$1,751,000	R.A. Long Park (Longview)	\$296,000
Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000	Redondo Beach Rocky Reef (Des Moines).....	\$500,000
Multicultural Community Center (Seattle)	\$1,300,000	Ridgefield Outdoor Recreation Complex (Ridgefield).....	\$750,000
NE Snohomish County Community Services Campus (Granite Falls).....	\$375,000	Rochester Boys & Girls Club upgrades (Rochester).....	\$26,000
NeighborCare Health (Vashon)	\$3,000,000	Save the Old Tower (Pasco) ...	\$300,000
New Fire Station at Lake Lawrence (Yelm)	\$252,000	Schilling Road Fire Station (Lyle).....	\$448,000
North Cove Erosion Control (South Bend)	\$650,000	Scott Hill Park (Woodland) ...	\$750,000
Northshore Athletic Fields (Woodinville)	\$400,000	Seattle Aquarium (Seattle) ...	\$400,000
Northwest Improvement Company Building (Roslyn)	\$1,000,000	Seattle Indian Health Board (Seattle).....	\$200,000
Olmstead-Smith Historical Gardens Replacement Well (Ellensburg).....	\$17,000	Seattle Opera (Seattle)	\$465,000
Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000	Shelton Basin 3 Sewer Rehabilitation Project (Shelton).....	\$1,500,000
Othello Regional Water Project (Othello)	\$1,000,000	Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)	\$525,000
Paradise Point Water Supply System Phase IV (Ridgefield).....	\$500,000	Skagit County Veterans Community Park (Sedro-Woolley).....	\$500,000
		Skagit Valley YMCA (Mt. Vernon).....	\$400,000
		Snohomish JROTC Program (Snohomish).....	\$189,000
		South Gorge Trail (Spokane) ..	\$250,000

South Snohomish County Community Resource Center
 (Lynnwood)..... \$2,210,000
 South Thurston County Meals on Wheels Kitchen
 Upgrade (Yelm)..... \$30,000
 Southwest WA Agricultural Business Park (Tenino) \$618,000
 Southwest Washington Fair Grange Building Re-Roof
 (Chehalis)..... \$54,000
 Spanaway Lake Management Plan (Spanaway) \$26,000
 Squalicum Waterway Maintenance Dredging (Bellingham) \$750,000
 Steilacoom Historical Museum Storage Building
 (Steilacoom)..... \$31,000
 Sunnyside Community Hospital (Sunnyside) \$2,000,000
 Sunset Career Center (Renton) \$412,000
 Sunset Neighborhood Park (Renton) \$3,050,000
 Tacoma's Historic Theater District (Tacoma) \$1,000,000
 Tam O'Shanter Athletic Arena (Kelso) \$1,000,000
 Toledo Beautification (Toledo) \$52,000
 Trout Lake School/Community Soccer & Track Facility
 (Trout Lake)..... \$77,000
 Tumwater Boys and Girls Club (Olympia) \$36,000
 Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep
 (Shelton)..... \$27,000
 Twisp Civic Building (Twisp). \$750,000
 University YMCA (Seattle).... \$600,000
 Veterans Memorial Museum (Chehalis) \$354,000
 Washington Agricultural Education Center (Lynden) \$1,500,000
 Washington Care Services (Seattle) \$400,000
 Washington State Horse Park Covered Arena (Cle Elum) \$2,000,000

Waste Treatment and Sewer Collection System
 (Toppenish) \$1,405,000
 Wastewater Collection & Water Distribution Replacemnt
 (Carbonado) \$1,500,000
 Water Treatment for Kidney Dialysis..... \$499,000
 Wayne Golf Course Region Park (Bothell)..... \$1,000,000
 Wesley Homes Bradley Park (Puyallup)..... \$1,380,000
 Westport Marina (Westport) \$2,500,000
 Weyerhaeuser Land Preservation
 (Federal Way) ... (~~(\$250,000)~~) \$750,000
 Whidbey Island Youth Project (Oak Harbor)..... \$300,000
 White Pass Country Historical Museum (Packwood)..... \$283,000
 Whitehouse Additional Capital Campaign (Pasco)..... \$1,500,000
 Willows Road Regional Trail Connection (Kirkland)..... \$1,442,000
 Winlock HS Track (Winlock) ... \$103,000
 Winlock Industrial Infrastructure Development
 (Winlock) \$1,500,000
 Wishram School CTE Facility (Wishram)..... \$150,000
 Yakima Valley SunDome Repairs (Yakima) \$206,000
 Yelm City Park Playground Modernization (Yelm)..... \$247,000
 Youth Eastside Services (Bellevue)..... \$26,000
 YWCA Family Justice Center (Spokane)..... \$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan (~~(, contingent on commitment of local funding to support the on going operational costs of the project, including but not limited to the creation of a lake management district)~~).

(9) (~~(\$250,000)~~) \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation

strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10) (a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the

Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

(h) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely

compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. (~~These state funds are contingent on securing at least \$1,000,000 in private funds.~~)

Appropriation:

State Building Construction Account-	
State.....	(\$130,529,000)
	<u>\$129,499,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	<u>\$130,529,000</u>
	<u>\$129,499,000</u>

Sec. 1006. 2018 c 2 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants
(40000006)

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$3,504,000)~~) \$4,504,000 of the early learning facilities development account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center	\$1,030,000
Discover! Children's Museum	\$1,030,000
West Hills Early Learning Center	\$464,000
Franklin Pierce Early Learning Center	\$980,000
<u>Refugee Women's Alliance Early Learning Facility</u>	<u>\$1,000,000</u>

(2) (~~(\$11,996,000)~~) \$10,996,000 of the early learning facilities revolving account—state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

~~((3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.)~~

Appropriation:

Early Learning Facilities Development Account—State	((\$3,504,000))
	\$4,504,000
Early Learning Facilities Revolving Account—State	((\$11,996,000))
	\$10,996,000
Subtotal Appropriation	\$15,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$52,000,000
TOTAL	\$67,500,000

Sec. 1007. 2018 c 2 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants
(40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) (~~(\$12,286,000)~~) \$13,036,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane	
(Spokane Valley)	\$581,000
Community Health Association of Spokane	
(Clarkston)	\$391,000
Community Health of Central Washington	
(Ellensburg)	\$1,800,000
Columbia Valley Community Health (Chelan)	\$753,000
East Central Community Center (Spokane)	\$500,000
HealthPoint (Federal Way)	\$900,000
International Community Health Services (Shoreline)	\$605,000
Jefferson Healthcare Dental Clinic (Port Townsend)	\$1,000,000
Neighborcare (Seattle)	\$1,388,000
North East Washington Health Programs (Springdale)	\$465,000
North (Olympia) <u>Olympic</u> Healthcare Network	
(Port Angeles)	\$610,000
Peninsula Community Health Services (Poulsbo)	\$395,000
Sea Mar (Seattle)	\$183,000
Sea Mar (Oak Harbor)	\$149,000

Sea Mar (Tacoma).....	\$149,000
Sea Mar (Vancouver).....	\$167,000
Seattle Indian Health Board (Seattle)	\$250,000
<u>Unity Care NW (Ferndale).....</u>	<u>\$750,000</u>
Valley View Health Center (Chehalis)	\$1,000,000
Yakima Valley Farm Workers Clinic (Kennewick)	\$1,000,000

(c) \$2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane)	\$2,000,000
St. Peter Dental Residency (Olympia)	\$800,000

~~((d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019-))~~

Appropriation:

State Building Construction Account- State	(\$15,836,000) \$15,836,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$15,836,000</u> <u>\$15,836,000</u>

Sec. 1008. 2018 c 2 s 1020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) (~~(\$36,600,000)~~) \$35,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of (~~(geriatric or traumatic brain injury)~~) patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$2,000,000 is provided solely for at least one facility with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) (~~(\$11,400,000)~~) \$10,400,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county;

(e) \$10,000,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; and

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements

in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes.

(4) (~~(\$26,000,000)~~) \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny	
Youth Center.....	\$5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
<u>North Sound Stabilization Campus (Sedro-Woolley)</u>	<u>\$1,550,000</u>
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox.....	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families.....	\$500,000
Valley City Recovery Place.	\$2,000,000
Geriatric Diversion.....	\$500,000
<u>Skagit Triage Expansion (Mount Vernon)</u>	<u>\$326,000</u>
<u>Spokane Jail Diversion.....</u>	<u>\$2,400,000</u>
<u>Tri-county Detox and Crisis Center</u>	<u>\$4,000,000</u>
<u>Toppenish Hospital.....</u>	<u>\$1,000,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6) (a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release

funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

~~((a))~~ (b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

~~((6))~~ (7) The department of commerce shall notify all applicants that they may

be required to have a construction review performed by the department of health.

((47)) (8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account-	
State	((65,600,000))
	<u>\$76,876,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$65,600,000</u>
	<u>\$76,876,000</u>

Sec. 1009. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development or community development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide

high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development or community development. Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than 25 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.

(v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

(vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive,

publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only(~~+~~

~~(i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long term economic opportunities; and~~

~~(C) Is located in a rural community as defined by the board, or a rural county; or~~

~~(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(C) Can demonstrate project feasibility using standard economic principles; and~~

~~(D) Is located in a rural community as defined by the board, or a rural county;~~

~~(e) The board must develop guidelines for local participation and allowable match and activities.~~

~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~

~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~

(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and

(iii) Improve accessibility for underserved communities and populations.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

~~((f))~~ (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

~~((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

~~(h) The board must prioritize each proposed project according to:~~

~~(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;~~

~~(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

~~(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance, and~~

~~(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~(i)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:~~

~~(i) The project's value to the community, including evidence of support from affected local businesses and government;~~

~~(ii) The project's feasibility, using standard economic principles;~~

~~(iii) Commitment of local matching resources and local participation;~~

~~(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and~~

~~(v) The project's readiness to proceed.~~

(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

~~((45))~~ (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:

State Taxable Building Construction	
Account-State.....	(\$5,000,000)
	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$5,000,000
	\$10,000,000

Sec. 1010. 2018 c 2 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department, in cooperation with the department of archaeology and historic preservation, to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state. The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources, including the state's historic resources database, to the greatest extent possible. The study may incorporate random sampling, site visits, and other means to inform the study. The study must identify the number of unreinforced masonry buildings with vacant or underutilized upper floors. The study must be provided to the office of financial management and fiscal committees of the legislature by ~~(September 1)~~ December 15, 2018.

Appropriation:

State Building Construction Account-State.....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$200,000

Sec. 1011. 2018 c 2 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a

request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:

State Building Construction Account— State	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$250,000

Sec. 1012. 2018 c 2 s 1025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018.

Appropriation:

State Building Construction Account— State	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$150,000

NEW SECTION. **Sec. 1013.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Arlington Innovation Center (Arlington) \$275,000

Ballard Fish Ladder Renovation (Seattle) \$100,000

Boys and Girls Club (Oak Harbor) \$20,000

Chamber of Commerce Renovation Project (Federal Way) \$250,000

Chelan Moderate Risk Waste Facility (Wenatchee) \$556,000

Cheney Well #3 Re-Drill (Cheney) \$155,000

Colby Avenue Youth Center (Everett) \$207,000

Covington Town Center (Covington) \$500,000

East Blaine Infrastructure Extension Project (Blaine) \$300,000

East Whatcom Regional Resource Center (Maple Falls) \$125,000

Family First Community Center (Renton) \$1,500,000

Fort Steilacoom Park (Lakewood) \$400,000

Grays Harbor County Courthouse (Montesano) \$412,000

Greenwood Cemetery (Centralia) \$250,000

Habitat for Humanity Veterans Project (Pacific) \$250,000

Harrison/Eastside Employment Center (Bremerton) \$280,000

Historic Water Tower Renovation (Yelm) \$155,000

Interurban Trail and Trailhead (Fife) \$200,000

Lake City Community Center (Seattle) \$500,000

Lake Sammamish Park Predesign (Issaquah) \$103,000

Lake Stevens Food Bank (Lake Stevens) \$206,000

Mariner Sno-Isle Library (Everett) \$322,000

Mary's Place Burien Hub (Burien) \$500,000

Masonic Temple Window Replacement (Centralia).....\$27,000

Mobile CTE Training Project (Centralia).....\$515,000

Mukilteo Parking Lot Design (Mukilteo)\$129,000

MultiService Center Food Bank (Federal Way).....\$50,000

North Mason Teen Center (Belfair).....\$412,000

North Shore Levee (Aberdeen).....\$2,500,000

Northwest African American Museum Exhibit (Seattle).....\$200,000

Olympic Natural Resource Center CLT Design (Forks).....\$10,000

Omak Airport Improvement (Omak).....\$309,000

Pe Ell Infrastructure (Pe Ell).....\$340,000

Peace Park (Mukilteo)\$400,000

Port of Allyn Marina Utility (Allyn).....\$376,000

Port of Vancouver (Vancouver) \$824,000

Ports of Ilwaco and Chinook Marina Dredging (Ilwaco).....\$450,000

Puyallup River Boat Launch (Puyallup).....\$100,000

Ridgefield Police Station Expansion (Ridgefield).....\$124,000

River View Performing Arts Center (Kennewick).....\$206,000

Roslyn Community and Cultural Center (Roslyn).....\$523,000

Sedro-Woolley Regional Library (Sedro-Woolley).....\$350,000

Shelton Timberland Library Repair (Shelton).....\$288,000

Skagit Children's Advocacy & Family Support Center (Mount Vernon)\$310,000

Snohomish Community Food Bank Freezer (Snohomish).....\$29,000

Spokane County Medical Examiner (Spokane).....\$1,250,000

Sultan Decant Facility/Clean-up (Sultan).....\$340,000

Town Hall Historic Restoration (Seattle)	\$1,000,000
Waterfront Trail Development (Stevenson)	\$103,000
West Central Community Center Roof/Skylight (Spokane)	\$75,000
William Shore Pool Expansion (Port Angeles)	\$1,500,000
Yacolt Railroad Bldg. and Museum Project (Yacolt)	\$412,000
Yelm Historic Building (Yelm)	\$39,000

(8) \$250,000 of the appropriation in this section is provided solely for the purchase of the Greenwood cemetery located at 1905 Johnson road. The city of Centralia must establish a cemetery district for the Greenwood cemetery.

Appropriation:

State Building Construction Account—State	\$20,757,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$20,757,000

NEW SECTION. Sec. 1014. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Port of Willapa Harbor Energy Innovation District (91001195)

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$1,500,000

Sec. 1015. 2017 3rd sp.s. c 4 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided in subsection
- (2) of this section, the reappropriations

are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

(2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of eight million dollars.

Reappropriation:

State Taxable Building Construction Account—State.....	\$59,701,000
Washington Housing Trust Account—State	\$3,000,000
Subtotal Reappropriation ..	\$62,701,000
Prior Biennia (Expenditures).....	\$20,299,000
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$83,000,000

Sec. 1016. 2018 c 2 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) \$5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:

State Building Construction Account— State	(\$16,000,000)
	<u>\$18,500,000</u>
State Taxable Building Construction Account—State	\$5,000,000
Subtotal Appropriation ((\$21,000,000))	
	<u>\$23,500,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL.....	<u>\$101,000,000</u>
	<u>\$103,500,000</u>

NEW SECTION. **Sec. 1017.** 2018 c 2 s 1030 (uncodified) is repealed.

Sec. 1018. 2018 c 2 s 1032 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Behavioral Health Statewide Plan (91000434)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in collaboration with the department of commerce, the health care authority, the department of social and health services, the department of health, and behavioral health organizations, shall establish a statewide plan to inform future grant allocations by assessing and prioritizing facility needs and gaps in the behavioral health continuum of care. The department must provide the plan to the fiscal committees of the legislature

by (~~September 1~~) December 15, 2018. The plan must include:

(1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;

(2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;

(3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and

(4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:

State Building Construction Account— State.....	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	<u>\$200,000</u>

Sec. 1019. 2018 c 2 s 1033 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

State Parks Capital Projects Study (91000437)

The appropriation in this section is subject to the following conditions and limitations:

The office of financial management, in consultation with the state parks and recreation commission, shall develop a study of the commission's capital budget process. The study shall be contracted to an independent third-party consultant with expertise in the state capital budget development process, capital project cost estimating, value engineering, and related professional fields. The study must be provided to the

fiscal committees of the legislature by ((September 1)) December 15, 2018. The purpose of the study is to evaluate commission practices in comparison with best practices in public sector capital program design and execution.

The study must include an assessment of:

(1) The commission's capital budget development process for its 2019-2021 biennial budget and ten-year capital plan, including analysis of:

(a) Project identification and scoping processes;

(b) Project cost estimation methods and tools; and

(c) Project prioritization criteria and methods.

(2) State parks capital budget staffing compared to other public and private industry standards, including the percent of project funding that is used for staff FTEs and the number and function of:

(a) Design professionals (including engineers and landscape architects);

(b) Construction and Design project managers; and

(c) Other staff supported by capital funds.

(3) Historical capital project funding including, at a minimum:

(a) 2013-2015 and 2015-2017 capital budgets and expenditures;

(b) An analysis of actual project costs in comparison to budgeted costs including the percentage that projects were over and under the construction cost estimate and the total project cost estimate, both individually and in aggregate; and

(c) Percentage of reappropriations.

(4) The basis for cabin and comfort station project costs to include:

(a) Project objectives and customer requirements;

(b) Project elements (scale, materials, utilities, location, aesthetics, and other considerations significantly affecting project costs); and

(c) Operational fiscal analysis including projected operating costs and revenue from cabins; and

(d) Detailed cost estimates of previous and future cabin and comfort station projects.

(5) Costs compared to at least two other states with similar state parks and two other Washington state or local governments.

(6) An analysis of development costs associated with state park projects that differ from other public works projects and commercial private sector projects.

(7) Alternative procurement options for cabins, including premanufactured cabins, cabin kits, tiny homes, and modular construction.

Appropriation:

State Building Construction Account—State.....	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$100,000

Sec. 1020. 2018 c 2 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Physical Security and Safety Improvements (30000812)

\$550,000 of the appropriation in this section is provided solely for a study to include: (1) An assessment of current capitol campus security, to include infrastructure, technology, and staffing; (2) an assessment of security systems at comparable state capitol campuses; (3) options for security to meet the needs of the capitol campus; and (4) a phased plan for improving campus physical security and safety, including estimated costs. The following must be included in the development of the study: House of representatives security personnel, senate security personnel, legislative building facility and security personnel, and temple of justice security personnel. The study must be submitted to the office of financial management and the appropriate committees of the legislature by ((August 31)) December 15, 2018.

Appropriation: \$358,000
State Building Construction Account—
State \$2,200,000
 Thurston County Capital Facilities
 Account—State \$550,000
Subtotal Appropriation.... \$2,750,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... ~~\$550,000~~
\$2,750,000

Subtotal Appropriation. (~~\$8,300,000~~)
\$5,222,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL..... ~~\$8,300,000~~
\$5,222,000

Sec. 1021. 2018 c 2 s 1041
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation
 Projects (30000825)

Appropriation:
 Enterprise Services Account—
 State \$314,000
 State Building Construction Account—
 State (~~\$2,664,000~~)
\$3,506,000
 State Vehicle Parking Account—
 State \$80,000
 Subtotal Appropriation. (~~\$3,058,000~~)
\$3,900,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected
 Costs) \$9,970,000
 TOTAL..... ~~\$13,028,000~~
\$13,870,000

Sec. 1022. 2018 c 2 s 1042
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)
 Appropriation:
 Capitol Building Construction Account—
 State (~~\$3,364,000~~)
\$4,864,000
 State Building Construction Account—
 State (~~\$4,936,000~~)

Sec. 1023. 2018 c 2 s 1043
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering and Architectural
 Services: Staffing (30000889)

The appropriations in this section are
 subject to the following conditions and
 limitations:

(1) The appropriations in this section
 are provided solely for architectural and
 engineering services to manage public
 works contracting for all state
 facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year,
 the department must report to the office
 of financial management and the fiscal
 committees of the legislature on
 performance, including the following:

(a) The number of projects managed by
 each manager compared to previous
 biennia;

(b) Projects that were not completed
 on schedule and the reasons for the
 delays; and

(c) The number and cost of the change
 orders and the reason for each change
 order.

(3) At least twice per year, the
 department shall convene a group of
 private sector architects, contractors,
 and state agency facilities personnel to
 share, at a minimum, information on high
 performance methods, ideas, operating
 and maintenance issues, and cost. The
 facilities personnel must be from the
 community and technical colleges, the
 four-year institutions of higher
 education, and any other state agencies
 that have recently completed a new
 building or are currently in the
 construction phase.

(4) The department shall create a plan
 for scheduled renovations on the capitol

campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:

State Building Construction Account-State ((~~\$10,220,000~~))
\$9,220,000

Thurston County Capital Facilities Account-State ((~~\$2,680,000~~))
\$4,780,000

Subtotal Appropriation ((~~\$12,900,000~~))
\$14,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$12,900,000~~
\$14,000,000

Sec. 1024. 2018 c 2 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: ((~~\$2,414,000~~)) \$1,835,000 is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:

Thurston County Capital Facilities Account-State..... ((~~\$2,414,000~~))
\$1,835,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$2,414,000~~
\$1,835,000

NEW SECTION. Sec. 1025. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Insurance Building Roof (91000444)

Appropriation:

State Building Construction Account-State.....\$105,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....\$105,000

NEW SECTION. Sec. 1026. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Buy Clean Washington Pilot (91000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2018, the department must coordinate with the following projects: (a) University of Washington Bothell, project number 30000378; (b) Washington State University Tri-Cities academic building, project number 30001190; (c) Western Washington University sciences building addition and renovation, project number 30000768; (d) Shoreline Community College allied health, science, and manufacturing replacement, project number 30000990; (e) secretary of state library archive building, project number 30000033; and (f) the department of transportation SR9/Snomish river bridge replacement, project number N00900R. The awarding authorities for these projects must collaborate with the University of Washington college of built environments study in section 5010 of this act to test proposed methods and availability of environmental product declarations.

(2) An awarding authority for the projects listed in subsection (1) of this section shall require the successful bidder for a contract to submit current third-party verified environmental product declarations for the eligible materials used if available and currently utilized.

(3) The awarding authority shall report to the department the quantities and any environmental product declarations collected in this section.

(4) The department shall provide a preliminary report to the fiscal committees of the legislature by June 30, 2019, of the findings in subsection (1) of this section, and on any obstacles to the implementation of this section, and the effectiveness of this section with respect to reducing carbon emissions.

(5) For the purposes of this section:

TOTAL\$3,400,000

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

- (i) Concrete, including structural cast in place, shotcrete, and precast;
- (ii) Unit masonry;
- (iii) Metal of any type; and
- (iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with international organization for standardization standard 14025, industry acceptance, and integrity.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—
State\$65,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$65,000

NEW SECTION. Sec. 1027. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Exterior Preservation Cleaning (40000033)

Appropriation:

State Building Construction Account—
State\$3,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

Sec. 1028. 2018 c 2 s 1049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Relocate Mural from GA to 1063 (92000018)

Appropriation:

State Building Construction Account—
State.....(~~\$275,000~~)

\$393,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$275,000~~

\$393,000

Sec. 1029. 2018 c 2 s 1036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:

State Building Construction Account—
State.....(~~\$2,500,000~~)

\$4,000,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) (~~(\$940,000)~~)

\$0

TOTAL..... \$3,440,000

\$4,000,000

Sec. 1030. 2018 c 2 s 1050 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal..... \$33,315,000

State Building Construction Account—State (~~(\$7,863,000)~~)

\$8,600,000

Military Department Capital Account—State (~~(\$375,000)~~)

\$802,000

Subtotal Appropriation (~~(\$41,553,000)~~)

\$42,717,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$41,553,000

\$42,717,000

Sec. 1031. 2018 c 2 s 1051 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal... (~~(\$3,776,000)~~)

\$3,933,000

State Building Construction Account—State \$1,821,000

Military Department Capital Account—State \$51,000

Subtotal Appropriation. (~~(\$5,597,000)~~)

\$5,805,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL..... \$5,597,000

\$5,805,000

PART 2

HUMAN SERVICES

Sec. 2001. 2018 c 2 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (30000021)

Appropriation:

State Building Construction Account—State..... (~~(\$740,000)~~)

\$800,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL..... \$740,000

\$800,000

Sec. 2002. 2018 c 2 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:

State Building Construction Account—State..... \$2,720,000

Appropriation:

State Building Construction Account—State..... \$2,900,000

Prior Biennia (Expenditures).....\$3,280,000

Future Biennia (Projected Costs) ...\$0

TOTAL..... \$6,000,000

\$8,900,000

Sec. 2003. 2018 c 2 s 2006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Appropriation:

State Building Construction Account—State (~~(\$12,000,000)~~)

\$12,530,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$171,510,000

TOTAL..... \$183,510,000

\$184,040,000

Sec. 2004. 2018 c 2 s 2008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen - Housing Unit: Acute Mental Health Unit (30002736)

Appropriation:

State Building Construction Account—State (~~(\$9,520,000)~~)

\$9,806,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL..... \$9,520,000

\$9,806,000

Sec. 2005. 2018 c 2 s 2009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide - RA Community Facilities: Safety & Security Improvements (30002737)

Appropriation:

~~((Charitable, Educational, Penal, and Reformatory~~

~~Institutions~~ Account—State ~~(\$2,000,000)~~)

State Building Construction Account—State.....\$2,000,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,000,000

NEW SECTION. Sec. 2006. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Statewide: Telecommunication Systems Modernization (30002746)

Appropriation:

State Building Construction Account—State.....\$2,150,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,150,000

NEW SECTION. Sec. 2007. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School - Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations: A predesign must include at least two options: One option with capacity for the ninety beds of existing skilled nursing residents only and one option with capacity for the ninety to one hundred fifty beds of skilled nursing residents and half of the intermediate care facilities residents. Both options must include the number of beds required, necessary staffing models, and total operating costs with fund sources. The report must include methods to include up to ten percent of the beds as adaptive for other uses. The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018. The design allotment may not be made until February 28, 2019.

Appropriation:

State Building Construction Account—State.....\$1,600,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$15,815,000

TOTAL.....\$17,415,000

NEW SECTION. Sec. 2008. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Nursing Facility (92000027)

The appropriation in this section is subject to the following conditions and limitations: A predesign must include at least two options: One option with capacity for one hundred beds of the intermediate care facility residents and one option with capacity for one hundred to one hundred fifty beds of the intermediate care facility residents. Both options must include the number of beds required, necessary staffing models, and total operating costs with fund sources. The report must include methods to include up to ten percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule. The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018. The design allotment may not be made until February 28, 2019.

Appropriation:

State Building Construction Account—State	\$1,600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$15,815,000
TOTAL.....	\$17,415,000

Sec. 2009. 2018 c 2 s 2012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—State	(\$1,312,000)	\$1,200,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)	\$11,000,000	
TOTAL.....	\$12,312,000	\$12,200,000

Sec. 2010. 2018 c 2 s 2013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:

State Building Construction Account—State.....	(\$12,130,000)	\$12,494,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$12,130,000	\$12,494,000

Sec. 2011. 2018 c 2 s 2014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - King County SCTF: Expansion (30003564)

The appropriation in this section is subject to the following conditions and limitations: No funds may be allotted until the department consults with the city of Seattle.

Appropriation:

State Building Construction Account—State.....	(\$2,570,000)	\$2,610,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$2,570,000	\$2,610,000

NEW SECTION. Sec. 2012. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Yakima Valley School - Multiple Buildings: Safety Improvements (30003573)

Appropriation:

State Building Construction Account—State.....	\$500,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)... \$0
 TOTAL..... \$500,000

Sec. 2013. 2018 c 2 s 2021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the fircrest school campus master plan and rezone.

(2) At any time during the 2017-2019 biennium, the department of social and health services may transfer to the department of health approximately five acres east of the existing department of health property for the purpose of future expansion of the public health laboratory by the department of health, in accordance with the master plans of both agencies. Funds appropriated in this section may be used for expenses incidental to the transfer of the property.

(3) The department must include the north city water district in any planning meetings on the fircrest master plan.

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account-State... \$200,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... \$200,000

Sec. 2014. 2018 c 2 s 2024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Building 28: Treatment & Recovery Center (40000024)

Appropriation:

State Building Construction Account-State (~~\$1,000,000~~)
 \$600,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs)..... \$6,475,000
 TOTAL..... ~~\$7,475,000~~
 \$7,075,000

Sec. 2015. 2018 c 2 s 2025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Forensic Ward (91000050)

Appropriation:

State Building Construction Account-State..... (~~\$2,800,000~~)
 \$3,000,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL..... ~~\$2,800,000~~
 \$3,000,000

Sec. 2016. 2018 c 2 s 2026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (40000026)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,560,000 of the appropriation is for predesign and design of the building 29 civil to forensic capacity conversion project. However, the renovation of sixty beds in building 29 for forensic capacity is not subject to predesign requirements. The department must immediately start the sixty bed renovation project and may use a general contractor/construction manager or progressive design build for the renovation of the sixty beds.

Appropriation:

State Building Construction Account-State..... (~~\$1,560,000~~)
 \$10,560,000

Prior Biennia (Expenditures) \$0

Future	Biennia	(Projected
Costs)		
.....		\$9,600,000
TOTAL.....		\$11,160,000
		<u>\$20,160,000</u>

NEW SECTION. Sec. 2017. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Appropriation:

State Building Construction Account—State \$400,000

Prior Biennia (Expenditures)..... \$0

Future	Biennia	(Projected
Costs)		
.....		\$4,875,000

TOTAL..... \$5,275,000

NEW SECTION. Sec. 2018. 2018 c 2 s 2030 (uncodified) is repealed.

NEW SECTION. Sec. 2019. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State \$1,400,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$1,400,000

NEW SECTION. Sec. 2020. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Appropriation:

State Building Construction Account—State \$2,400,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$2,400,000

NEW SECTION. Sec. 2021. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Additional Forensic Ward (91000062)

Appropriation:

State Building Construction Account—State.....\$3,500,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$3,500,000

Sec. 2022. 2018 c 2 s 2031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Newborn Screening Wing Addition (30000301)

Appropriation:

State Building Construction Account—State.....(~~\$2,510,000~~)

\$2,585,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$2,510,000~~

\$2,585,000

NEW SECTION. Sec. 2023. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Retsil Building 10 (40000004)

Appropriation:

State Building Construction Account—State.....\$750,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$750,000

NEW SECTION. Sec. 2024. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Soldiers Home Cemetery Restoration and Preservation (91000011)

Appropriation:

State Building Construction Account—
 State \$250,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... \$250,000

Sec. 2025. 2018 c 2 s 2042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The ~~((appropriation is provided solely for the department to develop a pre-design. The))~~ department shall develop a pre-design for replacing the current boilers. The alternatives must include replacing the current boiler configuration with three or less boilers with a life cycle cost analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the pre-design before design funds are ~~((allotted))~~ allotted.

Appropriation:

State Building Construction Account—
 State \$1,000,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... \$1,000,000

NEW SECTION. **Sec. 2026.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

CBC: Replace Fire Alarm System (30000748)

Appropriation:

State Building Construction Account—
 State \$355,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... \$355,000

NEW SECTION. **Sec. 2027.** A new section is added to 2018 c 2 (uncodified) to read

as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: Bldg E Roof Replacement (30000810)

Appropriation:

State Building Construction Account—
 State.....\$2,696,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)...\$0
 TOTAL.....\$2,696,000

Sec. 2028. 2018 c 2 s 2046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:

State Building Construction Account—
 State.....(~~(\$1,100,000)~~)
\$2,180,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)...\$0
 TOTAL.....~~\$1,100,000~~
\$2,180,000

Sec. 2029. 2018 c 2 s 2047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WSP: Program and Support Building (30001101)

Appropriation:

State Building Construction Account—
 State.....(~~(\$8,685,000)~~)
\$9,685,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)...\$0
 TOTAL.....~~\$8,685,000~~
\$9,685,000

Sec. 2030. 2018 c 2 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by ((October 15)) December 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:

State Building Construction Account—	
State	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$250,000

PART 3
NATURAL RESOURCES

Sec. 3001. 2018 c 2 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$75,000 of the appropriation is provided solely for the department of ecology to convene and facilitate a stakeholder process to review and make recommendations for the statutory authorizations and improvements of the floodplains by design grant program.

(b) The review must include an analysis of:

(i) Statewide funding needs;

(ii) Program design, including criteria, information and coordination required for projects to proceed through the selection and funding processes in a transparent and efficient manner; and

(iii) Mechanisms to improve efficiency and transparency of project funding and implementation.

(c) The department of ecology may convene stakeholders and facilitate activities as needed. The department must develop recommendations in consultation with the Puget Sound partnership. The department must seek input and meaningfully involve a broad base of tribal governments and interested stakeholders, including city and county governments, and agricultural, flood risk reduction, and conservation interests. The department must seek broad and diverse legislative input and invite interested legislators to provide information and ideas including, at a minimum, the majority and minority leadership of the committees responsible for the capital budget in the senate and house of representatives.

(d) The final report must include recommended statutory and policy changes to the appropriate committees of the legislature on or before December 1, 2018.

Appropriation:

State Building Construction Account—	
State.....	((\$35,389,000))
	\$35,464,000

the distribution service area. Any remaining funds must be directed to the Odessa groundwater replacement program.

(3) \$2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) \$16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:

State Building Construction Account—	
State	\$19,550,000
Columbia River Basin Water Supply	
Development	
Account—State.....	\$12,250,000
Columbia River Basin Water Supply	
Revenue Recovery	
Account—State.....	\$2,000,000
Subtotal Appropriation....	\$33,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected	
Costs)	\$72,000,000
TOTAL.....	\$105,800,000

Sec. 3007. 2018 c 2 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

((The appropriation in this section is subject to the following conditions and limitations:)

(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.

~~(2)(a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with direction in the consent decrees. The department shall provide ample opportunity using a variety of engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.~~

~~(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:~~

~~(i) The department of transportation's electric vehicle infrastructure bank program;~~

~~(ii) The state alternative fuel commercial vehicle tax credit;~~

~~(iii) The state sales and use tax exemption for clean vehicles; and~~

~~(iv) Public transportation grant programs administered by the department of transportation.~~

~~(c)(i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and in the Senate; the director of the department of ecology; and the secretary of the department of transportation.~~

~~(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.~~

~~(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but~~

before the department submits the plan to the trustee.

~~(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.~~

~~(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:~~

~~(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;~~

~~(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;~~

~~(c) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;~~

~~(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;~~

~~(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and~~

~~(f) Priority must be given to projects that have the highest benefit cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.~~

~~(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:~~

~~(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;~~

~~(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;~~

~~(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;~~

~~(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;~~

~~(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean going vessels' shore power;~~

~~(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero emission vehicle supply equipment;~~

~~(vii) No more than twenty percent of funding provided during the 2017-2019 biennium for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and~~

~~(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.~~

~~(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.~~

~~(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.~~

~~(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.~~

~~(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.~~

~~(8) For the purposes of this section:~~

~~(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.~~

~~(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.)~~

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.

(b) The department of ecology shall work collaboratively with other agencies to implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent practical, the following existing programs for alternative fuels and zero-emission vehicles:

(i) The department of transportation's electric vehicle infrastructure bank program;

(ii) The state alternative fuel commercial vehicle tax credit;

(iii) The state sales and use tax exemption for clean vehicles; and

(iv) Public transportation grant programs administered by the department of transportation.

(c)(i) For the purposes of providing legislative input and gathering public feedback on the mitigation plan, a steering committee is established. The steering committee is comprised of the following members: Four legislators, one from each major caucus, and one alternate for each of the four legislators; the director of the department of ecology, or his or her designee; the director of enterprise services, or his or her designee; the director of the office of financial management, or his or her designee; the governor, or his or her designee; and the secretary of the department of transportation, or his or her designee.

(ii) As the responsible agency for administration of funds provided by the trustee under the terms of the consent decree, the department of ecology shall chair the steering committee. Meetings of the steering committee must be open to the public.

(iii) The steering committee shall meet as needed to review the mitigation plan and review project category selection principles and priorities, and project proposals.

(iv) The department of ecology staff shall provide support to the steering committee as needed. Legislative members and alternates of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled

to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization.

(2) The stewardship of project implementation must adhere to the following principles:

(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions, other toxic air pollutant emissions and carbon emissions;

(b) Encouraging projects that improve air quality in areas that bear a disproportionate share of the burden from nitrogen oxides emissions and reduce carbon emissions.

(c) In making project selections, consider distribution of projects across many areas of the state;

(d) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;

(e) Investments in clean vehicles and vessels or investments in clean engine replacements are encouraged to be cost-effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement while maximizing achievement of complimentary state goals of standard engines, investments may be made up to the full cost of the clean engine replacement;

(f) Investments must be across a range of low and zero emission fueling technologies including, but not limited to, electric, hybrid, zero emission, and compressed natural gas and other emissions reduction fuels and technologies; and

(g) Encouragement of projects that have high benefit-cost ratios for reductions of nitrogen oxides emissions and carbon emissions.

(3) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than sixty percent of funding may be provided for on-road heavy duty vehicles; class four through eight

school buses, shuttle buses, or transit buses; commercial vehicle class four through eight transit buses, shuttle buses, and school buses; and commercial vehicle class eight local freight trucks and port drayage trucks;

(ii) No more than twenty percent of funding may be provided for commercial vehicle class four through seven local freight trucks;

(iii) No more than five percent of funding may be provided for freight switchers;

(iv) No more than five percent of funding may be provided for airport ground support equipment;

(v) No more than forty-five percent of funding may be provided for marine vessels including ferries and tugs, and for ocean-going vessels' shore power;

(vi) No more than fifteen percent of funding may be provided for light duty, zero emission vehicle supply equipment. Priority must be given to those projects for which grant funds were sought under the department of transportation's grant opportunity for DC fast chargers for Washington's interregional corridors program in 2017, that ranked high in the grant evaluation but did not receive funding; and

(vii) No more than five percent of funding may be provided for nonfederal matching funds for projects eligible under the diesel emission reduction act option.

(4) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.

(5) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall provide notice to the steering committee of any significant changes to the plan submitted.

(6) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2019, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded

through these mitigation funds for the previous fiscal year.

(7) For the purposes of this section:

(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.

(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.

Appropriation:

General	Fund-
Private/Local	((\$20,000,000))
	\$112,700,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$20,000,000
	\$112,700,000

NEW SECTION. Sec. 3008. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles and Vehicles Serving Ports (40000109)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles with low-emission and zero-emission vehicles.

(2) All expenditures from this appropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the appropriation is for scrapping and

replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed natural gas, zero emission, etc.) school buses that meet current federal emissions standards.

(4) Up to \$9,750,000 of the appropriation is for scrapping and replacing pre-2007 diesel, high polluting transit buses across the state with new electric, zero-emission buses.

(5) Up to \$5,450,000 of the appropriation is for replacing state government-owned gas or diesel powered passenger vehicles with all electric vehicles.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

Appropriation:

Air Pollution Control Account-	State.....	\$28,400,000
Prior Biennia (Expenditures).....		\$0
Future Biennia (Projected Costs)...		\$0
TOTAL.....		\$28,400,000

NEW SECTION. Sec. 3009. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Mount Baker Properties Cleanup and Affordable Housing Development (40000096)

Appropriation:

State Toxics Control Account-	State.....	\$5,100,000
Prior Biennia (Expenditures).....		\$0
Future Biennia (Projected Costs).....		\$1,915,000
TOTAL.....		\$7,015,000

Sec. 3010. 2018 c 2 s 3027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If

chapter 1 (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

(2) \$2,500,000 of the appropriation is provided solely for the Dungeness off-channel reservoir, including transaction-related expenses by the department of natural resources.

(3) \$900,000 of the appropriation is provided solely for the Methow valley piping, pressurization, and conveyance system consolidation project.

(4) \$5,735,000 of the appropriation is provided solely for the Colville river watershed plan update and water resource mitigation and enhancement project.

Appropriation:

Watershed Restoration and Enhancement Bond	
Account-State.....	\$20,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL.....	\$300,000,000

NEW SECTION. Sec. 3011. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Skagit Water (91000347)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the department of agriculture, the department of fish and wildlife, and the office of the Columbia river in the department of ecology to jointly pursue on a pilot basis the development of new water supplies to benefit both instream and out-of-stream uses within Skagit river water resource inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated by chapter 173-503 WAC. The departments' initial report of joint findings on actions and/or statutory changes needed to better meet the economic and community development needs of people and the instream flow needs of fish in the Skagit watersheds must be provided to the legislature by December 1, 2018.

(2) Up to \$2,000,000 of the appropriation is for studies and actions needed to make water available for agricultural water uses in a manner that also supports the instream flow needs of fish. The department of ecology, department of fish and wildlife, and department of agriculture shall jointly agree on the appropriate entities to complete needed studies and actions under this subsection, which include, but are not limited to, an update to current hydrodynamic modeling (up to \$100,000 estimated), an instream flow incremental methodology study (up to \$100,000 estimated), and installation of groundwater monitoring stations (up to \$100,000 estimated) and any other action needed to support a department of ecology determination of water availability for proposed new agricultural water uses diverted or withdrawn from the Skagit river below the PUD Pipeline Crossing east of Sedro Woolley and the existing USGS Station 12200500, near Mt. Vernon.

Appropriation:

State Building Construction Account-State.....	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$2,500,000

Sec. 3012. 2018 c 2 s 3029 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)
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Appropriation:

PLIA Underground Storage Tank Revolving		
Account-State.....	(\$20,000,000)	\$12,700,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$80,000,000	
TOTAL	\$100,000,000	\$92,700,000

Sec. 3013. 2018 c 2 s 3031 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (3000086)

Appropriation:

State Building Construction Account—State ((\$471,000))

\$496,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$25,986,000

TOTAL.....\$26,457,000

\$26,482,000

Sec. 3014. 2018 c 2 s 3032 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Appropriation:

State Building Construction Account—State ((\$3,217,000))

\$3,386,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$3,823,000

TOTAL.....\$7,040,000

\$7,209,000

Sec. 3015. 2018 c 2 s 3033 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:

State Building Construction Account—State ((\$206,000))

\$217,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$1,399,000

TOTAL.....\$1,605,000

\$1,616,000

Sec. 3016. 2018 c 2 s 3034 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:

State Building Construction Account—State..... ((\$277,000))

\$292,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$1,478,000

TOTAL.....\$1,755,000

\$1,770,000

Sec. 3017. 2018 c 2 s 3035 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Appropriation:

State Building Construction Account—State..... ((\$1,516,000))

\$1,596,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$1,516,000

\$1,596,000

Sec. 3018. 2018 c 2 s 3036 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Appropriation:

Sec. 3024. 2018 c 2 s 3045 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Birch Bay - Replace Failing Bridge (30000876)

Appropriation:

State Building Construction Account-State ((\$320,000))

\$337,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$1,032,000

TOTAL.....\$1,352,000

\$1,369,000

Sec. 3025. 2018 c 2 s 3046 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:

State Building Construction Account-State ((\$697,000))

\$734,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$9,072,000

TOTAL.....\$9,769,000

\$9,806,000

Sec. 3026. 2018 c 2 s 3047 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

(The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the

~~equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.-)~~

Appropriation:

State Building Construction Account-State..... ((\$1,109,000))

\$1,167,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$1,109,000

\$1,167,000

Sec. 3027. 2018 c 2 s 3048 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:

State Building Construction Account-State..... ((\$2,018,000))

\$2,124,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,018,000

\$2,124,000

Sec. 3028. 2018 c 2 s 3049 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Appropriation:

State Building Construction Account-State..... ((\$1,093,000))

\$1,151,000

Prior Biennia (Expenditures) . \$121,000

Future Biennia (Projected Costs).....\$3,859,000

TOTAL.....\$5,073,000

\$5,131,000

Sec. 3029. 2018 c 2 s 3051 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Appropriation:

State Building Construction Account-State ((\$553,000))

\$582,000

Prior Biennia (Expenditures) \$165,000

Future Biennia (Projected Costs) ... \$0

TOTAL..... \$718,000

\$747,000

Sec. 3030. 2018 c 2 s 3052 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (30000976)

~~((The appropriation in this section is subject to the following conditions and limitations: The commission must grant access to the Iron Horse/John Wayne trail for any person who owns land adjacent to the trail and applies for access or easement for agricultural purposes. The commission may request twenty-four hour notice prior to any agricultural use for transporting goods or machinery along the length of the trail. No prior notice may be required of adjacent landowners to cross the trail. Access may not be unreasonably denied and must be granted within one month of application or within thirty days of the effective date of this section for applications previously submitted from landowners-))~~

Appropriation:

Parkland Acquisition Account-State \$2,000,000

Prior Biennia (Expenditures) \$2,000,000

Future Biennia (Projected Costs) \$8,000,000

TOTAL..... \$12,000,000

Sec. 3031. 2018 c 2 s 3055 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Program (30000979)

Appropriation:

State Building Construction Account-State..... ((\$1,845,000))

\$1,491,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$1,845,000

\$1,491,000

Sec. 3032. 2018 c 2 s 3056 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)

Appropriation:

State Building Construction Account-State..... ((\$964,000))

\$1,015,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$964,000

\$1,015,000

Sec. 3033. 2018 c 2 s 3057 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)

Appropriation:

State Building Construction Account-State..... ((\$428,000))

\$450,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$428,000

\$450,000

Sec. 3034. 2018 c 2 s 3058 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation (30000983)

Appropriation:

State Building Construction Account—State (~~\$209,000~~)

\$220,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$4,359,000

TOTAL.....~~\$4,568,000~~

\$4,579,000

Sec. 3035. 2018 c 2 s 3059 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic Area (30000984)

Appropriation:

State Building Construction Account—State (~~\$2,622,000~~)

\$2,760,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$2,622,000~~

\$2,760,000

Sec. 3036. 2018 c 2 s 3060 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation (30001016)

Appropriation:

State Building Construction Account—State (~~\$475,000~~)

\$500,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$4,996,000

TOTAL.....~~\$5,471,000~~

\$5,496,000

Sec. 3037. 2018 c 2 s 3061 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)

Appropriation:

State Building Construction Account—State..... (~~\$238,000~~)

\$250,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$5,016,000

TOTAL.....~~\$5,254,000~~

\$5,266,000

Sec. 3038. 2018 c 2 s 3062 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)

Appropriation:

State Building Construction Account—State..... (~~\$713,000~~)

\$750,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$5,058,000

TOTAL.....~~\$5,771,000~~

\$5,808,000

Sec. 3039. 2018 c 2 s 3063 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)

Appropriation:

State Building Construction Account—
 State (~~(\$297,000)~~)
\$313,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
 Costs) \$11,114,000

TOTAL..... ~~\$11,411,000~~
\$11,427,000

Sec. 3040. 2018 c 2 s 3064 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Trail Renovations (Footbridges) (30001021)

Appropriation:

State Building Construction Account—
 State (~~(\$266,000)~~)
\$280,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
 Costs) \$798,000

TOTAL..... ~~\$1,064,000~~
\$1,078,000

Sec. 3041. 2018 c 2 s 3065 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)

Appropriation:

State Building Construction Account—
 State (~~(\$358,000)~~)
\$377,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
 Costs) \$3,817,000

TOTAL..... ~~\$4,175,000~~
\$4,194,000

NEW SECTION. **Sec. 3042.** A new section is added to 2018 c 2 (uncodified) to read

as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Comfort Station Pilot Project (91000433)

The appropriation is provided solely for a pilot program for new fire light toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:

State Building Construction Account—
 State.....\$1,167,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$1,167,000

Sec. 3043. 2018 c 2 s 3067 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Step toe Butte Road Improvements (30001076)

Appropriation:

State Building Construction Account—
 State.....(~~(\$443,000)~~)
\$466,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected
 Costs).....\$3,789,000

TOTAL.....~~\$4,232,000~~
\$4,255,000

Sec. 3044. 2018 c 2 s 3068 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Buildings and Ground Improvements (40000005)

Appropriation:

State Building Construction Account—
 State.....(~~(\$2,560,000)~~)

\$2,695,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$2,560,000~~

\$2,695,000

NEW SECTION. Sec. 3045. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Appropriation:

State Building Construction Account—State\$300,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)\$400,000

TOTAL.....\$700,000

NEW SECTION. Sec. 3046. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - ADA Compliance (30000985)

Appropriation:

State Building Construction Account—State\$1,000,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$1,000,000

NEW SECTION. Sec. 3047. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Appropriation:

State Building Construction Account—State\$742,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)\$2,829,000

TOTAL.....\$3,571,000

Sec. 3048. 2017 3rd sp.s. c 4 s 3072 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State.....\$2,707,000

Appropriation:

State Building Construction Account—State.....\$172,000

Prior Biennia (Expenditures) .\$792,000

Future Biennia (Projected Costs) ...\$0

TOTAL.....~~\$3,499,000~~

\$3,671,000

Sec. 3049. 2018 c 2 s 3075 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the ((Barnum Point waterfront)) list of projects in LEAP capital document No. 2018-8H, developed February 26, 2018.

Appropriation:

State Building Construction Account—State.....\$10,725,000

Aquatic Lands Enhancement Account—State.....\$1,000,000

Subtotal Appropriation ...\$11,725,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....~~\$1,000,000~~

\$11,725,000

Sec. 3050. 2018 c 2 s 3091 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

\$5,752,000

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:

State Building Construction Account-State \$4,000,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$20,000,000
TOTAL..... \$24,000,000

Sec. 3051. 2018 c 2 s 3092 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account-state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account-State ((\$2,000,000))
\$4,000,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$1,752,000
TOTAL..... \$3,752,000

Sec. 3052. 2018 c 2 s 3107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000782)

Appropriation:

State Building Construction Account-State..... ((\$2,000,000))
\$2,825,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) ... \$0
TOTAL..... \$2,825,000

NEW SECTION. Sec. 3053. A new section is added to 2018 c 2 (uncodified) to read as follows: FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Appropriation:

State Building Construction Account-State..... \$800,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$5,849,000
TOTAL..... \$6,649,000

NEW SECTION. Sec. 3054. A new section is added to 2018 c 2 (uncodified) to read as follows: FOR THE DEPARTMENT OF FISH AND WILDLIFE

Scatter Creek Wildlife Area Fire Damage (40000005)

Appropriation:

State Building Construction Account-State..... \$1,331,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) ... \$0
TOTAL..... \$1,331,000

Sec. 3055. 2018 c 2 s 3119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (30000264)

Appropriation:

Resources Management Cost Account-
State \$30,000,000

Natural Resources Real Property
Replacement-State (~~\$30,000,000~~)

\$20,731,000

Community and Technical College Forest
Reserve

Account-State..... \$1,000,000

Subtotal Appropriation (~~\$61,000,000~~)

\$51,731,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$61,000,000~~

\$51,731,000

Sec. 3056. 2018 c 2 s 3122
(uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (30000269)

The appropriation in this section is
subject to the following conditions and
limitations:

(1) The appropriation is provided
solely to the department of natural
resources to transfer from trust status
certain trust lands of statewide
significance deemed appropriate for
state parks, fish and wildlife habitats,
natural area preserves, natural
resources conservation areas, department
of natural resources community forest
open spaces, or recreation purposes. The
approved property for transfer is
identified in the LEAP capital document
no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this
section must be appraised and transferred
at fair market value. By (~~September 30,
2018~~) June 30, 2019, the department must
deposit in the common school construction
account the portion of the appropriation
in this section that represents the
estimated value of the timber on the
transferred properties. This transfer
must be made in the same manner as timber
revenues from other common school trust

lands. No deduction may be made for the
resource management cost account under
RCW 79.64.040. The portion of the
appropriation in this section that
represents the value of the land
transferred must be deposited in the
natural resources real property
replacement account.

(3) All reasonable costs incurred by
the department to implement this section
are authorized to be paid out of the
appropriations. Authorized costs include
the actual cost of appraisals, staff
time, environmental reviews, surveys,
and other similar costs, and may not
exceed one and nine-tenths percent of the
appropriation.

(4) By June 30, (~~2018~~) 2019, land
within the common school trust shall be
exchanged for land of equal value held
for other trust beneficiaries of the
property identified in subsection (1) of
this section.

(5) Prior to or concurrent with
conveyance of these properties, the
department shall execute and record a
real property instrument that dedicates
the transferred properties to the
purposes identified in subsection (1) of
this section. Fee transfer agreements for
properties identified in subsection (1)
of this section must include terms that
perpetually restrict the use of the
property to the intended purpose.
Transfer agreements may include
provisions for receiving agencies to
request alternative uses of the property,
provided the alternative uses are
compatible with the originally intended
public purpose and the department and
legislature approves such uses.

(6) The department shall work in good
faith to carry out the intent of this
section.

(7) By June 30, 2019, the state
treasurer shall transfer to the common
school construction account any
unexpended balance of the appropriation
in this section.

Appropriation:

State Building Construction Account-
State.....\$10,000,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$10,000,000

Sec. 3057. 2018 c 2 s 3123 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

(i) With a population of twenty-five thousand or fewer; and

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in

the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—	
State.....	(\$3,000,000)
	\$4,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$3,000,000
	\$4,500,000

Sec. 3058. 2018 c 2 s 3127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

2017-2019 Minor Works Programmatic (30000287)

The appropriation in this section is subject to the following conditions and limitations: \$230,000 of the appropriation is provided solely for survey, design, permitting, purchase, and delivery of the bridge and substructure that accesses Tunerville campground.

Appropriation:

State Building Construction Account—	
State.....	(\$1,000,000)

\$1,230,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)\$2,990,000

TOTAL.....\$3,990,000

\$4,220,000

NEW SECTION. Sec. 3059. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

NE Region Storm Damage Road Repair (40000002)

Appropriation:

State Building Construction Account—State\$429,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$429,000

NEW SECTION. Sec. 3060. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Paterson Pipeline (91000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for developing and constructing an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands pursuant to conditions and limitations described in section 7004 of this act.

(2) The legislature recognizes and declares that the appropriation in this section constitutes a loan from an asset of the common school trust. The legislature finds that the provisions in section 7004 of this act regarding review and approval of the Paterson pipeline, improvements to common school trust lands by the Paterson pipeline and associated increased value of those lands, eventual loan repayment to the natural resources real property replacement account, and interest to the common school construction account ensure that the interest of the common school trust beneficiaries are protected.

Appropriation:

Natural Resources Real Property Replacement

Account—State\$9,269,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$8,431,000

TOTAL.....\$17,700,000

Sec. 3061. 2018 c 2 s 3132 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) Facilities that have a capacity of two hundred fifty or more persons and are routinely used for student activities by kindergarten through twelfth grade public schools; and

(b) Fire stations located within a one-mile radius of a facility described in subsection (1)(a) of this section.

(2) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsections (1)(a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and

nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

(3) The department shall develop geographic information system databases of survey data and must share that data with the governor, the superintendent of public instruction, and the appropriate legislative committees.

(4) A preliminary report on the progress of the statewide seismic needs assessment specified in this section shall be submitted to the ((office of financial management and the)) appropriate committees of the legislature by October 1, 2018. The final report and statewide seismic needs assessment shall be submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2019.

Appropriation:

State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$1,200,000

NEW SECTION. Sec. 3062. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Community Forest Program Development (91000093)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$75,000 of the appropriation in this section is provided solely for the department to perform an economic and ownership modeling analysis using as a case study one or more projects proposed through the department's rural communities partnership initiative, and based on that analysis, further

prioritize a list of community forest projects to submit to the legislature as required under chapter 79.155 RCW.

(2) The department must also consult with nonprofit stakeholders, and other interested parties, such as counties, municipalities, tribes, and small and large private forest landowners, in developing a nonstate-owned community forest project list, including a process to prioritize and recommend to the legislature a list of nonstate-owned community forests. This project list must include projects solicited from both east and west of the crest of the Cascade mountains that have demonstrable community support.

(3) DNR shall develop a list composed of both nonstate-owned and state-owned community forest projects for legislative consideration by November 1, 2018.

Appropriation:

State Building Construction Account—State.....	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$75,000

NEW SECTION. Sec. 3063. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Castle Rock/DNR Land Swap (91000094)

Appropriation:

State Building Construction Account—State.....	\$13,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$13,000

Sec. 3064. 2018 c 2 s 3135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Grants to Improve Safety and Access at Fairs (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the Grant county fairgrounds rodeo arena seating replacement.

(2) \$100,000 of the appropriation is provided solely for the Ellensburg rodeo project.

Appropriation:

State Building Construction Account— State	(\$2,000,000)
	\$2,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$2,000,000
	\$2,100,000

PART 4

TRANSPORTATION

Sec. 4001. 2018 c 2 s 4001 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater Remediation (30000030)

Appropriation:

Fire Service Training Account— State	(\$3,000,000)
	\$3,132,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$3,000,000
	\$3,132,000

Sec. 4002. 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 (~~of this act~~), chapter 2, Laws of 2018 and

section 7011 of this act for direct loans to ~~((political subdivisions of))~~ airport sponsors of public use airports in the state ~~((and privately owned airports))~~ for the purpose of improvements ~~((at public use airports))~~ that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the ~~((capital budget))~~ chairs and ranking minority members of the ~~((capital budget))~~ transportation committees of the house of representatives and the senate ~~((ways and means committee))~~, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans ~~((to privately owned airports))~~ for the purpose of airport improvements only if the state is receiving commensurate public benefit, ~~((such as guaranteed long term))~~ which must include, as a condition of the loan, a commitment to provide public access to the airport ~~((as))~~ for a ~~((condition))~~ period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" ~~((that primarily support general aviation activities))~~ means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as

published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account-State	\$5,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$5,000,000

PART 5

EDUCATION

Sec. 5001. 2018 c 2 s 5006 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account-state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account-State.....	(\$672,423,000)	\$746,896,000
Common School Construction Account-State.....	(\$255,581,000)	\$223,998,000
Common School Construction Account-Federal.....		\$3,000,000
School Construction and Skill Centers Building Account-State		\$1,559,000
Subtotal Appropriation.....	(\$932,563,000)	\$975,453,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs).....		\$5,136,856,000
TOTAL	\$6,069,419,000	\$6,112,309,000

Sec. 5002. 2018 c 2 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (40000007)

Appropriation:

Common School Construction Account-State.....	(\$3,600,000)	\$3,390,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs).....		\$13,097,000
TOTAL	\$16,697,000	\$16,487,000

Sec. 5003. 2018 c 2 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) \$50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) \$30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

~~(b) ((Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and~~

~~(e))~~ Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or

school demonstrates that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State.....	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$1,000,000

Sec. 5004. 2017 3rd sp.s. c 4 s 5016 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEWTECH Skill Center (Spokane Area Professional-Technical) (92000005)

Reappropriation:

State Building Construction Account—State.....	(\$387,000)
	\$339,000

School Construction and Skill Centers Building

<u>Account—State</u>	<u>\$38,000</u>
<u>Subtotal Reappropriation</u>	<u>\$377,000</u>
Prior Biennia (Expenditures)	(\$21,450,000)
	\$21,460,000
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$21,837,000

Sec. 5005. 2018 c 2 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address

challenges related to extraordinary growth and to maintain and repair existing buildings.

(2) \$1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) \$500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

(4) \$4,000,000 of the appropriation in this section is provided solely for the Frantz H. Coe elementary school in Seattle.

(5) (a) \$10,000,000 of the appropriation in this section is provided solely for the Toledo school district;

(b) The Toledo school district must provide a local match equivalent to a minimum of \$7,000,000. The local match may consist of cash; furniture, finishes, and equipment; or like-kind.

(c) If the Toledo school district cannot demonstrate to the office of the superintendent of public instruction that a local match pursuant to (b) of this subsection has been secured by June 30, 2019, the appropriation in (a) of this subsection shall lapse.

Appropriation:

State Building Construction Account—State	(\$21,186,000)	
		\$35,186,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	\$21,186,000	\$35,186,000

NEW SECTION. Sec. 5006. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Academic and Physical Education Building (30000036)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$45,445,000

TOTAL.....\$46,445,000

Sec. 5007. 2018 c 2 s 5016 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Burke Museum (20082850)

Appropriation:

State Building Construction Account—State.....	(\$24,200,000)	
		\$24,900,000
Prior Biennia (Expenditures).....	\$29,800,000	
Future Biennia (Projected Costs) ...	\$0	
TOTAL.....	\$54,000,000	\$54,700,000

NEW SECTION. Sec. 5008. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

University of Washington Building Account—State.....	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs).....	\$49,000,000
TOTAL.....	\$49,600,000

Sec. 5009. 2018 c 2 s 5021 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Appropriation:

University of Washington Building Account—State.....	(\$14,500,000)	
		\$17,500,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs).....	\$30,000,000	
TOTAL.....	\$44,500,000	\$47,500,000

NEW SECTION. Sec. 5010. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington, led by the college of built environments, in collaboration with the department of enterprise services, shall analyze existing embodied carbon policy and propose methods to categorize structural materials and report structural material quantities and origins.

(2) The University of Washington college of built environments shall report to the legislature the methods developed in this section by December 31, 2018.

Appropriation:

State Building Construction Account—	
State	\$100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$100,000

Sec. 5011. 2017 3rd sp.s. c 4 s 5048 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Seminar I Renovation (30000125)

Reappropriation:

State Building Construction Account—	
State	(\$175,000)
	\$188,000
Prior Biennia	
(Expenditures)	(\$225,000)
	\$212,000
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$400,000

NEW SECTION. Sec. 5012. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Historic Lord Mansion (91000029)

The appropriations in this section are subject to the following conditions and limitations:

(1) By July 1, 2018, and subject to approval by The Evergreen State College board of trustees, responsibility for the maintenance, operation, and any subsequent leasing of the historic Lord mansion shall be transferred from the Washington state historical society to The Evergreen State College.

(2) If the transfer pursuant to subsection (1) of this section does not occur by July 1, 2018, the following must occur:

(a) Custody and control of the historic Lord mansion is transferred from the Washington state historical society to the department of enterprise services to be maintained pursuant to the duties of the director defined in RCW 43.19.125; and

(b) The appropriation in this section is made to the department of enterprise services rather than The Evergreen State College.

Appropriation:

State Building Construction Account—	
State.....	\$504,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$504,000

Sec. 5013. 2018 c 2 s 5051 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000781)

Appropriation:

State Building Construction Account—	
State.....	\$1,500,000
Western Washington University Capital	
Projects	
Account—State	(\$6,179,000)
	\$4,679,000
Subtotal Appropriation	\$6,179,000
Prior Biennia (Expenditures)	\$0
Future Biennia	
(Projected	
Costs).....	\$30,000,000
TOTAL	\$36,179,000

Sec. 5014. 2018 c 2 s 5053 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (30000288)

Appropriation:

State Building Construction Account-
State (~~(\$2,000,000)~~)

\$2,721,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$2,000,000~~

\$2,721,000

NEW SECTION. Sec. 5015. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Student Services and Instructional Building (30000127)

Appropriation:

State Building Construction Account-
State \$4,151,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$41,162,000

TOTAL..... \$45,313,000

Sec. 5016. 2018 c 2 s 5057 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: North County Satellite (30000135)

Appropriation:

State Building Construction Account-
State (~~(\$5,212,000)~~)

\$5,688,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) (~~(\$48,603,000)~~)

\$49,235,000

TOTAL..... ~~\$53,815,000~~

\$54,923,000

NEW SECTION. Sec. 5017. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Learning Resource Center (30000136)

Appropriation:

State Building Construction Account-
State.....\$4,015,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$45,080,000

TOTAL.....\$49,095,000

Sec. 5018. 2018 c 2 s 5058 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Appropriation:

State Building Construction Account-
State.....(~~(\$37,757,000)~~)

\$39,257,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$37,757,000~~

\$39,257,000

Sec. 5019. 2018 c 2 s 5059 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Appropriation:

State Building Construction Account-
State.....(~~(\$33,960,000)~~)

\$34,952,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$33,960,000~~

\$34,952,000

Sec. 5020. 2018 c 2 s 5060 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend: Professional - Technical Education Center (30000981)

Appropriation:

State Building Construction Account-State ((~~\$35,063,000~~)) \$35,346,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$35,063,000~~ \$35,346,000

Sec. 5021. 2018 c 2 s 5061 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Main Building South Wing Renovation (30000982)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for predesign, design, and construction, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 ((of this act)), chapter 2, Laws of 2018.

Appropriation:

State Building Construction Account-State ((~~\$24,919,000~~)) \$25,683,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$24,919,000 \$25,683,000

Sec. 5022. 2018 c 2 s 5062 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)

Appropriation:

State Building Construction Account-State..... ((~~\$23,372,000~~)) \$24,221,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$23,372,000~~ \$24,221,000

Sec. 5023. 2017 3rd sp.s. c 4 s 5076 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Center for Advanced Manufacturing Technologies (30000984)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation ((is subject to the provisions of section 5140, chapter 3, Laws of 2015 3rd sp. sess)) in this section is provided solely for predesign and design, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Funding authorized pursuant to section 7002(7)(f) of this act for construction may be delivered using design-build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. The state may use state employees for services not related to building performance.

(3) Criteria for selecting the design-build contractor must include life cycle

costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building may be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—
State \$2,791,000
Prior Biennia (Expenditures) \$353,000
Future Biennia (Projected Costs)... \$0
TOTAL..... \$3,144,000

Sec. 5024. 2018 c 2 s 5063 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

State Building Construction Account—
State (~~(\$2,772,000)~~)
\$2,840,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) (~~(\$29,048,000)~~)
\$29,340,000
TOTAL..... \$31,820,000
\$32,180,000

Sec. 5025. 2018 c 2 s 5064 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—
State (~~(\$929,000)~~)
\$953,000
Prior Biennia (Expenditures)..... \$0

Future	Biennia	(Projected Costs)
		((\$7,368,000))
		\$7,594,000
TOTAL		<u>\$8,297,000</u>
		<u>\$8,547,000</u>

Sec. 5026. 2018 c 2 s 5065 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—
State..... (~~(\$3,438,000)~~)
\$3,508,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)..... (~~(\$29,982,000)~~)
\$31,035,000
TOTAL..... \$33,420,000
\$34,543,000

Sec. 5027. 2018 c 2 s 5066 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Appropriation:

State Building Construction Account—
State..... (~~(\$2,241,000)~~)
\$2,501,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)..... (~~(\$21,873,000)~~)
\$23,187,000
TOTAL..... \$24,114,000
\$25,688,000

Sec. 5028. 2018 c 2 s 5067 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State (~~(\$3,150,000)~~)

\$3,238,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) (~~(\$39,208,000)~~)

\$40,484,000

TOTAL..... ~~\$42,358,000~~

\$43,722,000

Sec. 5029. 2018 c 2 s 5068 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Appropriation:

State Building Construction Account—State (~~(\$3,546,000)~~)

\$3,592,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) (~~(\$35,972,000)~~)

\$36,138,000

TOTAL..... ~~\$39,518,000~~

\$39,730,000

Sec. 5030. 2018 c 2 s 5070 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (30001293)

Appropriation:

Community/Technical Colleges Capital Projects

Account—State..... (~~(\$8,433,000)~~)

\$5,307,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$8,433,000

\$5,307,000

Sec. 5031. 2018 c 2 s 5071 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (30001294)

Appropriation:

(~~(State Building Construction Account—State.....\$1,218,000)~~)

Community/Technical Colleges Capital Projects

Account—State.....(~~(\$25,458,000)~~)

\$16,587,000

(~~(Subtotal Appropriation \$26,676,000)~~)

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$26,676,000

\$16,587,000

Sec. 5032. 2018 c 2 s 5072 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (30001295)

Appropriation:

(~~(State Building Construction) Community/Technical~~)

Colleges Capital Projects Account—State.....\$4,166,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$4,166,000

Sec. 5033. 2018 c 2 s 5073 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30001368)

Appropriation:

thousand dollars for the 2021-2023 biennium.

Sec. 7002. 2018 c 2 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to \$5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to \$7,450,000 plus financing

expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to ~~(((\$12,700,000))~~ \$12,504,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Department of social and health services: Enter into a financing contract for up to \$2,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

~~((6))~~ (7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Cascadia College for up to ~~(((\$29,500,000))~~ \$30,225,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to \$31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

~~(e) ((Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.~~

~~(f))~~ Enter into a financing contract on behalf of Lower Columbia College for up to ~~(((\$3,000,000))~~ \$3,400,000 plus financing expenses and required reserves

pursuant to chapter 39.94 RCW to renovate the main building.

~~((g))~~ (f) Enter into a financing contract on behalf of Clover Park Technical College for up to ~~((\$33,288,000))~~ \$35,821,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

(g) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(h) Enter into a financing contract on behalf of Bellevue College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student success center.

(i) Enter into a financing contract on behalf of Whatcom Community College for up to \$26,475,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(j) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and wellness center.

(k) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property.

(l) Enter into a financing contract on behalf of Grays Harbor College for up to \$1,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a campus parking lot.

Sec. 7003. 2018 c 2 s 7022 (uncodified) is amended to read as follows:

STATE TREASURER TRANSFER AUTHORITY

State Toxics Control Account: For transfer

to the environmental legacy stewardship account,

\$13,000,000 for fiscal year 2018 and ~~((\$13,000,000))~~

\$7,760,000 for fiscal year 2019.....~~((\$26,000,000))~~

\$20,760,000

Local Toxics Control Account: For transfer

to the environmental legacy stewardship account,

\$15,250,000 in fiscal year 2018 and ~~((\$15,250,000))~~

\$9,050,000 in fiscal year 2019.....~~((\$30,500,000))~~

\$24,300,000

State Toxics Control Account: For transfer

to the cleanup settlement account as repayment

of the loan provided in section 6015(2), chapter

35, Laws of 2016 sp. sess. (ESHB 2380, 2016

supplemental capital budget), \$8,150,000 for fiscal

year 2019.....\$8,150,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground storage tank revolving account the lesser of \$20,000,000 or the balance of the fund exceeding \$7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. **Sec. 7004.** A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to develop and construct an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands.

(2)(a) The development and construction of the Paterson pipeline must be reviewed and approved by the board of natural resources; and

(b) Any investment in the Paterson pipeline with moneys belonging to an asset of the common school trust constitutes a loan from the common school trust and may only be made if first determined to be a prudent investment by the board of natural resources.

(3)(a) A payment of principal and annual interest of six percent on remaining principal of the loan described in subsection (2)(b) of this section must be paid annually to be disbursed as follows:

(i) The principal portion of the payment shall be deposited into the natural resources real property replacement account;

(ii) The interest portion of the payment shall be deposited into the common school construction account;

(b) Interest begins to accrue on the date the Paterson pipeline is completed; and

(c) Once interest begins to accrue, the annual payment is due and payable on July 1st, following the completion of the state fiscal year, until the principal is fully repaid for a term of no more than twenty years.

(4) Revenues generated from leases of the irrigated acreage in the common school trust improved by the Paterson pipeline are assumed to be sufficient for the payments on the loan principal and interest described in subsection (3) of this section.

Sec. 7005. RCW 79.17.210 and 2013 2nd sp.s. c 19 s 7041 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. ~~((During the 2013-2015 fiscal biennium, funds in the account may also be appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess.))~~ During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline and irrigation system in section 3060 of this act under the provisions of section 7004 of this act.

Sec. 7006. 2018 c 2 s 7007 (uncodified) is amended to read as follows:

(1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only

between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

~~((5) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.)~~

Sec. 7007. 2018 c 2 s 7017 (uncodified) is amended to read as follows:

NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter ~~((---))~~ 3, Laws of 2018, ~~((Senate))~~ House Bill No. ~~((---))~~ 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. Sec. 7008. A new section is added to 2018 c 2 (uncodified) to read as follows:

The military department shall transfer title of the Port Orchard armory to the South Kitsap school district, the Kitsap Transit, and the city of Port Orchard, jointly. When the property is transferred, the South Kitsap school district shall develop property lines between the South Kitsap school district, the Kitsap Transit, and the city of Port Orchard. The city of Port Orchard and the Kitsap Transit shall cover any closing costs. The transfer must specify a purchase price of one dollar, and require the school district, the Kitsap Transit, and the city to own the property for a minimum of ten years.

Sec. 7009. 2018 c 2 s 7024 (uncodified) is amended to read as follows:

The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy (~~recovery act~~) efficiency account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

Sec. 7010. 2018 c 2 s 7026 (uncodified) is amended to read as follows:

JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION.

(1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance

with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and assistance. Members of such an advisory committee are not entitled to expense reimbursement.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by (~~October 1~~) December 15, 2018.

(9) This section expires June 30, 2019.

Sec. 7011. 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under (~~this chapter~~) section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018 must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 (~~of this act~~), chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7012. A new section is added to 2018 c 2 (uncodified) to read as follows:

JOINT LEGISLATIVE TASK FORCE ON WATER SUPPLY.

(1) A joint legislative task force is established to review surface water and groundwater uses as they relate to agricultural uses, domestic potable water uses, instream flows, and fish habitat, and to develop and recommend projects that would increase total water supply available for competing water uses.

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) Two organizations representing the farming industry in Washington;

(ii) A representative designated by each county within water resource inventory areas 3 and 4;

(iii) A representative designated by each city within water resource inventory areas 3 and 4;

(iv) Two representatives from an environmental advocacy organization or organizations;

(v) A representative designated by each public utility district located in water resource inventory areas 3 and 4;

(vi) An organization representing business interests;

(vii) Representatives from federally recognized Indian tribes with reservations located within water resource inventory areas 3 and 4; and

(viii) Representatives from federally recognized tribes with usual and accustomed harvest area within water resource inventory areas 3 and 4.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the

legislature, as those caucuses existed on the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) (a) The joint legislative task force must convene meetings during the 2017-2019 biennium with the goal of making recommendations to the legislature in compliance with RCW 43.01.036 during the 2019-2021 biennium.

(b) Recommendations of the joint legislative task force must be made by a seventy-five percent majority of the members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) In developing recommendations, the task force shall review and compare the 1996 Skagit basin water resource memorandum of agreement, and chapter 173-503 WAC, as adopted by the department of ecology in 2001 and amended in 2006. The task force shall evaluate possible statutory and rule changes needed to balance the needs of instream flows,

while providing legal and predictable water supply for new agriculture and domestic uses.

(9) The joint legislative task force expires June 30, 2019.

NEW SECTION. **Sec. 7013.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7014.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (1235) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Doglio and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the House by the following vote:Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez,

Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5722, by Senators Liias, Walsh, Ranker, Pedersen, Rivers, Keiser, Fain, Frockt, Hunt and Kuderer

Restricting the practice of conversion therapy.

The bill was read the second time.

There being no objection, the House deferred action on SENATE BILL NO. 5722, and the bill held its place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, by Senate Committee on Transportation (originally sponsored by Senator Hobbs)

Making supplemental transportation appropriations for the 2017-2019 fiscal biennium. Revised for 1st Substitute: Making 2017-2019 supplemental transportation appropriations.

The bill was read the second time.

Representative Clibborn moved the adoption of the striking amendment (1196):

Strike everything after the enacting clause and insert the following:

"2017-2019 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2017 c 313 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor	Vehicle	Account—State
Appropriation		((\$496,000))
		<u>\$513,000</u>

Sec. 102. 2017 c 313 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor	Vehicle	Account—State
Appropriation		((\$1,580,000))
		<u>\$3,891,000</u>

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account (~~solely for the expenditure of self-insurance premiums~~);

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

NEW SECTION. Sec. 106. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

Motor	Vehicle	Account-State
Appropriation	.....	\$30,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 of the motor vehicle account-state appropriation is provided solely for the department to convene a work group to establish principles, review options, and develop recommendations regarding the establishment of a statewide program with a purpose of reducing fluid leakage from motor vehicles.

(1) The work group must be comprised of public, private, and nonprofit stakeholders and must include at least the Washington stormwater center, stormwater outreach for regional municipalities, the Washington state county road administration board, the state of Washington transportation improvement board, the association of Washington cities, and the Washington state association of counties.

(2) The work group shall use the statewide don't drip and drive program established by the department as a model for creating this new program. The work group shall establish principles, review options, and develop recommendations regarding the new program. Recommendations made by the work group shall include, but are not limited to:

(a) Identifying an entity to manage the program;

(b) Potential public, private, and nonprofit partners;

(c) The potential scope of the program; and

(d) Funding requirements and potential funding sources for the program.

(3) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by November 1, 2018.

NEW SECTION. Sec. 107. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE HOUSE OF REPRESENTATIVES**

Motor	Vehicle	Account-State
Appropriation	.....	\$2,126,000

NEW SECTION. Sec. 108. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE SENATE**

Motor	Vehicle	Account-State
Appropriation	.....	\$2,029,000

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2017 3rd sp.s. c 1 s 995 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account-State
Appropriation	.....	(\$4,266,000)
		\$4,329,000

Highway	Safety	Account-Federal
Appropriation	.....	(\$22,048,000)
		\$22,210,000

Highway	Safety	Account-Private/Local
Appropriation	.....	\$118,000

School	Zone	Safety	Account-State
Appropriation	.....		\$850,000

TOTAL APPROPRIATION	.....	\$27,282,000
		\$27,507,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter 324, Laws of 2017 (~~Substitute Senate Bill No. 5402~~) (bicyclist safety advisory council).

(2) \$1,000,000 of the highway safety account-state appropriation is provided

solely for the implementation of section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~) (impaired driving). The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the fee, described in section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~) (impaired driving), sufficient to cover the costs of administering the program.

Sec. 202. 2017 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account-State
Appropriation (~~(\$1,022,000)~~)
\$1,058,000

Motor Vehicle Account-State
Appropriation (~~(\$2,504,000)~~)
\$2,721,000

County Arterial Preservation Account-State
Appropriation (~~(\$1,541,000)~~)
\$1,594,000

TOTAL APPROPRIATION..... ~~\$5,067,000~~
\$5,373,000

Sec. 203. 2017 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account-State
Appropriation (~~(\$4,089,000)~~)
\$4,320,000

Sec. 204. 2017 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Highway Safety Account-State
Appropriation.....\$95,000

Motor Vehicle Account-State
Appropriation (~~(\$1,589,000)~~)
\$1,972,000

Multimodal Transportation Account-State
Appropriation (~~(\$700,000)~~)
\$1,015,000

TOTAL APPROPRIATION.....~~\$2,289,000~~
\$3,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account-state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage

elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account-state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account-state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance

regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account-state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

(5) (a) \$360,000 of the motor vehicle account-state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for the joint transportation committee to conduct a study to assess the current state of city transportation funding, identify emerging issues, and recommend funding sources to meet current and future needs. As part of the study, the joint transportation committee shall:

(i) Identify current city transportation funding responsibilities, sources, and gaps;

(ii) Identify emerging issues that may add additional strain on city costs and funding capacity;

(iii) Identify future city funding needs;

(iv) Evaluate alternative sources of funding; and

(v) Recommend sources of funding to address those needs and gaps.

(b) In considering alternative sources of funding, the study shall evaluate sources available outside of the state of Washington that currently are not available in Washington.

(c) In conducting the study, the joint transportation committee must consult with:

(i) City representatives;

(ii) A representative from the department of transportation local programs division;

(iii) A representative from the transportation improvement board;

(iv) A representative from the department of transportation/metropolitan planning organization/regional transportation planning organization coordinating committee; and

(v) Others as appropriate.

(d) The association of Washington cities and the department of transportation shall provide technical support to the study.

(e) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

(6) (a) \$315,000 of the multimodal transportation account—state appropriation is for a consultant study of the capital needs of public transportation systems operated by public transportation benefit areas, metropolitan municipal corporations, cities, counties, and county transportation authorities. The study must include:

(i) An inventory of each agency's vehicle fleet;

(ii) An inventory of each agency's facilities, including the state of repair;

(iii) The replacement and expansion needs of each agency's vehicle fleet, as well as the associated costs, over the next ten years;

(iv) The replacement and expansion needs for each agency's facilities including, but not limited to, such facilities as park and rides, transit centers, and maintenance buildings;

(v) The source of funding, if known, planned to cover the cost of the bus and facilities replacement and expansion needs including, but not limited to, local revenue, state grants, and federal grants;

(vi) The amount of service that could be provided with the local funds that are currently required for each agency's total capital needs; and

(vii) A list of potential state, federal, or local revenue sources that public transportation agencies could access or implement in order to meet agencies' capital needs. These revenue sources may be either currently available sources or sources that would need legislative authorization.

(b) The Washington state transit association and the Washington state department of transportation shall provide technical support to the study.

(c) The joint transportation committee shall issue a report of its findings and recommendations to the transportation committees of the legislature by March 1, 2019.

(7) (a) \$95,000 of the highway safety account—state appropriation is provided solely for the joint transportation committee, in consultation with the department of licensing, to assess opportunities for improving the ability

of commercial driver's license holders and applicants to obtain commercial driver's license medical certification and variances, when not governed by federal law, to address the current shortage of individuals who are authorized to drive commercial motor vehicles in the state by maximizing the availability of commercial driver's licenses for individuals who are able to safely drive these vehicles. The joint transportation committee must review current department of licensing practices and state laws and regulations, evaluating potential opportunities to expand eligibility criteria for commercial driver's license medical certifications and variances, and make recommendations regarding how department of licensing practices and state laws and regulations can be modified to increase the availability of commercial driver's licenses to address the current shortage of individuals who are authorized to drive commercial motor vehicles in the state.

(b) This review must include an assessment of possible approaches for developing a system within the department of licensing, such as through the use of a new state medical advisory board or panel, for setting state (i) medical certification requirements for excepted interstate commercial driver's license holders and applicants; and (ii) medical waiver requirements for physicians to use in evaluating whether to grant medical variances to intrastate nonexcepted commercial driver's license holders and applicants. Methods in use by other states to set state medical certification and medical waiver requirements must be considered. Under this approach, medical standards, when not governed by federal law, would be determined by the state rather than set by default to exceed or match federal medical standards for requiring medical certifications from excepted interstate commercial driver's license holders and applicants and for granting medical variances to intrastate commercial driver's license holders and applicants. In the case of medical variances, the medical standards adopted would be required to be based on sound medical judgment combined with appropriate performance standards ensuring no adverse effect on safety, as specified in 49 C.F.R. Sec. 350.341 (h) (2).

(c) In conducting this review, in addition to consulting with the

department of licensing, the joint transportation committee must consult with stakeholders who currently rely on the state's commercial driver's license medical certification process, the Washington state patrol, the traffic safety commission, and the state department of health.

(d) An overview of the work conducted and the recommendations developed, including specific changes to state law and regulations, are due to the transportation committees of the legislature and the governor by November 1, 2018. Recommendations should include methods for expediting implementation of the recommendations made, without compromising safety considerations, to address the current shortage of individuals who are authorized to drive commercial motor vehicles in the state as quickly as possible.

Sec. 205. 2017 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account-State Appropriation	(\$2,074,000)
	\$2,295,000
Multimodal Transportation Account-State Appropriation	\$462,000
TOTAL APPROPRIATION.....	\$2,536,000
	\$2,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work until stage 2 of the road usage charge pilot project begins. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the majority leader and minority leader of the senate for a senate member vacancy.

(c) Once stage 2 of the road usage charge pilot project begins, the commission shall periodically report to the steering committee with updates on the progress of the Washington state road usage charge pilot project, which is scheduled to be completed in February of 2019.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinance opportunities for the Tacoma Narrows bridge. The work group must include participation from the

Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the Tacoma Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work group must be reimbursed for travel expenses by the commission. The work group must submit a report with its preferred and prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

(3) \$150,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2970), Laws of 2018 (autonomous work group) for the commission to fund the facilitation and coordination of work group activities. If chapter . . . (Substitute House Bill No. 2970), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

Sec. 206. 2017 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account-State	
Appropriation	(\$818,000)
	<u>\$836,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account-state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the

utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

Sec. 207. 2017 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account-State	
Appropriation	(\$480,926,000)
	<u>\$490,774,000</u>
State Patrol Highway Account-Federal	
Appropriation	(\$14,025,000)
	<u>\$14,592,000</u>
State Patrol Highway Account-Private/Local	
Appropriation	(\$3,863,000)
	<u>\$4,016,000</u>
Highway Safety Account-State	
Appropriation	(\$1,067,000)
	<u>\$1,077,000</u>
Ignition Interlock Device Revolving	
Account-State	
Appropriation	\$510,000
Multimodal Transportation Account-State	
Appropriation	\$276,000
TOTAL APPROPRIATION	\$500,667,000
	<u>\$511,245,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account-state

appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) (~~(\$510,000)~~) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the

department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section (~~(408)~~) 406(25) of this act.

(7) \$600,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter (~~(. . . (Senate Bill No. 5274))~~) 181, Laws of 2017 (WSPRS salary definition). (~~(If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.)~~)

(8) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections in government). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(9) \$4,354,000 of the state patrol highway account—state appropriation is provided solely for an additional cadet class, consisting of the 35th arming class and 111th trooper basic training class, in the 2017-2019 fiscal biennium.

Sec. 208. 2017 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation\$34,000

Motorcycle Safety Education Account—State

Appropriation(~~(\$4,523,000)~~)
\$4,608,000

State Wildlife Account—State Appropriation(~~(\$1,030,000)~~)
\$891,000

Highway Safety Account—State Appropriation(~~(\$202,973,000)~~)
\$268,694,000

Highway Safety Account—Federal	Appropriation	\$3,215,000
Motor Vehicle Account—State	Appropriation	(\$90,659,000)
		<u>\$83,938,000</u>
Motor Vehicle Account—Federal	Appropriation	\$329,000
Motor Vehicle Account—Private/Local	Appropriation	(\$2,048,000)
		<u>\$5,139,000</u>
Ignition Interlock Device Revolving	Account—State	
Appropriation		(\$5,250,000)
		<u>\$5,262,000</u>
Department of Licensing Services	Account—State	
Appropriation		(\$6,611,000)
		<u>\$6,899,000</u>
License Plate Technology	Account—State	
Appropriation		\$3,000,000
Abandoned RV	Account—State	
Appropriation		<u>\$500,000</u>
TOTAL APPROPRIATION.....		\$319,672,000
		<u>\$382,509,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$205,000 of the highway safety account—state)~~ \$230,000 of the motor vehicle account—private/local appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of ~~((2017))~~ 2018 (MVET collection). If chapter . . . (Engrossed House Bill No. 2201), Laws of ~~((2017))~~ 2018 is not enacted by June 30, ~~((2017))~~ 2018, the amount provided in this subsection lapses.

(2) \$20,810,000 of the highway safety account—state appropriation and \$3,000,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed

information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(3) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(4) ~~(\$4,471,000)~~ \$46,718,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place \$27,247,000 of the ~~((entire))~~ amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December ~~((2016))~~ 2017. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and ~~((periodically))~~ report quarterly to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on

printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) ~~(\$250,000)~~ \$550,000 of the highway safety account-state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. At least thirty-five percent of this appropriation must be used by the department for outreach efforts to communities that would not otherwise be served by traditional media outlets.

(7) \$19,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Substitute Senate Bill No. 5289))~~ 334, Laws of 2017 (distracted driving). ~~((If chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(8) \$57,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ~~((. . . (House Bill No. 1400))~~ 11, Laws of 2017 (aviation license plate). ~~((If chapter . . . (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(9) \$572,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Substitute House Bill No. 1481))~~ 197, Laws of 2017 (driver education uniformity). ~~((If chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(10) \$39,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Substitute House Bill No. 1568))~~ 25, Laws of 2017 (Fred Hutch license plate). ~~((If chapter . . .~~

~~(Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(11) \$104,000 of the ignition interlock device revolving account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Second Substitute House Bill No. 1614))~~ 336, Laws of 2017 (impaired driving). ~~((If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(12) \$500,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Substitute House Bill No. 1808))~~ 206, Laws of 2017 (foster youth/driving). ~~((If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(13) \$61,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Senate Bill No. 5008))~~ 310, Laws of 2017 (REAL ID compliance). ~~((If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) \$30,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter

~~((. . . (Senate Bill No. 5382))) 122, Laws of 2017 (reduced-cost identicards). ((If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(16) \$112,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Substitute Senate Bill No. 5338))) 218, Laws of 2017 (registration enforcement). ((If chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(17) \$30,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Substitute Senate Bill No. 5343))) 43, Laws of 2017 (tow truck notices). ((If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(18) \$230,000 of the highway safety account-state appropriation is provided solely for developing an application program interface service. This work must result in a mobile browser based application for use on tablet devices at licensing services offices.

(a) The application must be able to be used by licensing services offices staff for:

(i) Prescreening customers and directing them to the most efficient service line;

(ii) Performing any transaction within the department's online services;

(iii) Answering customer questions regarding license status and reinstatement; and

(iv) Providing a queue ticket to customers waiting for service inside and outside the office.

(b) Additionally, the application must be:

(i) Able to add a feature allowing customers to get in line via an online application and receive a mobile text message when their turn is approaching; and

(ii) Scalable to add other features to mobile devices to expedite customer service.

(19) \$112,000 of the highway safety account-state appropriation and \$88,000 of the motor vehicle account-state appropriation are provided solely for the department to make information technology updates and modifications to the driver and vehicle system in order to implement bills that are enacted in the 2018 legislative session.

(20) \$500,000 of the abandoned RV account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2925), Laws of 2018 (abandoned recreational vehicle disposal). If chapter . . . (Substitute House Bill No. 2925), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(21) Within amounts provided in this section, the department, in consultation with the county auditors, shall convene a work group to assess the current licensing services system and the establishment of a new licensing services partnership committee. The purpose of the licensing services partnership committee will be to provide a forum for communication between licensing partners regarding Washington's licensing services system.

(a) The work group must consist of, but is not limited to, a representative from the department, a county auditor, a county licensing manager, a subagent representative who is a small office manager, a subagent representative from eastern Washington, and a subagent representative from western Washington.

(b) The work group must consider, at a minimum, and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, enhancing electronic title and renewal options, the current financial environment for subagents and county auditors, and the establishment of the licensing service partnership committee.

(c) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by December 1, 2018. Recommendations must be made on the policy options listed in (b) of this subsection. Recommendations regarding the licensing services partnership committee must also include whether or not to implement a pilot project for the committee, and if the

pilot project is implemented, whether or not the pilot project should have a fixed term.

Sec. 209. 2017 c 313 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TOLL OPERATIONS AND MAINTENANCE-PROGRAM B

High Occupancy Toll Lanes Operations Account-State

Appropriation (~~(\$4,033,000)~~)
\$4,462,000

Motor Vehicle Account-State
 Appropriation \$513,000

State Route Number 520 Corridor Account-State

Appropriation (~~(\$52,671,000)~~)
\$57,137,000

State Route Number 520 Civil Penalties Account-State

Appropriation (~~(\$4,328,000)~~)
\$4,131,000

Tacoma Narrows Toll Bridge Account-State

Appropriation (~~(\$32,134,000)~~)
\$33,621,000

Interstate 405 Express Toll Lanes Operations

Account-State Appropriation
 (~~(\$22,194,000)~~)
\$21,760,000

Alaskan Way Viaduct Replacement Project Account-State

Appropriation..... (~~(\$6,506,000)~~)
\$13,938,000

TOTAL APPROPRIATION..... ~~\$122,379,000~~
\$135,562,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account-state appropriation and \$9,048,000 of the state route number 520 corridor account-state appropriation are provided solely for the purposes of addressing unforeseen operations and

maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account-state appropriation, \$1,498,000 of the state route number 520 corridor account-state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account-state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) (~~(\$4,328,000)~~) \$4,131,000 of the state route number 520 civil penalties account-state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account-state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account-state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE

148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account-state appropriation, \$11,527,000 of the state route number 520 corridor account-state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account-state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account-state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 (~~(of this act)~~), chapter 313, Laws of 2017.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the

facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account-state appropriation are provided through a transfer from the motor vehicle account-state in section (~~(403)~~) (406)(26) of this act. These funds are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

(8) (~~(\$13,617,000)~~) \$13,179,000 of the Interstate 405 express toll lanes operations account-state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

Sec. 210. 2017 c 313 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-
INFORMATION TECHNOLOGY-PROGRAM C**

Transportation Partnership Account-State Appropriation	\$1,460,000
Motor Vehicle Account-State Appropriation	(\$83,572,000)
	<u>\$87,960,000</u>
Puget Sound Ferry Operations Account-State Appropriation	\$263,000
Multimodal Transportation Account-State Appropriation	(\$2,876,000)
	<u>\$2,878,000</u>
Transportation 2003 Account (Nickel Account)-State Appropriation	\$1,460,000
TOTAL APPROPRIATION	\$89,631,000
	<u>\$94,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account-state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 (~~of this act~~), chapter 313, Laws of 2017. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account-state appropriation is provided solely for the development of ferries network systems support.

(3) \$365,000 of the motor vehicle account-state appropriation is provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

Sec. 211. 2017 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION-PROGRAM D-OPERATING

Motor Vehicle Account-State Appropriation	(\$28,146,000)	
		\$29,406,000
State Route Number 520 Corridor Account-State		
Appropriation		\$34,000
TOTAL APPROPRIATION.....	\$28,180,000	\$29,440,000

Sec. 212. 2017 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-AVIATION-PROGRAM F

Aeronautics Account-State Appropriation	(\$6,749,000)	
		\$7,365,000
Aeronautics Account-Federal Appropriation	(\$4,900,000)	
		\$6,855,000
Aeronautics Account-Private/Local Appropriation		\$171,000
TOTAL APPROPRIATION.....	\$11,820,000	\$14,391,000

The appropriations in this section are subject to the following conditions and limitations:

~~(\$2,637,000)~~ (1) \$3,122,000 of the aeronautics account-state appropriation is provided solely for the airport aid

grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

(2) \$35,000 of the aeronautics-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 1656), Laws of 2018 (community aviation revitalization loan program). If chapter . . . (Substitute House Bill No. 1656), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(3) \$35,000 of the aeronautics-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 (electric aircraft). If chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

Sec. 213. 2017 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PROGRAM DELIVERY MANAGEMENT AND SUPPORT-PROGRAM H

Motor Vehicle Account-State Appropriation	(\$54,512,000)	
		\$56,508,000
Motor Vehicle Account-Federal Appropriation		\$500,000
Multimodal Transportation Account- State Appropriation	(\$252,000)	\$257,000
TOTAL APPROPRIATION.....	\$55,264,000	\$57,265,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account-state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus

property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

Sec. 214. 2017 c 313 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle	Account—State
Appropriation	(\$622,000)
	<u>\$640,000</u>
Electric Vehicle	Charging
Infrastructure	
Account—State Appropriation	\$1,000,000
Multimodal Transportation	Account—
State	
Appropriation	(\$535,000)
	<u>\$610,000</u>
TOTAL APPROPRIATION	<u>\$2,157,000</u>
	<u>\$2,250,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account-state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped;

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;

(iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter 19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;

(iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(5) \$75,000 of the multimodal transportation account-state appropriation is provided solely for the department to contract with the Puget Sound Clean Air Agency to conduct a study that identifies and evaluates opportunities to facilitate low-income utilization of electric vehicles. The study must include, but is not limited to, development and evaluation of an electric vehicle car-sharing program for

low-income housing sites that is designed to maximize the use of electric vehicles by residents of these sites, and that must consider any infrastructure needs that will need to be met to support the use of electric vehicles at these sites. The department must provide a report detailing the findings of this study to the transportation committees of the legislature by December 1, 2018.

Sec. 215. 2017 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-HIGHWAY MAINTENANCE-PROGRAM M

Motor Vehicle Account-State
Appropriation(~~\$434,781,000~~)
\$452,070,000

Motor Vehicle Account-Federal
Appropriation\$7,000,000

State Route Number 520 Corridor
Account-State

Appropriation\$4,447,000

Tacoma Narrows Toll Bridge Account-State

Appropriation\$1,233,000

Alaskan Way Viaduct Replacement Project

Account-State Appropriation
.....\$2,982,000

TOTAL APPROPRIATION.....~~\$447,461,000~~

\$467,732,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$7,092,000~~) \$8,000,000 of the motor vehicle account-state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account-state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account-state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must

be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account-state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) \$250,000 of the motor vehicle account-state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium.

Sec. 216. 2017 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q-OPERATING

Motor Vehicle Account-State Appropriation	(\$62,578,000)
	<u>\$65,864,000</u>
Motor Vehicle Account-Federal Appropriation	\$2,050,000
Motor Vehicle Account-Private/Local Appropriation	\$250,000
TOTAL APPROPRIATION.....	\$64,878,000
	<u>\$68,164,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account-state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account-state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

Sec. 217. 2017 c 313 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION MANAGEMENT AND SUPPORT-PROGRAM S

Motor Vehicle Account-State	
Appropriation	(\$32,794,000)
	<u>\$34,122,000</u>
Motor Vehicle Account-Federal	
Appropriation	\$1,656,000
Multimodal Transportation Account-State	
Appropriation	(\$1,128,000)
	<u>\$1,129,000</u>
TOTAL APPROPRIATION.....	\$35,578,000
	<u>\$36,907,000</u>

Multimodal Transportation Account-State	
Appropriation	\$711,000
Multimodal Transportation Account-Federal	
Appropriation	\$2,809,000
Multimodal Transportation Account-Private/Local	
Appropriation	\$100,000
TOTAL APPROPRIATION.....	\$61,919,000
	<u>\$71,603,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account-state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account-state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

Sec. 218. 2017 c 313 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION PLANNING, DATA, AND RESEARCH-PROGRAM T

Motor Vehicle Account-State	
Appropriation	(\$23,117,000)
	<u>\$28,201,000</u>
Motor Vehicle Account-Federal	
Appropriation	(\$35,182,000)
	<u>\$39,782,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account-state appropriation and \$250,000 of the motor vehicle account-federal appropriation are provided solely for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants,

and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

(3) \$100,000 of the motor vehicle account-state appropriation is provided solely for the department to conduct a cost-benefit analysis study of building a northbound lane on state route number 167 north of state route number 18 in the vicinity of the on-ramp at state route number 18 and the exit at 15th Street Northwest. The analysis must include, but is not limited to, the cost of shoulder hardening and restriping and estimated congestion impacts resulting from the additional lane. The analysis must also consider the estimated cost impact of completing the additional lane work in coordination with the SR 167/SR 410 to SR 18 - Congestion Management project (316706C). The department shall issue a report of its findings and recommendations to the transportation committees of the legislature by December 31, 2018.

(4) \$181,000 of the motor vehicle account-state appropriation is provided solely for the department, in coordination with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from bridge expansion joints. The study must examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature by October 15, 2018.

(5) \$200,000 of the motor vehicle account-state appropriation is provided solely for implementation of a practical solutions study for the state route number 162 and state route number 410 interchange, based on the recommendations of the SR-162 Study/Design project (L2000107). The study must include short, medium, and long-term phase recommendations and must be submitted to the transportation committees of the legislature by January 1, 2019.

(6) \$500,000 of the motor vehicle account-state appropriation is provided solely for implementation of a state route number 518 corridor study to be conducted in partnership with the Port of Seattle, Sound Transit and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor including evaluation of solutions to the rapid growth of traffic in the corridor and how that growth impacts access to the Seattle-Tacoma international airport and the surrounding communities. The study must be submitted to the transportation committees of the legislature by June 30, 2019.

(7) \$350,000 of the motor vehicle account-state appropriation is provided solely for implementation of chapter 288 (Substitute Senate Bill No. 5806), Laws of 2017 (I-5 Columbia river bridge).

(8) \$550,000 of the motor vehicle account-state appropriation is provided solely for implementation of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5.

Sec. 219. 2017 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-CHARGES FROM OTHER AGENCIES-PROGRAM U

Motor Vehicle Account-State Appropriation	(\$69,997,000)
	<u>\$74,784,000</u>
Multimodal Transportation Account-State Appropriation	(\$1,285,000)
	<u>\$1,913,000</u>
TOTAL APPROPRIATION	<u>\$71,282,000</u>
	<u>\$76,697,000</u>

Sec. 220. 2017 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PUBLIC TRANSPORTATION-PROGRAM V

State Vehicle Parking Account-State Appropriation	\$754,000
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Regional Mobility Grant Program
Account-State
Appropriation (~~(\$93,920,000)~~)
\$101,850,000

Rural Mobility Grant Program Account-
State
Appropriation \$32,223,000

Multimodal Transportation Account-
State
Appropriation (~~(\$92,437,000)~~)
\$96,772,000

Multimodal Transportation Account-
Federal
Appropriation \$3,574,000

TOTAL APPROPRIATION..... ~~\$222,908,000~~
\$235,173,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account-state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account-state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account-state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account-state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs

transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account-state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3) (a) (~~(\$10,290,000)~~) \$10,702,000 of the multimodal transportation account-state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$16,241,000)~~) \$24,171,000 of the regional mobility grant program account-state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Public Transportation Program (V).

(5) (a) \$77,679,000 of the regional mobility grant program account-state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making

satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,920,000 of the multimodal transportation account-state appropriation and \$754,000 of the state vehicle parking account-state

appropriation are provided solely for CTR grants and activities. Of this amount, \$250,000 of the multimodal transportation account-state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(8) (~~(\$17,590,000)~~) \$20,891,000 of the multimodal transportation account-state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account-state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account-state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership

data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);
- (ii) King County Metro - Route 40 Northgate to Downtown (G2000032);
- (iii) Spokane Transit - Spokane Central City Line (G2000034);
- (iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or
- (v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(13) \$300,000 of the multimodal transportation account-state appropriation is provided solely for Pierce Transit to procure and install digital transit information technology at various transit centers, in order to provide transit riders with real-time arrival and departure information.

Sec. 221. 2017 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-MARINE-PROGRAM X

Puget Sound Ferry Operations Account-State

Appropriation(~~\$496,307,000~~)
\$510,734,000

Puget Sound Ferry Operations Account-Federal

Appropriation\$8,743,000

Puget Sound Ferry Operations Account-Private/Local

Appropriation\$121,000

TOTAL APPROPRIATION.....~~\$505,171,000~~
\$519,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) (~~\$68,049,000~~) \$71,004,000 of the Puget Sound ferry operations account-state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 (~~(of this act)~~) chapter 313, Laws of 2017. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account-state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account-state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(6) \$25,000 of the Puget Sound ferry operations account-state appropriation is provided solely for additional hours of traffic control assistance by a uniformed officer at the Fauntleroy ferry terminal.

(7) \$75,000 of the Puget Sound ferry operations account-state appropriation is provided solely for the department to contract with the University of Washington to conduct an analysis of loading procedures at the Fauntleroy ferry terminal. The department must share the results of the analysis with the governor's office and the transportation committees of the legislature by December 31, 2018.

Sec. 222. 2017 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y-OPERATING

Multimodal Transportation Account-State
Appropriation (~~(\$80,146,000)~~)
\$81,168,000

Multimodal Transportation Account-Private/Local
Appropriation (~~(\$46,000)~~)
\$346,000
TOTAL APPROPRIATION ~~\$80,192,000~~
\$81,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account-state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

~~((1))~~ (a) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

~~((2))~~ (b) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California;

~~((3))~~ (c) An analysis of the following key elements:

- ~~((a))~~ (i) Economic feasibility;
- ~~((b))~~ (ii) Forecasted demand;
- ~~((c))~~ (iii) Corridor identification;
- ~~((d))~~ (iv) Land use and economic development and environmental implications;

~~((e))~~ (v) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

~~((f))~~ (vi) Technological options for ultra high-speed ground transportation, both foreign and domestic;

~~((g))~~ (vii) Required specifications for speed, safety, access, and frequency;

~~((h))~~ (viii) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

~~((i))~~ (ix) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

~~((j))~~ (x) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

(2)(a) \$300,000 of the multimodal transportation account-private/local appropriation and \$900,000 of the multimodal transportation account-state appropriation is provided solely for a consultant business case analysis of ultra high-speed ground transportation. The business case analysis must build on the results of the 2017 Washington state ultra high-speed ground transportation feasibility study.

(b) The business case analysis must include an advisory group with members as provided in this subsection. The president of the senate shall appoint one member from each of the two largest caucuses of the senate; the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; the governor or his or her designee; the secretary of transportation or his or her designee; the director of the department of commerce or his or her designee; the rail director of the department of transportation or his or her designee; and representatives from communities and stakeholders from public and private sectors relevant to the analysis, including from the province of British Columbia and the state of Oregon.

(c) The department shall provide a report of its findings to the governor and transportation committees of the legislature by June 30, 2019.

Sec. 223. 2017 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle	Account—State
Appropriation	(\$10,644,000)
	\$11,364,000
Motor Vehicle	Account—Federal
Appropriation	\$2,567,000
Multiuse Roadway Safety	Account—State
Appropriation	\$132,000
TOTAL APPROPRIATION	\$13,343,000
	\$14,063,000

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account-state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2017 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment	Account—State
Appropriation	(\$22,462,000)
	\$22,507,000
Highway Safety	Account—State
Appropriation	(\$1,900,000)
	\$2,000,000
Motor Vehicle	Account—Federal
Appropriation	\$3,250,000
Freight Mobility Multimodal	Account—State

(a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(b) The small city pavement program to help cities meet urgent preservation needs; and

(c) The small city low-energy street light retrofit program.

Sec. 305. 2017 c 313 s 305 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITIES-PROGRAM D-(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)-CAPITAL

Motor	Vehicle	Account-State	
Appropriation	.....	((\$6,087,000))	
			\$10,070,000
Connecting	Washington	Account-State	
Appropriation	.....	((\$24,257,000))	
			\$26,537,000
<u>Transportation Partnership Account-State</u>			
Appropriation	.....		\$17,000
TOTAL APPROPRIATION	.....	\$30,344,000	\$36,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$16,170,000~~) \$17,237,000 of the connecting Washington account-state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) (~~\$8,087,000~~) \$9,300,000 of the connecting Washington account-state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

(3) \$3,400,000 of the motor vehicle account-state appropriation is provided solely for design, project management, demolition, bid documents, permits, and other planning activities necessary for the renovation of the facility located at 15700 Dayton Ave N in Shoreline to be ready to proceed. After renovation, the building will be occupied by the department of transportation, department of licensing, and department of ecology.

The cost of construction will be shared by these agencies. The department of transportation, department of licensing, and department of ecology must consult with the office of financial management in all phases of the project. Total project costs are not to exceed \$46,500,000.

Sec. 306. 2017 c 313 s 306 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-IMPROVEMENTS-PROGRAM I

<u>Transportation Partnership Account-State</u>			
Appropriation	.....	((\$570,992,000))	\$689,333,000
Motor	Vehicle	Account-State	
Appropriation	.....	((\$47,406,000))	\$69,647,000
Motor	Vehicle	Account-Federal	
Appropriation	.....	((\$216,647,000))	\$253,410,000
Motor	Vehicle	Account-Private/Local	
Appropriation	.....	((\$24,209,000))	\$48,330,000
<u>Connecting Washington Account-State</u>			
Appropriation	.....	((\$1,159,822,000))	\$1,215,024,000
Special Category C	Account-State		
Appropriation	.....	((\$6,146,000))	\$11,000,000
<u>Multimodal Transportation Account-State</u>			
Appropriation	.....	((\$15,162,000))	\$16,299,000
Alaskan Way Viaduct Replacement Project	Account-State		
Appropriation	.....	((\$122,046,000))	\$122,047,000
<u>Transportation 2003 Account (Nickel Account)-State</u>			
Appropriation	.....	((\$51,115,000))	\$52,457,000
<u>Interstate 405 Express Toll Lanes Operations Account-State</u>			

transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

~~((11) \$5,804,000)~~ (13) \$7,769,000 of the transportation partnership account-state appropriation, ~~((5,162,000))~~ \$6,744,000 of the transportation 2003 account (nickel account)-state appropriation, and ~~((146,000))~~ \$5,000,000 of the special category C account-state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

~~((12) \$26,601,000)~~ (14) \$27,415,000 of the transportation partnership account-state appropriation and ~~((10,956,000))~~ \$13,158,000 of the transportation 2003 account (nickel account)-state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

~~((13))~~ (15) \$1,500,000 of the transportation partnership account-state appropriation ~~((is))~~ and \$3,000,000 of the Interstate 405 express toll lanes operations account-state appropriation are provided solely for ~~((preliminary engineering for))~~ activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle

throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. The transportation partnership account-state appropriation funding is a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

~~((14))~~ (16) (a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) ~~((44,311,000))~~ \$78,958,000 of the transportation partnership account-state appropriation is provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

~~((15))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's ~~((2018))~~ annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((16))~~ (18) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

~~((18))~~ (19) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the

federal highway administration and the department of defense.

~~((19) \$93,500,000))~~ (20) \$93,651,000 of the connecting Washington account-state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R). Any savings on the project must stay on the Puget Sound gateway corridor until the project is complete.

~~((20))~~ (21)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of the requirements outlined in this subsection ~~((20))~~ (21)(b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any benefits to be gained by moving the project schedule forward. Additionally, the department must consider completing a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project

after the funding gap on the base project is closed, the funds must be applied toward the completion of these two full single-point urban interchanges.

~~((21))~~ (22) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((22) \$600,000))~~ (23) \$942,000 of the motor vehicle account-state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (L1000158), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

~~((23))~~ (24)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all

reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

~~((24) \$2,000,000))~~ (25) \$3,258,000 of the Interstate 405 express toll lanes operations account-state appropriation is provided solely for the I-405 NB Hard Shoulder Running - SR 527 to I-5 project (L1000163).

~~((25))~~ (26) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((26))~~ (27) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief

in the corridor and draw from project elements identified in a practical solutions process.

~~((27) It is the intent of the legislature that for the I-5/Slater Road Interchange Improvements project (L1000099), \$2,000,000 of connecting Washington account-state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account-state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly.))~~

(28) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);

(ii) I-5/Marvin Road/SR 510 Interchange (L1100110);

(iii) I-5/Northbound On-ramp at Bakerview (L2000119);

(iv) US 395/Ridgeline Intersection (L2000127);

(v) I-90/Eastside Restripe Shoulders (L2000201);

(vi) SR 240/Richland Corridor Improvements (L2000202);

(vii) SR 14/Bingen Overpass (L2220062);

(viii) US Hwy 2 Safety (N00200R);

(ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);

(x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);

(xi) I-5/Rebuild Chambers Way Interchange Improvements (L2000223);

(xii) SR 28 East Wenatchee Corridor Improvements (T10300R);

(xiii) SR 3/Belfair Bypass - New Alignment (T30400R); or

(xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

(30) Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

(31) (a) Projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, and delivered utilizing the design-build method, may be advanced by the department subject to the following conditions:

(i) The department has provided notification of the request to advance the project as provided in (c) of this subsection;

(ii) The design-build project will be delivered in a more efficient or cost effective manner by advancing the timeline identified in the LEAP transportation document identified in subsection (1) of this section; and

(iii) The department has consulted with the office of financial management and the transportation committees of the legislature, and the director of the office of financial management has provided written authorization for the advancement.

(b) For the purpose of advancing projects eligible under (a) of this subsection, the department may apply amounts available from connecting

Washington projects with an appropriation that would not otherwise be used for the current fiscal biennium. The advancement of a project may not hinder or delay the delivery of the projects for which reappropriations are necessary for the 2019-2021 fiscal biennium.

(c) At least thirty calendar days before advancing a project, the department must notify the office of financial management and the transportation committees of the legislature of the proposed project advancement. The notification must include the projects being advanced and the projects with unused appropriation authority applied to advance projects pursuant to (b) of this subsection. The notification must also provide the rationale for timing changes for each advanced project and for each project with an appropriation that would not otherwise be used for the current fiscal biennium.

(32) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

Sec. 307. 2017 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PRESERVATION-PROGRAM P

Recreational Vehicle Account-State Appropriation	((2,480,000))
	\$3,584,000
High-Occupancy Toll Lanes Operations Account-State Appropriation	\$161,000
Transportation Partnership Account-State Appropriation	((204,000))
	\$12,785,000
Motor Vehicle Account-State Appropriation	((49,192,000))
	\$63,690,000
Motor Vehicle Account-Federal Appropriation	((515,368,000))
	\$579,624,000

Motor Vehicle Account-Private/Local
 Appropriation (~~(\$10,400,000)~~)
\$11,739,000

State Route Number 520 Corridor
 Account-State
 Appropriation (~~(\$498,000)~~)
\$1,747,000

Connecting Washington Account-State
 Appropriation (~~(\$185,030,000)~~)
\$204,656,000

Tacoma Narrows Toll Bridge Account-
 State Appropriation (~~(\$384,000)~~)
\$856,000

Transportation 2003 Account (Nickel
 Account)-State
 Appropriation (~~(\$58,894,000)~~)
\$56,991,000

TOTAL APPROPRIATION..... ~~\$822,450,000~~
\$935,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account-state appropriation and the entire transportation partnership account-state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((~~April 20, 2017~~)) February 18, 2018, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)-state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((~~April 20, 2017~~)) February 18, 2018, Program - Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account-state appropriation and motor vehicle account-federal appropriation are provided solely for the projects and

activities listed in LEAP Transportation Document ((2017-2 ALL PROJECTS)) 2018-1 as developed ((~~April 20, 2017~~)) February 18, 2018, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account-state appropriation and motor vehicle account-federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year 2017 funds transferred using this subsection as part of the department's 2018 budget submittal.

(5) The transportation 2003 account (nickel account)-state appropriation includes up to ((~~\$13,395,000~~)) \$28,847,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) The motor vehicle account-state appropriation includes up to \$3,786,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~(\$7,200,000)~~ (7) \$11,553,000 of the connecting Washington account-state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((~~of this act~~)), chapter 313, Laws of 2017. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

~~((47))~~ (8) \$3,000,000 of the motor vehicle account-state appropriation is provided solely for extraordinary costs incurred from litigation awards,

settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

~~((8) \$22,620,000))~~ (9) \$20,755,000 of the motor vehicle account-federal appropriation and ~~((663,000))~~ \$844,000 of the motor vehicle account-state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its 2018 agency budget request.

~~((9))~~ (10) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

~~((10))~~ (11) (a) ~~((4,820,000))~~ \$9,014,000 of the motor vehicle account-federal appropriation and ~~((182,000))~~ \$217,000 of the motor vehicle account-state appropriation are provided solely for weigh station preservation (OBP3006). These amounts must be held in unallotted status, except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-

way, and construction and must also consider the timing of any available funding for weigh station projects.

~~((11))~~ (12) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

~~((12))~~ (13) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

~~((13))~~ (14) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

~~((14))~~ (15) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

Sec. 308. 2017 c 313 s 308 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL**

\$139,328,000

Motor Vehicle Account—State
Appropriation ((~~\$4,913,000~~))

\$6,566,000

Motor Vehicle Account—Federal
Appropriation ((~~\$5,106,000~~))

\$5,566,000

Motor Vehicle Account—Private/Local
Appropriation ((~~\$500,000~~))

\$649,000

TOTAL APPROPRIATION..... ~~\$10,519,000~~

\$12,781,000

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2017 c 313 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
WASHINGTON STATE FERRIES CONSTRUCTION—
PROGRAM W**

Puget Sound Capital Construction
Account—State

Appropriation ((~~\$59,924,000~~))

\$73,574,000

Puget Sound Capital Construction
Account—Federal

Appropriation ((~~\$152,838,000~~))

\$205,032,000

Puget Sound Capital Construction
Account—Private/Local

Appropriation ((~~\$15,654,000~~))

\$27,196,000

Transportation Partnership Account—
State

Appropriation \$2,923,000

Connecting Washington Account—State
Appropriation ((~~\$142,837,000~~))

Multimodal Transportation Account—
State Appropriation.....\$2,734,000

Transportation 2003 Account (Nickel
Account)—State

Appropriation\$4,169,000

TOTAL APPROPRIATION.....~~\$374,176,000~~

\$454,956,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2017-2 ALL PROJECTS~~)) 2018-1 as developed ((~~April 20, 2017~~)) February 18, 2018, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) ((~~\$26,252,000~~)) \$27,825,000 of the Puget Sound capital construction account—federal appropriation ((~~and \$63,804,000~~)), \$46,895,000 of the connecting Washington account—state appropriation, and \$733,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction.

(3) ((~~\$61,729,000~~)) \$94,671,000 of the Puget Sound capital construction account—federal appropriation, ((~~\$36,529,000~~)) \$46,919,000 of the connecting Washington account—state appropriation, ((~~and \$15,554,000~~)) \$26,949,000 of the Puget Sound capital construction account—private/local appropriation, \$2,734,000 of the multimodal transportation account—state appropriation, \$2,811,000 of the Puget Sound capital construction account—state appropriation, and \$679,000 of the

transportation 2003 (nickel account)-state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account-state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) (~~\$775,000~~) \$950,000 of the Puget Sound capital construction account-state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by January 1, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

(i) Identify changes in the demographics of users of the system;

(ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;

(iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;

(iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into

consideration other cost-driving factors. These factors should include:

(A) Anticipated crewing requirements;

(B) Fuel type;

(C) Other operating and maintenance costs;

(v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;

(vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;

(vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;

(viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and

(ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

(c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

(7) \$600,000 of the Puget Sound capital construction account-state appropriation is provided for development of a request for proposal to convert the three ferry vessels in the Jumbo Mark II class to hybrid electric propulsion and make associated necessary modifications to the Seattle, Bainbridge, Edmonds, and Kingston terminals. The department is directed to explore capital project financing options to include, but not be limited to, federal funding opportunities, private or local contributions, application for Volkswagen settlement funds, and energy-savings performance contracting to be repaid in whole or in part by fuel-cost savings. The department will report total capital cost estimates, optimal construction schedule, annual capital and operating savings or costs, and a recommended funding option to the governor and to the transportation committees of the legislature by June 30, 2019.

Sec. 310. 2017 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State Appropriation	(\$424,000)	<u>\$845,000</u>
Transportation Infrastructure Account—State Appropriation	(\$5,367,000)	<u>\$7,575,000</u>
Multimodal Transportation Account—State Appropriation	(\$51,665,000)	<u>\$77,707,000</u>
Multimodal Transportation Account—Federal Appropriation	(\$1,487,000)	<u>\$59,814,000</u>
TOTAL APPROPRIATION.....	\$58,943,000	<u>\$145,941,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2017-2 ALL PROJECTS)) 2018-1 as developed ((April 20, 2017)) February 18, 2018, Program - Rail Program (Y).

(2) (~~\$5,000,000~~) \$7,009,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the

essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5) (a) (~~\$400,000~~) \$686,000 of the essential rail assistance account—state appropriation (~~and \$305,000~~), \$422,000 of the multimodal transportation account—state appropriation, and \$21,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.280, 47.76.290, 47.76.300, 47.76.310, and 47.76.320; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train

program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$3,800,000 of the multimodal transportation account-state appropriation is provided solely for track improvements on the state-owned PV Hooper branch of the Palouse river and Coulee City railway between Hooper Junction and Endicott.

(10) \$2,500,000 of the multimodal transportation account-state

appropriation is provided solely for construction of a new bridge 12 (Salmon Creek) and replacement track on the Chelatchie Prairie railroad shortline at mile post 12.45 in Clark county to complete a design and permitting project originally funded in the 2016 transportation budget.

Sec. 311. 2017 c 313 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation	(\$293,000)	\$1,083,000
Highway Infrastructure Account—Federal Appropriation	(\$218,000)	\$488,000
Transportation Partnership Account—State Appropriation	(\$1,143,000)	\$2,321,000
Highway Safety Account—State Appropriation	(\$2,388,000)	\$4,287,000
Motor Vehicle Account—State Appropriation	(\$15,080,000)	\$23,734,000
Motor Vehicle Account—Federal Appropriation	(\$65,187,000)	\$71,614,000
Motor Vehicle Account—Private/Local Appropriation	\$18,000,000	
Connecting Washington Account—State Appropriation	(\$118,293,000)	\$137,387,000
Multimodal Transportation Account—State Appropriation	(\$56,079,000)	\$79,182,000
TOTAL APPROPRIATION	\$276,681,000	\$338,096,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document (~~(2017-2 ALL PROJECTS)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, Program - Local Programs Program (Z); and \$305,000 for preliminary engineering of the state route number 547 pedestrian and bicycle safety trail in Kendall.

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account-state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. (~~(\$6,432,000)~~) \$14,219,000 of the multimodal transportation account-state appropriation and (~~(\$1,143,000)~~) \$1,846,000 of the transportation partnership account-state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account-federal appropriation and \$7,750,000 of the multimodal transportation account-state appropriation are provided solely for newly selected safe routes to school projects. (~~(\$6,372,000)~~) \$11,181,000 of the motor vehicle account-federal appropriation, (~~(\$923,000)~~) \$1,394,000 of the multimodal transportation account-state appropriation, and (~~(\$2,388,000)~~) \$4,287,000 of the highway safety account-state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017,

and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) (~~(\$18,741,000)~~) \$32,984,000 of the multimodal transportation account-state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account-federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account-state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation

document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);
- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the

legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(9) \$1,500,000 of the motor vehicle account-state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project, subject to the following conditions and limitations: No state moneys may be expended to plan for or construct a roundabout as part of the Spokane Valley Barker/Trent grade separation project provided this restriction does not increase the overall cost of the project.

(10) \$280,000 of the motor vehicle account-state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.

(11) \$300,000 of the motor vehicle account-state appropriation is provided solely for emergency repair work, design work, and slope stabilization on Prevedal road in the town of Lyman.

(12) \$100,000 of the multimodal transportation account-state appropriation is provided solely for the development of a master plan for the Aubrey Davis park in the city of Mercer Island. The department shall provide in-kind services at no charge to the city of Mercer Island for department work on the master plan.

(13) The department must submit a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on project services provided to local agencies that receive project funding through the local programs capital budget. The report must include, but is not limited to, a description of project services provided by the department to local agencies for which there is a charge, estimates of charges per project service, and an accounting of expenditures charged to local agencies during the previous four fiscal years.

(14) \$800,000 of the motor vehicle account-state appropriation is provided solely for design and construction of the Redmond Ridge NE and NE Alder Crest Drive roundabout.

(15) \$1,000,000 of the motor vehicle account-state appropriation is provided solely for completion of the Alder street/Olympic highway north project in Shelton.

(16) \$3,000,000 of the motor vehicle account-state appropriation is provided solely for seismic retrofit work and painting of the Bronson way bridge in Renton.

(17) \$350,000 of the motor vehicle account-state appropriation is provided solely for protective barriers on the 8th street bridges in Port Angeles.

(18) \$360,000 of the motor vehicle account-state appropriation is provided solely for preliminary engineering of phase II of the Main street revitalization project in Mountlake Terrace.

(19) \$1,200,000 of the multimodal transportation account-state appropriation is provided solely to relocate and rebuild a 2,100-foot section of the Interurban trail and trailhead in Fife.

(20) \$3,000,000 of the motor vehicle account-state appropriation is provided solely for construction of a roundabout on Willis street at 4th avenue south in Kent.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2017 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account-State

Appropriation..... (~~(\$2,239,000)~~)
\$2,232,000

Motor Vehicle Account-State
Appropriation \$367,000

Connecting Washington Account-State
 Appropriation (~~(\$1,802,000)~~)
\$1,806,000

Highway Bond Retirement Account-State
 Appropriation..... (~~(\$1,238,072,000)~~)
\$1,218,962,000

Ferry Bond Retirement Account-State
 Appropriation \$28,873,000

Transportation Improvement Board Bond Retirement

Account-State
 Appropriation.....\$13,254,000

Nondebt-Limit Reimbursable Bond Retirement

Account-State
 Appropriation.....\$26,609,000

Toll Facility Bond Retirement Account-State

Appropriation.....\$86,493,000

Transportation 2003 Account (Nickel Account)-State

Appropriation.....(~~(\$323,000)~~)
\$177,000

TOTAL APPROPRIATION\$1,397,665,000
\$1,378,773,000

Sec. 402. 2017 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account-State

Appropriation.....(~~(\$448,000)~~)
\$456,000

Motor Vehicle Account-State
Appropriation.....\$73,000

Connecting Washington Account-State
 Appropriation.....(~~(\$360,000)~~)
\$361,000

Transportation 2003 Account (Nickel Account)-State

Appropriation.....(~~(\$65,000)~~)
\$39,000

TOTAL APPROPRIATION~~(\$873,000)~~
\$929,000

Sec. 403. 2017 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account-State
Appropriation:

For motor vehicle fuel tax
distributions to
cities and counties.. (~~(\$514,648,000)~~)
\$508,182,000

Sec. 404. 2017 c 313 s 406
(uncodified) is amended to read as
follows:

FOR THE STATE TREASURER-TRANSFERS

Motor Vehicle Account-State
Appropriation:

For motor vehicle fuel tax refunds and
statutory transfers (~~(\$2,196,693,000)~~)
\$2,145,972,000

Sec. 405. 2017 c 313 s 407
(uncodified) is amended to read as
follows:

**FOR THE DEPARTMENT OF LICENSING-
TRANSFERS**

Motor Vehicle Account-State
Appropriation:

For motor vehicle fuel tax refunds and
transfers..... (~~(\$200,747,000)~~)
\$203,535,000

Sec. 406. 2017 c 313 s 408
(uncodified) is amended to read as
follows:

**FOR THE STATE TREASURER-ADMINISTRATIVE
TRANSFERS**

(1) State Patrol Highway Account-State
Appropriation: For transfer to the
Connecting

Washington Account-State..... (~~(\$21,221,000)~~)
\$17,221,000

(2) Transportation Partnership
Account-State

Appropriation: For transfer to the
Connecting
Washington Account-State.. \$10,946,000

(3) Highway Safety Account-State
Appropriation: For transfer to the
Multimodal

Transportation Account-
State..... (~~(\$57,000,000)~~)

\$29,000,000

(4) Motor Vehicle Account-State
Appropriation:

For transfer to the Connecting
Washington

Account-State..... (~~(\$56,464,000)~~)
\$6,211,000

(5) Motor Vehicle Account-State
Appropriation:

For transfer to the Freight Mobility
Investment

Account-State.....\$8,511,000

(6) Motor Vehicle Account-State
Appropriation:

For transfer to the Puget Sound
Capital

Construction Account-State \$20,000,000

(7) Motor Vehicle Account-State
Appropriation:

For transfer to the Rural Arterial
Trust

Account-State.....\$4,844,000

(8) Motor Vehicle Account-State
Appropriation:

For transfer to the Transportation
Improvement

Account-State.....\$9,688,000

(9) Motor Vehicle Account-State
Appropriation:

For transfer to the State Patrol
Highway

Account-State.....\$43,000,000

(10) Puget Sound Ferry Operations
Account-State

Appropriation: For transfer to the
Connecting

Washington Account-State...\$1,305,000

(11) Rural Mobility Grant Program
Account-State

Appropriation: For transfer to the
Multimodal

Transportation Account-
State.....\$3,000,000

(12) State Route Number 520 Civil
Penalties

Account-State Appropriation: For transfer to

the State Route Number 520 Corridor Account-State.....\$1,240,000

(13) Capital Vessel Replacement Account-State

Appropriation: For transfer to the Connecting

Washington Account-State..\$36,500,000

(14) Multimodal Transportation Account-State

Appropriation: For transfer to the Freight

Mobility Multimodal Account-State\$8,511,000

(15) Multimodal Transportation Account-State

Appropriation: For transfer to the Puget Sound

Capital Construction Account-State((~~\$32,000,000~~))

\$36,000,000

(16) Multimodal Transportation Account-State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account-State\$20,000,000

(17) Multimodal Transportation Account-State

Appropriation: For transfer to the Regional

Mobility Grant Program Account-State\$27,679,000

(18) Multimodal Transportation Account-State

Appropriation: For transfer to the Rural

Mobility Grant Program Account-State\$15,223,000

(19) Tacoma Narrows Toll Bridge Account-State

Appropriation: For transfer to the Motor

Vehicle Account-State.....\$950,000

(20) Transportation 2003 Account (Nickel Account)-

State Appropriation: For transfer to the Connecting

Washington Account-State..\$22,970,000

(21) (a) Interstate 405 Express Toll Lanes Operations

Account-State Appropriation: For transfer to the

Motor Vehicle Account-State \$2,019,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account-state appropriation loan from section 407(19), chapter 222, Laws of 2014.

(22) (a) Transportation Partnership Account-State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account-State.....\$122,046,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

(23) (a) Motor Vehicle Account-State

Appropriation: For transfer to the Tacoma Narrows Toll

Bridge Account-State.....\$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur in November 2019.

(24) Motor Vehicle Account-State

Appropriation: For transfer to the County Arterial

Preservation Account-State.\$4,844,000

(25) (a) General Fund Account-State Appropriation:

For transfer to the State Patrol Highway

Account-State.....\$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

(26)(a) Motor Vehicle Account-State Appropriation:

For transfer to the Alaskan Way Viaduct Replacement Project

Account-State..... \$6,506,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when the portion of state route number 99 that is a deep bore tunnel is operational.

COMPENSATION

Sec. 501. 2017 3rd sp.s. c 1 s 726 (uncodified) is amended to read as follows:

TRANSPORTATION-WASHINGTON FEDERATION OF STATE EMPLOYEES

~~((Motor Vehicle Account State Appropriation..... \$18,443,000~~

~~State Patrol Highway Account State Appropriation..... \$1,199,000~~

~~State Patrol Highway Account Federal Appropriation..... \$22,000~~

~~Puget Sound Ferry Operations Account State Appropriation..... \$73,000~~

~~Highway Safety Account State Appropriation..... \$2,613,000~~

~~Motorcycle Safety Education Account State Appropriation..... \$37,000~~

~~State Wildlife Account State Appropriation..... \$14,000~~

~~Ignition Interlock Device Revolving Account State~~

~~Appropriation..... \$5,000~~

~~Department of Licensing Services Account State~~

~~Appropriation..... \$102,000~~

~~Aeronautics Account State Appropriation..... \$3,000~~

~~Interstate 405 Express Toll Lanes Operations Account State~~

~~Appropriation..... \$27,000~~

~~State Route Number 520 Corridor Account State~~

~~Appropriation..... \$51,000~~

~~State Route Number 520 Civil Penalties Account State~~

~~Appropriation..... \$16,000~~

~~Multimodal Transportation Account State Appropriation..... \$40,000~~

~~Tacoma Narrows Toll Bridge Account State Appropriation..... \$22,000~~

~~TOTAL APPROPRIATION..... \$22,667,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((~~HBAP Transportation Document 713 - 2017T~~)) this act to fund the provisions of this agreement.

Sec. 502. 2017 3rd sp.s. c 1 s 727 (uncodified) is amended to read as follows:

TRANSPORTATION—WPEA GOVERNMENT	GENERAL
((Motor Vehicle Account State Appropriation	\$60,000
State Patrol Highway Account State Appropriation	\$862,000
State Patrol Highway Account Federal Appropriation	\$36,000
TOTAL APPROPRIATION.....	\$958,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713 - 2017T))~~ this act to fund the provisions of this agreement.

Sec. 503. 2017 3rd sp.s. c 1 s 728 (uncodified) is amended to read as follows:

TRANSPORTATION—COLLECTIVE AGREEMENTS—PTE LOCAL 17	BARGAINING
((State Patrol Highway Account State Appropriation.....	\$3,849,000
State Patrol Highway Account Federal Appropriation.....	\$399,000
State Patrol Highway Account Private/Local Appropriation.....	\$129,000
Motor Vehicle Account State Appropriation.....	\$2,659,000
Highway Safety Account State Appropriation.....	\$2,462,000
Aeronautics Account State Appropriation.....	\$12,000
Puget Sound Ferry Operations Account State Appropriation	\$26,000
State Route Number 520 Corridor Account State Appropriation	\$86,000
State Route Number 520 Civil Penalties Account State Appropriation	\$4,000
Multimodal Transportation Account State Appropriation.....	\$43,000
Tacoma Narrows Toll Bridge Account State Appropriation.....	\$62,000
Motorcycle Safety Education Account State Appropriation.....	\$10,000
TOTAL APPROPRIATION.....	\$9,741,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in

public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2017T)) this act to fund the provisions of this agreement.

Sec. 504. 2017 3rd sp.s. c 1 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION-THE COALITION OF UNIONS AGREEMENT

((State Patrol Highway Account State Appropriation \$309,000
State Patrol Highway Account Federal Appropriation \$44,000
TOTAL APPROPRIATION..... \$353,000

The appropriation in this section is subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2017T)) this act to fund the provisions of this agreement.

Sec. 505. 2017 3rd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION-GENERAL WAGE INCREASE-STATE EMPLOYEES

((Motor Vehicle Account State Appropriation.....\$5,163,000
State Patrol Highway Account State Appropriation.....\$812,000
State Patrol Highway Account Federal Appropriation.....\$8,000
State Patrol Highway Account Private/Local Appropriation.....\$1,000
Puget Sound Ferry Operations Account State Appropriation.....\$460,000
Highway Safety Account State Appropriation.....\$655,000
Highway Safety Account Federal Appropriation.....\$119,000
Motorcycle Safety Education Account State Appropriation.....\$12,000
State Wildlife Account State Appropriation.....\$8,000
Department of Licensing Services Account State Appropriation.....\$21,000
Aeronautics Account State Appropriation.....\$53,000
State Route Number 520 Corridor Account State Appropriation.....\$102,000
Multimodal Transportation Account State Appropriation.....\$302,000

~~Rural Arterial Trust Account State
Appropriation \$32,000~~

~~County Arterial Preservation Account
State Appropriation \$33,000~~

~~Transportation Improvement Account
State Appropriation \$84,000~~

~~TOTAL APPROPRIATION..... \$7,865,000~~

~~The appropriations in this section are
subject to the following conditions and
limitations:))~~

(1) Funding is provided for state agency employee compensation for employees funded in the 2017-2019 omnibus transportation appropriations act who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Funding is provided for a two percent general wage increase effective July 1, 2017, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2017, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a two percent general wage increase effective July 1, 2018, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2018, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a two percent general wage increase effective

January 1, 2019, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective January 1, 2019, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5) Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713
2017#))~~ this act to fund the provisions of this section.

Sec. 506. 2017 3rd sp.s. c 1 s 731 (uncodified) is amended to read as follows:

**TRANSPORTATION-TARGETED COMPENSATION
INCREASES-NONREPRESENTED JOB CLASS
SPECIFIC**

~~((Motor Vehicle Account State
Appropriation.....\$629,000~~

~~Puget Sound Ferry Operations Account
State Appropriation.....\$14,000~~

~~Transportation Improvement Account
State Appropriation.....\$90,000~~

~~County Arterial Preservation Account
State Appropriation.....\$16,000~~

~~State Route Number 520 Corridor
Account State
Appropriation.....\$16,000~~

~~TOTAL APPROPRIATION.....\$765,000~~

~~The appropriations in this section are
subject to the following conditions and
limitations:))~~

(1) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2017-2019 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31,

2017, the appropriation in this section shall lapse.

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017F)) this act to fund the provisions of this section.

Sec. 507. 2017 3rd sp.s. c 1 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION-ORCA TRANSIT PASSES- WASHINGTON FEDERATION OF STATE EMPLOYEES

((Motor Vehicle Account State Appropriation.....	\$410,000
State Patrol Highway Account State Appropriation.....	\$32,000
Puget Sound Ferry Operations Account State Appropriation.....	\$8,000
Highway Safety Account State Appropriation.....	\$30,000
State Route Number 520 Corridor Account State Appropriation.....	\$8,000
State Route Number 520 Civil Penalties Account State Appropriation.....	\$2,000
Tacoma Narrows Toll Bridge Account State Appropriation.....	\$2,000
Interstate 405 Express Toll Lanes Operations Account State Appropriation.....	\$6,000
TOTAL APPROPRIATION.....	\$498,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, who are represented by the Washington Federation of State Employees. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017F)) this act to fund the provisions of this section.

Sec. 508. 2017 3rd sp.s. c 1 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION-ORCA TRANSIT PASSES

((Motor Vehicle Account State Appropriation.....	\$142,000
State Patrol Highway Account State Appropriation.....	\$252,000
State Patrol Highway Account Federal Appropriation.....	\$6,000
State Patrol Highway Account Local Appropriation.....	\$8,000
Puget Sound Ferry Operations Account State Appropriation.....	\$1,548,000
Highway Safety Account State Appropriation.....	\$76,000
State Route Number 520 Corridor Account State Appropriation.....	\$16,000
Tacoma Narrows Toll Bridge Account State Appropriation.....	\$4,000
Multimodal Transportation Account State Appropriation.....	\$10,000
TOTAL APPROPRIATION.....	\$2,062,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, and who are not covered by a collective bargaining agreement. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017F)) this act to fund the provisions of this section.

Sec. 509. 2017 3rd sp.s. c 1 s 735 (uncodified) is amended to read as follows:

TRANSPORTATION-COMPENSATION- REPRESENTED EMPLOYEES-INSURANCE BENEFITS

((Aeronautics Account State Appropriation.....	\$3,000
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State Patrol Highway Account State	Appropriation	\$711,000
State Patrol Highway Account Federal	Appropriation	\$38,000
State Patrol Highway Account	Private/Local Appropriation	\$15,000
Motorcycle Safety Education Account	State Appropriation	\$7,000
State Wildlife Account State	Appropriation	\$4,000
Highway Safety Account State	Appropriation	\$821,000
Motor Vehicle Account State	Appropriation	\$2,955,000
Puget Sound Ferry Operations Account	State Appropriation	\$1,872,000
Ignition Interlock Device Revolving	Account State	
Appropriation.....	\$1,000	
State Route Number 520 Corridor	Account State Appropriation	\$20,000
State Route Number 520 Civil Penalties	Account State	
Appropriation.....	\$4,000	
Department of Licensing Services	Account State Appropriation	\$18,000
Multimodal Transportation Account	State Appropriation	\$18,000
Tacoma Narrows Toll Bridge Account	State Appropriation	\$9,000
I-405 Express Toll Lanes Operations	Account State	
Appropriation.....	\$8,000	
TOTAL APPROPRIATION.....	\$6,504,000	

~~The appropriations in this section are subject to the following conditions and limitations:))~~

Collective bargaining agreements were reached for the 2017-2019 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2017-2019 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board

administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or

otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017)) this act to fund the provisions of this agreement.

Sec. 510. 2017 3rd sp.s. c 1 s 736 (uncodified) is amended to read as follows:

**TRANSPORTATION-COMPENSATION-
NONREPRESENTED EMPLOYEES-INSURANCE
BENEFITS**

- ~~((Aeronautics Account State
Appropriation \$9,000~~
- ~~State Patrol Highway Account State
Appropriation \$1,414,000~~
- ~~State Patrol Highway Account Federal
Appropriation \$14,000~~
- ~~Motorcycle Safety Education Account-
State Appropriation \$2,000~~
- ~~Rural Arterial Trust Account State
Appropriation \$4,000~~
- ~~State Wildlife Account State
Appropriation \$1,000~~
- ~~Highway Safety Account State
Appropriation \$111,000~~
- ~~Highway Safety Account Federal
Appropriation \$20,000~~
- ~~Motor Vehicle Account State
Appropriation \$781,000~~
- ~~Puget Sound Ferry Operations Account-
State Appropriation \$68,000~~
- ~~Transportation Improvement Account-
State Appropriation \$12,000~~
- ~~State Route Number 520 Corridor
Account State Appropriation \$16,000~~
- ~~County Arterial Preservation Account-
State Appropriation \$4,000~~
- ~~Department of Licensing Services
Account State Appropriation \$3,000~~
- ~~Multimodal Transportation Account-
State Appropriation \$45,000~~

~~TOTAL APPROPRIATION \$2,504,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible

retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 - 2017~~) this act to fund the provisions of this agreement.

IMPLEMENTING PROVISIONS

Sec. 601. 2017 c 313 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2017-1)~~) 2018-1 as developed (~~(April 20, 2017)~~) February 18, 2018, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority

between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2017 c 313 s 606 (uncodified) is amended to read as follows:

(1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2017-2 ALL PROJECTS~~) 2018-1 as developed ((~~April 20, 2017~~) February 18, 2018). The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate

on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

Sec. 701. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

The pilotage account is hereby redesignated as a nonappropriated account, and is therefore created in the custody of the state treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. Only the board or the board's designee may authorize expenditures from the account. During the 2017-2019 fiscal biennium, solely for the implementation of chapter . . . (Substitute House Bill No. 2983), Laws of 2018 (marine pilotage tariffs), the legislature may direct the state treasurer to make transfers of money from this account to the public service revolving account for the utilities and transportation commission's use in developing a marine pilotage tariff rate-setting process and in performing rate-setting activities. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 702.** 2017 c 288 s 5 (uncodified) is repealed.

MISCELLANEOUS

NEW SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and

its existing public institutions, and takes effect immediately."

Correct the title.

Representative Orcutt moved the adoption of amendment (1210) to the striking amendment (1196):

On page 3, beginning on line 37 of the striking amendment, beginning with "the Washington" strike all material through "board," on page 4, line 1

Representatives Orcutt and Clibborn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1210) to the striking amendment (1196), was adopted.

With the consent of the House, amendments (1205) and (1120) were withdrawn.

Representative Harmsworth moved the adoption of amendment (1211) to the striking amendment (1196):

On page 23, line 26 of the amendment, decrease the Interstate 405 Express Toll Lanes Operations Account-State Appropriation by \$17,169,000

On page 23, line 31 of the amendment, correct the total

FISCAL IMPACT: Reduces Interstate 405 Express Toll Lanes Operations Account-State by \$17,169,000.

Representative Harmsworth and Harmsworth (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Kloba spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1211) to the striking amendment (1196), and the amendment was not adopted by the following vote: Yeas, 49; Nays, 49; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (1211) to the striking amendment (1196), was not adopted.

Representative Caldier moved the adoption of amendment (1207) to the striking amendment (1196):

On page 27, after line 19 of the amendment, insert the following:

"(9) In 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2017-2019 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies."

FISCAL IMPACT: No net change to appropriated levels.

Representatives Caldier and Clibborn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1207) to the striking amendment (1196), was adopted.

Representative Walsh moved the adoption of amendment (1199) to the striking amendment (1196):

On page 31, after line 4 of the striking amendment, insert the following:

"(3) The department shall begin the process of expediting the sale of the 520 bridge pontoon casting site parcel (parcel no. 3-14-09228), with a goal of completing the transaction within 24 months."

Representative Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Clibborn spoke against the adoption of the amendment to the striking amendment.

Amendment (1199) to the striking amendment (1196), was not adopted.

Representative Harmsworth moved the adoption of amendment (1212) to the striking amendment (1196):

On page 45, line 22 of the striking amendment, decrease the Multimodal Transportation Account--State Appropriation by \$900,000

On page 45, line 25 of the striking amendment, decrease the Multimodal Transportation Account--Private/Local Appropriation by \$300,000

On page 45, line 27 of the striking amendment, correct the total.

On page 46, beginning on line 32 of the striking amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 51, line 8 of the striking amendment, increase the Transportation Partnership Account--State Appropriation by \$2,000,000

On page 51, line 33 of the striking amendment, correct the total.

On page 52, line 4 of the striking amendment, after "(I)" insert "; and \$2,000,000 in additional funding is provided for US 2 Trestle IJR (L1000158)"

Representative Harmsworth spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1212) to the striking amendment (1196), and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea,

Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Amendment (1212) to the striking amendment (1196), was not adopted.

Representative Shea moved the adoption of amendment (1221) to the striking amendment (1196):

On page 48, line 19 of the striking amendment, after "roundabout" insert "on Trent road/SR 290"

On page 74, line 3 of the striking amendment, after "roundabout" insert "on Trent road/SR 290"

Representatives Shea and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1221) to the striking amendment (1196), was adopted.

Representative Lovick moved the adoption of amendment (1198) to the striking amendment (1196):

On page 51, line 8 of the striking amendment, increase the Transportation Partnership Account--State Appropriation by \$2,000,000

On page 51, line 33 of the striking amendment, correct the total.

On page 52, line 4 of the striking amendment, after "(I)" insert "; and \$2,000,000 in additional funding is provided for US 2 Trestle IJR (L1000158)"

On page 70, line 35 of the striking amendment, increase the Motor Vehicle Account--State Appropriation by \$500,000

On page 71, line 5 of the striking amendment, increase the Multimodal Transportation Account--State Appropriation by \$1,300,000

On page 71, line 7 of the striking amendment, correct the total.

On page 71, line 14 of the striking amendment, after "(Z);" insert "\$500,000 for the 35th avenue SE reconstruction project in Mill Creek; \$1,300,000 for the

south Lake Stevens multi-use path project in Lake Stevens;"

Representatives Lovick and Harmsworth spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1198) to the striking amendment (1196), was adopted.

Representative Stambaugh moved the adoption of amendment (1206) to the striking amendment (1196):

On page 51, line 10 of the striking amendment, increase the Motor Vehicle Account--State Appropriation by \$600,000

On page 51, line 33 of the striking amendment, correct the total.

On page 55, line 19 of the striking amendment, after "appropriation" strike "is" and insert "~~(is)~~ and \$600,000 of the motor vehicle account--state appropriation are"

On page 56, beginning on line 7 of the striking amendment, after "forward." strike "Additionally, the department must consider completing" and insert "~~(Additionally, the department must consider completing)~~ It is the legislature's intent that if the department identifies any savings after the funding gap on the base project is closed as part of the proposal to expedite the project, that these cost savings shall go toward construction of"

On page 56, after line 15 of the striking amendment, insert the following:

"(d) \$600,000 of the motor vehicle account--state appropriation provided in subsection (20) of this section is provided solely for planning and preliminary engineering for a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167."

Representatives Stambaugh and Clibborn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1206) to the striking amendment (1196), was adopted.

Representative Hargrove moved the adoption of amendment (1208) to the striking amendment (1196):

On page 70, line 35 of the amendment, increase the Motor Vehicle Account--State Appropriation by \$300,000

On page 71, line 7 of the amendment, correct the total.

On page 71, line 14 of the amendment, after "(Z);" insert "\$300,000 for preliminary design work in King county on the segment of Covington way SE that is bounded on the north by the intersection with SE Wax road and on the south by a point that is approximately one hundred feet south of the intersection with 164th place SE, with the end goal of improving both mobility and safety along the segment;"

Representatives Hargrove and Clibborn spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1208) to the striking amendment (1196), was adopted.

Representative Harmsworth moved the adoption of amendment (1213) to the striking amendment (1196):

On page 94, after line 22 of the amendment, insert the following:

"Sec. 702. RCW 81.112.130 and 1992 c 101 s 13 are each amended to read as follows:

(1) Notwithstanding RCW 39.36.020(1), an authority may at any time contract indebtedness or borrow money for authority purposes and may issue general obligation bonds in an amount not exceeding, together with any existing indebtedness of the authority not authorized by the voters, one and one-half percent of the value of the taxable property within the boundaries of the authority; and with the assent of three-fifths of the voters therein voting at an election called for that purpose, may contract indebtedness or borrow money for authority purposes and may issue general obligation bonds therefor, provided the total indebtedness of the authority shall not exceed five percent of the value of the taxable property therein. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(2) The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

(3) Notwithstanding subsection (1) of this section, a regional transit authority may not issue general obligation bonds without authorization from the legislature during the 2017-2019 fiscal biennium.

Sec. 703. RCW 81.112.140 and 1992 c 101 s 14 are each amended to read as follows:

(1) An authority may issue revenue bonds to provide funds to carry out its authorized functions without submitting the matter to the voters of the authority. The authority shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the authority may obligate itself to pay such amounts of the gross revenue of the high capacity transportation system constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the authority shall determine and may obligate the authority to pay such amounts out of otherwise unpledged revenue that may be derived from the ownership, use, or operation of properties or facilities owned, used, or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes, or other sources of payment lawfully authorized for such purpose, as the authority shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners of such bonds shall have a lien and charge against the gross revenue of such high capacity transportation system or any other revenue, fees, tolls, charges, tariffs, fares, special taxes, or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the authority.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) Notwithstanding subsection (1) of this section, a regional transit authority may not issue revenue bonds without authorization from the legislature during the 2017-2019 fiscal biennium.

Sec. 704. RCW 81.112.150 and 1992 c 101 s 15 are each amended to read as follows:

(1) An authority may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and assessments shall be made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW.

(2) The board shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the authority issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the authority has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the authority arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the authority has created. The authority issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in

the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by the authority for real property or property right donations made pursuant to RCW 47.14.030.

(4) The board may establish and pay moneys into a local improvement guaranty fund to guarantee special assessment bonds issued by the authority.

(5) Notwithstanding subsection (1) of this section, a regional transit authority may not issue special assessment bonds or revenue bonds without authorization from the legislature during the 2017-2019 fiscal biennium."

Renumber the remaining section consecutively and correct the title.

FISCAL IMPACT: No net change to appropriated levels.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1213) to Engrossed Substitute Senate Bill No. 6106.

SPEAKER'S RULING

Mr. Speaker (Representative Orwall presiding): "Engrossed Substitute Senate Bill 6106 is the supplemental transportation budget for the remainder of the 2017-19 biennium. It appropriates funds to state agencies for state transportation purposes.

Amendment 1213 relates to the regional transit authority known as Sound Transit. Sound Transit is not a state agency and does not operate a state transportation program.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Harmsworth moved the adoption of amendment (1214) to the striking amendment (1196):

On page 94, after line 22 of the amendment, insert the following:

"**Sec. 702.** RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1) Regional transit authorities that include a county with a population of more than one million five hundred thousand may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2). Except as provided below during the 2017-2019 fiscal biennium, and notwithstanding any other provision of this subsection or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters. With respect to bond debt incurred during the 2017-2019 fiscal biennium, and to which the motor vehicle excise tax is pledged, the tax must be based on base model Kelley blue book values during the 2017-2019 fiscal biennium.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the

rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

Sec. 703. RCW 82.44.035 and 2010 c 161 s 910 are each amended to read as follows:

(1) For the purpose of determining any locally imposed motor vehicle excise tax, except as provided in RCW 81.104.160 during the 2017-2019 fiscal biennium, the value of a truck or trailer shall be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year shall be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	81
3	67
4	55
5	45
6	37

7	30
8	25
9	20
10	16
11	13
12	11
13	9
14	7
15	3
16 or older	0

(2) The reissuance of a certificate of title and registration certificate for a truck or trailer because of the installation of body or special equipment shall be treated as a sale, and the value of the truck or trailer at that time, as determined by the department from such information as may be available, shall be considered the latest purchase price.

(3) For the purpose of determining any locally imposed motor vehicle excise tax, except as provided in RCW 81.104.160 during the 2017-2019 fiscal biennium, the value of a vehicle other than a truck or trailer shall be eighty-five percent of the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection (3) based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department shall establish a value that more closely

represents the average value of similar vehicles of the same year and model. The value determined in this subsection (3) (a) shall be divided by the applicable percentage listed in (b) of this subsection (3) to establish a value equivalent to a manufacturer's base suggested retail price and this value shall be multiplied by eighty-five percent.

(b) The year the vehicle is offered for sale as a new vehicle shall be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	81
3	72
4	63
5	55
6	47
7	41
8	36
9	32
10	27
11	26
12	24
13	23
14	21
15	16
16 or older	10

(4) For purposes of this chapter, value shall exclude value attributable to modifications of a vehicle and equipment that are designed to facilitate the use or operation of the vehicle by a person with a disability."

Renumber the remaining section consecutively and correct the title.

FISCAL IMPACT: No net change to appropriated levels.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1214) to Engrossed Substitute Senate Bill No. 6106.

SPEAKER'S RULING

Mr. Speaker (Representative Orwall presiding): "Engrossed Substitute Senate Bill 6106 is the supplemental transportation budget for the remainder of the 2017-19 biennium. It appropriates funds to state agencies for state transportation purposes.

Amendment 1214 relates to the regional transit authority known as Sound Transit. Sound Transit is not a state agency and does not operate a state transportation program.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Harmsworth moved the adoption of amendment (1215) to the striking amendment (1196):

On page 94, after line 22 of the amendment, insert the following:

"Sec. 702. RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1) Regional transit authorities that include a county with a population of more than one million five hundred thousand may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service, except during the 2017-2019 fiscal biennium, when this excise tax rate may not exceed four-tenths of one percent. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the

year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess."

Renumber the remaining section consecutively and correct the title.

FISCAL IMPACT: No net change to appropriated levels.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1215) to Engrossed Substitute Senate Bill No. 6106.

SPEAKER'S RULING

Mr. Speaker (Representative Orwall presiding): "Engrossed Substitute Senate Bill 6106 is the supplemental transportation budget for the remainder of the 2017-19 biennium. It appropriates funds to state agencies for state transportation purposes.

Amendment 1215 relates to the regional transit authority known as Sound Transit. Sound Transit is not a state agency and does not operate a state transportation program.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

The striking amendment (1196), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Orcutt, Fey and Hargrove spoke in favor of the passage of the bill.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6106, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Bergquist, Muri and Taylor.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2653, by Representatives Fey, Orcutt and McBride

Modifying the alternative fuel vehicle sales and use tax exemptions for the purposes of expanding the exemptions and amending related provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Orcutt, Condotta and Muri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2653.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2653, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Frame, Graves, Klippert, Kraft, McCaslin, Reeves, Shea, Smith, Stokesbary, Taylor and Valdez.

HOUSE BILL NO. 2653, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6298, by Senators Dhingra, Palumbo, Saldaña, Frockt, Mullet, Takko, Kuderer, Darneille, Chase, Rolfes, Cleveland, Carlyle, Wellman, Hasegawa, Ranker, Keiser, Billig, Nelson, McCoy, Liias, Van De Wege, Pedersen, Hunt and Conway

Adding domestic violence harassment to the list of offenses for which a person is prohibited from possessing a firearm.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 23, 2018).

Representative Rodne moved the adoption of amendment (1259) to the committee striking amendment:

On page 1, beginning on line 30 of the striking amendment, after "harassment" strike all material through "section" on line 32 and insert ", committed on or after the effective date of this section, where a special allegation was proven under section 2 of this act that the offense was committed by one family or household member against another and the person used or threatened use of a firearm in the commission of the offense"

On page 5, after line 2 of the striking amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 9A.46 RCW to read as follows:

In any prosecution for harassment under RCW 9A.46.020 that was committed on or after the effective date of this section, when there has been a special allegation pleaded and proven beyond a reasonable doubt that the offense was committed by one family or household member against another and the defendant used or threatened use of a firearm in the commission of the offense, the court shall make a finding of fact of the special allegation, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation."

Representative Rodne spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Jenkins spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1259) to the committee striking amendment, was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6298, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6298, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweiler, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Taylor.

SENATE BILL NO. 6298, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Van De Wege, Wellman, Palumbo, Billig, Hunt, Kuderer, Saldaña and Chase)

Reducing the use of certain toxic chemicals in firefighting activities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 22, 2018).

With the consent of the House, amendments (1162), (1194), (1201), (1202) and (1203) were withdrawn.

Representative Taylor moved the adoption of amendment (1204) to the committee striking amendment:

Beginning on page 1, after line 25 of the amendment, strike all material through "70.105D.070." on page 3, line 25, and insert the following:

"(7) "Safer alternative" means an alternative substance or chemical, demonstrated by an alternatives assessment, that meets improved hazard and exposure considerations and can be practicably and economically substituted for the original chemical.

NEW SECTION. **Sec. 2.** (1) To determine whether safer alternatives exist for class B firefighting foam to which PFAS chemicals have been intentionally added, the department must conduct an alternatives assessment as part of the PFAS chemical action plan that:

(a) Evaluates less toxic chemicals and nonchemical alternatives that can be used as replacements;

(b) Follows the guidelines for alternatives assessments issued by the interstate chemicals clearinghouse; and

(c) Includes, at a minimum, an evaluation of chemical hazards, exposure, performance, cost, and availability.

(2) The alternatives assessment required in subsection (1) of this section and any safer alternative determinations must be externally peer-reviewed.

(3) By December 1, 2019, the department must publish its findings in the Washington State Register on whether safer alternatives exist and are available to class B firefighting foam to which PFAS chemicals have been intentionally added. By that date, the department must also submit a report with the findings and the feedback from the peer review of the department's alternatives assessment to the appropriate committees of the legislature.

(4) The department should bring forward agency request legislation suggesting a ban when the department has identified multiple, readily available, economical, safer alternatives to class B firefighting foam to which PFAS chemicals have been intentionally added.

(5) The restrictions recommended in subsection (4) of this section may not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for

uses that are addressed by the federal regulation.

(6) The restrictions recommended in subsection (4) of this section may not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person or an oil refinery operated by the person.

NEW SECTION. **Sec. 3.** (1) The state fire marshal must coordinate with local governments and federal agencies that provide firefighting services to identify current uses of class B firefighting foam, including current uses of class B firefighting foam containing intentionally added PFAS chemicals. Furthermore, in consultation with local governments, federal and state agencies that provide firefighting services, and manufacturers of class B firefighting foam, the state fire marshal must identify a list of class B firefighting foams that are safe, readily available, cost competitive, and achieve comparable performance specifications to class B firefighting foam that contains intentionally added PFAS chemicals.

(2) The state fire marshal must prepare recommendations, based on peer-reviewed science, that balance the need to use class B firefighting foam in order to protect community health and safety from fires against concerns about the impacts to community health and safety that may be associated with the use of certain class B firefighting foams. These recommendations must be prepared with assistance from the department, the department of health, a local fire chief, preferably from a jurisdiction that uses class B firefighting foam, and a representative of a statewide organization representing firefighters who has knowledge of and experience using class B firefighting foam. The recommendations may consider the results of the alternatives assessment completed in section 2 of this act.

(3) The state fire marshal must submit a report to the legislature consistent with RCW 43.01.036 by January 1, 2020. The report must include a summary of:

(a) The current uses of class B firefighting foam and alternative products identified in subsection (1) of this section;

(b) The recommendations in subsection (2) of this section;

(c) The steps taken by state agencies, local governments, and federal agencies that provide firefighting services to identify safer alternatives to class B firefighting foam that contains PFAS chemicals, and to reduce the use of firefighting foam containing PFAS chemicals and to reduce environmental and firefighter exposure to PFAS chemicals; and

(d) Recommendations for additional legislative or policy changes to be implemented by the state.

NEW SECTION. **Sec. 4.** (1) The state fire marshal, in consultation with the department, department of health, and manufacturers of class B firefighting foam, must provide assistance to local governments and other entities that perform firefighting functions with the goal to:

(a) Reduce the use of class B firefighting foams that contain intentionally added PFAS chemicals and for which safer, readily available, and cost competitive alternatives exist that achieve comparable performance specifications; and

(b) Adopt practices that reduce the exposure of firefighters and releases into the environment of class B firefighting foams.

(2) When planning for organizational fire response capabilities or responding to a fire, the local government, federal or state agency, or other entity providing firefighting services retains the discretion to determine, based on organizational plans or emergent circumstances, whether the use of class B firefighting foam is appropriate, and what type of class B firefighting foam will be most effective or practical to use.

(3) Nothing in this chapter provides the authority for the state fire marshal or any other state agency to restrict the use of particular types of class B firefighting foam."

Re-number the remaining section consecutively, correct any internal references accordingly, and correct the title.

On page 3, line 26 of the amendment, after "through" strike "6" and insert "4"

Representative Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1204) to the committee striking amendment, was not adopted.

Representative Blake moved the adoption of amendment (1233) to the committee striking amendment:

On page 1, after line 25 of the amendment, insert the following:

"(7) "Chemical plant" has the same meaning as in WAC 296-24-33001, as that section existed as of January 1, 2018."

On page 2, after line 16 of the amendment, insert the following:

"(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a chemical plant operated by the person."

Representatives Blake and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1233) to the committee striking amendment, was adopted.

With the consent of the House, amendment (1272) was withdrawn.

Representative Klippert moved the adoption of amendment (1279) to the committee striking amendment:

On page 1, line 30 of the amendment, after "added." insert "Nothing in this subsection (1) restricts a person or local government from discharging or otherwise using class B firefighting foam that was acquired by a person or local government on or before June 30, 2020."

Representatives Klippert and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1279) to the committee striking amendment, was not adopted.

Representative Taylor moved the adoption of amendment (1200) to the committee striking amendment:

On page 2, after line 16 of the amendment, insert the following:

"(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a local government whose jurisdictional boundaries encompass areas that are located within fifty miles of an airport, interstate highway, railroad, oil refinery, or oil terminal, for the use of the class B firefighting foam on fires at those locations."

Representative Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 48 - YEAS; 50 - NAYS.

Amendment (1200) to the committee striking amendment, was not adopted.

Representative Taylor moved the adoption of amendment (1236) to the committee striking amendment:

On page 2, after line 16 of the amendment, insert the following:

"(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person that operates a facility that produces or stores motor fuels, as that term is defined in RCW 19.112.010, for use at that facility."

Representative Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1236) to the committee striking amendment, was not adopted.

Representative Taylor moved the adoption of amendment (1237) to the committee striking amendment:

On page 2, after line 16 of the amendment, insert the following:

"(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use when installing, maintaining, or repairing gas or hazardous liquid pipelines as defined in RCW 81.88.010 or transfer pipelines or transmission pipelines as defined in RCW 19.122.020."

Representative Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1237) to the committee striking amendment, was not adopted.

Representative Taylor moved the adoption of amendment (1238) to the committee striking amendment:

On page 2, after line 16 of the amendment, insert the following:

"(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person that operates a marine terminal, as defined in RCW 77.55.011, for use at that marine terminal"

Representative Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Peterson spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1238) to the committee striking amendment, was not adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third, and the bill, as amended by the House, was placed on third reading.

There being no objection, the rules were suspended, and SENATE BILL NO. 6413, as amended by the House, was returned to second reading for the purpose of amendment.

RECONSIDERATION

There being no objection, the House immediately reconsidered the adoption of the committee striking amendment, as amended.

There being no objection, amendments (1194) and (1233) to the committee striking amendment were adopted.

The committee striking amendment, as amended on reconsideration, was adopted.

Representative Peterson spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6413, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6413, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, DeBolt, Dent, Dye, Eslick, Hargrove, Harris, Jenkin, Klippert, Kraft, Kristiansen, Manweller, McCaslin, Nealey, Orcutt, Schmick, Shea, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Walsh, Takko, Fain, Rivers, Billig, Ranker, Cleveland, Kuderer, Van De Wege, Hobbs, Liias, Palumbo, Frockt, Hasegawa, Mullet, Hunt, Saldaña, Rolfes, Dhingra, Carlyle, Darneille, Chase, Conway, Nelson, Wellman, McCoy and Keiser)

Concerning the uniform parentage act.

The bill was read the second time.

Representative Klippert moved the adoption of amendment (1263):

On page 34, beginning on line 10, after "between" strike "one or more intended parents" and insert "two intended parents who are married to each other"

On page 34, line 32, after "agreement," insert "the intended parents must be married to each other and"

On page 35, line 12, after "(2)" strike "A" and insert "There must be two intended parents who are married to each other and the"

On page 35, line 23, after "intended" strike "parent or"

On page 35, line 28, after "intended" strike "parent or"

On page 36, line 10, after "the" strike "intended parent or, if there are two"

On page 36, line 16, after "the" strike "intended parent or, if there are two"

On page 37, beginning on line 24, after "otherwise" strike all material through "The" on line 32 and insert ", the"

On page 37, line 33, after "of" strike "an intended parent" and insert "the intended parents"

On page 39, line 9, after "intended" strike "parent or"

On page 39, line 31, after "the intended" strike "parent or"

On page 40, at the beginning of line 30, strike "parent or"

On page 41, beginning on line 15, after "or" strike "one or more" and insert "the"

On page 43, line 3, after "intended" strike "parent or"

On page 43, at the beginning of line 30, strike "parent or"

Representatives Klippert and Shea spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 46 - YEAS; 52 - NAYS.

Amendment (1263) was not adopted.

Representative Smith moved the adoption of amendment (1288):

On page 34, line 20, after "age" insert ", is a United States citizen

residing in Washington, and has been a resident of Washington for at least one year"

Representative Smith spoke in favor of the adoption of the amendment.

MOTION

On motion of Representative Griffey, Representative DeBolt was excused.

Representatives Jinkins and Kraft spoke against the adoption of the amendment.

Amendment (1288) was not adopted.

Representative Shea moved the adoption of amendment (1276):

On page 1, line 30 of the amendment, after "added." insert "Nothing in this subsection (1) restricts a person or local government from discharging or otherwise using class B firefighting foam that was acquired by a person or local government on or before June 30, 2020."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Amendment (1276) was not adopted.

Representative Van Werven moved the adoption of amendment (1278):

On page 34, line 22, after "than" strike "two" and insert "three"

On page 34, line 35, after "(b)" insert "Not enter into more than three surrogacy agreements that result in the birth of children;

(c) "

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 36, line 1, after "(b)" insert "A woman acting as a surrogate and each intended parent must agree to have no more than one embryo transferred under the surrogacy agreement.

(c) "

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Van Werven, Shea and Rodne spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Amendment (1278) was not adopted.

Representative Kraft moved the adoption of amendment (1289):

On page 34, line 24, after "(c)" insert "Not currently be receiving or eligible to receive public assistance or benefits from any state or federal agency through programs such as: temporary assistance for needy families; the aged, blind, or disabled assistance program; the basic food program; medicaid; or other similar programs;

(d) "

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Kraft and Smith spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

Amendment (1289) was not adopted.

Representative Rodne moved the adoption of amendment (1284):

On page 34, line 38, after "professional;" strike "and"

On page 35, line 4, after "agreement" insert "; and

(e) Not be currently incarcerated in any state jail or state or federal prison and must have completed a criminal background check. The criminal background check must be conducted by the department of social and health services and must be paid for by the intended parents."

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Amendment (1284) was not adopted.

Representative Rodne moved the adoption of amendment (1287):

On page 34, line 27, after "professional;" strike "and"

On page 34, line 31, after "agreement" insert "; and

(f) Have obtained a term life insurance policy on her life in effect until the earlier of the termination of the surrogacy agreement for any reason or three months after the birth of a child pursuant to the surrogacy agreement in the amount of at least one million dollars, or a lower amount if she is not approved by the insurance carrier for that amount. The intended parent or parents may pay for the required term life insurance policy."

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Amendment (1287) was not adopted.

Representative Van Werven moved the adoption of amendment (1290):

On page 34, line 38, after "professional;" strike "and"

On page 35, line 4, after "agreement" insert "; and

(e) Have provided verification to the department of health that the intended parent or parents own adequate assets or maintain an adequate income to support the financial costs of caring for the child or children that might result from a surrogacy"

Representative Van Werven spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1290) was not adopted.

Representative Shea moved the adoption of amendment (1265):

On page 35, after line 33, insert the following:

"(10) The woman acting as a surrogate must have the capacity to contract. If the required medical evaluation or mental

health consultation required under section 702 of this act indicates that the woman acting as a surrogate lacks the capacity to contract, any surrogacy agreement entered into by the woman acting as a surrogate is void."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Jenkins spoke against the adoption of the amendment.

Amendment (1265) was not adopted.

Representative Shea moved the adoption of amendment (1277):

On page 35, after line 33, insert the following:

"(10) A woman acting as a surrogate must have the right to request and receive a copy of all medical records pertaining to the mental and physical health of each intended parent. Each intended parent must have the right to request and receive a copy of all medical records pertaining to the mental and physical health of the woman acting as a surrogate. The woman acting as a surrogate and each intended parent are responsible for signing any and all necessary medical release forms to ensure the records can be disclosed upon request."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

Amendment (1277) was not adopted.

Representative Van Werven moved the adoption of amendment (1269):

On page 35, after line 38, insert the following:

"(b) A woman acting as a surrogate and each intended parent must agree to have no more than one embryo transferred per in vitro fertilization cycle in accordance with the best practices recommended by the centers for disease control and prevention and the American society for reproductive medicine."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Van Werven and Shea spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1269) was not adopted.

Representative Pike moved the adoption of amendment (1275):

On page 36, line 34, after "(g)" strike "The" and insert "(i) Except as provided in (ii) of this subsection (g), the"

On page 36, beginning on line 38, after "unenforceable" strike all material through "pregnancy" on line 39 and insert:

"(ii) The agreement may contain provisions governing termination of the pregnancy only if a gamete from one or both of the intended parents is used in the assisted reproduction that results in a child conceived under the surrogacy agreement"

Representative Pike and Pike (again) spoke in favor of the adoption of the amendment.

Representative Jenkins spoke against the adoption of the amendment.

Amendment (1275) was not adopted.

Representative Rodne moved the adoption of amendment (1285):

On page 46, after line 5, insert the following:

"NEW SECTION. Sec. 719. (1) A woman may not act as a surrogate under a surrogacy agreement without having a license issued by the department of labor and industries.

(2) The department of labor and industries shall adopt rules establishing minimum requirements for a woman to be issued a license to act as a surrogate, including:

(a) Education and experience requirements;

(b) Training in the specific requirements of sections 701 through 718 of this act and passing of an examination demonstrating an understanding of the

specific requirements of sections 701 through 718 of this act; and

(c) Any other requirements the department of labor and industries deems necessary to protect the safety and welfare of the woman acting as a surrogate."

On page 55, line 11, after "through" strike "718" and insert "719"

Representatives Rodne and Smith spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Amendment (1285) was not adopted.

Representative Rodne moved the adoption of amendment (1286):

On page 46, after line 5, insert the following:

"NEW SECTION. **Sec. 719.** A woman acting as a surrogate under a surrogacy agreement must register as a business by obtaining a business license from the department of revenue under chapter 19.02 RCW. Upon the birth of the child under a surrogacy agreement, the woman acting as a surrogate must pay all business and occupation tax applicable under the laws of this state."

On page 55, line 11, after "through" strike "718" and insert "719"

Representative Rodne and Rodne (again) spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1286) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins and Santos spoke in favor of the passage of the bill.

Representatives Rodne, Kraft, Pike, Smith and Wilcox spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6037, as amended by the House.

An oral roll call was demanded and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6037, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative DeBolt.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2907
 HOUSE BILL NO. 2990
 SENATE BILL NO. 5028
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5179
 ENGROSSED FOURTH SUBSTITUTE SENATE
 BILL NO. 5251
 ENGROSSED SENATE BILL NO. 5288
 SENATE BILL NO. 5598
 SUBSTITUTE SENATE BILL NO. 5683
 SUBSTITUTE SENATE BILL NO. 5746
 SUBSTITUTE SENATE BILL NO. 6012
 SECOND SUBSTITUTE SENATE BILL NO. 6015
 SENATE BILL NO. 6024
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6029
 SENATE BILL NO. 6040
 SUBSTITUTE SENATE BILL NO. 6066
 SENATE BILL NO. 6159
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6160

SENATE BILL NO. 6179
SUBSTITUTE SENATE BILL NO. 6195
ENGROSSED SENATE BILL NO. 6211

SUBSTITUTE SENATE BILL NO. 6214
SENATE BILL NO. 6218
SUBSTITUTE SENATE BILL NO. 6222
ENGROSSED SUBSTITUTE SENATE BILL NO.
6223
SECOND SUBSTITUTE SENATE BILL NO. 6245
ENGROSSED SUBSTITUTE SENATE BILL NO.
6257
SECOND SUBSTITUTE SENATE BILL NO. 6274
SENATE BILL NO. 6287
SUBSTITUTE SENATE BILL NO. 6334
SENATE BILL NO. 6367
SENATE BILL NO. 6371
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 6386
SENATE BILL NO. 6404
SENATE BILL NO. 6414
SUBSTITUTE SENATE BILL NO. 6438
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 6529
SUBSTITUTE SENATE BILL NO. 6549
SUBSTITUTE SENATE BILL NO. 6566
ENGROSSED SENATE JOINT MEMORIAL NO.
8008

There being no objection, the House adjourned until
10:00 a.m., February 28, 2018, the 52nd Day of the Regular
Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, February 28, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Margaret Guo and Bryson Boyd. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Greg Asimakoupoulos, Mercer Island Police and Fire Department, Covenant Shores Retirement Community and Faith and Values Columnist for The Mercer Island Reporter, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SENATE BILL NO. 5992
ENGROSSED SUBSTITUTE SENATE BILL NO.
6037

The Speaker called upon Representative Lovick to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6549, by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Cleveland, Conway, Saldaña and Sheldon)

Expanding the access to baby and child dentistry program to serve children with disabilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Caldier and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6549.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6549, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6549, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Billig, Zeiger, Kuderer, Keiser, Palumbo and Saldaña)

Providing early intervention services for eligible children. Revised for 1st Substitute: Providing early intervention services for eligible children. (REVISED FOR ENGROSSED: Developing a funding model for early intervention services for eligible children.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6257, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Dye, Graves, Holy, Jenkin, Kraft, Kretz, Manweller, Maycumber, Nealey, Pike, Schmick, Shea, Stokesbary, Taylor, Vick, Volz and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6257, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5683, by Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Kuderer, Cleveland, Hasegawa, Darneille, Hunt, Conway, Keiser, Hobbs, McCoy and Pedersen)

Concerning health care for Pacific Islanders residing in Washington under a compact of free association.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not considered. (For Committee amendment, see Journal, Day 40, February 16, 2018).

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 26, 2018).

Representative Schmick moved the adoption of amendment (1294) to the committee striking amendment:

On page 3, line 1 of the striking amendment, after "(b)" insert "Was a resident for at least five consecutive years immediately preceding his or her application to the program;

(c) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Schmick and Schmick (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Riccelli and Riccelli (again) spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1294) was not adopted.

The committee striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Macri, Santos, Harris and Riccelli spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5683, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5683, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

SUBSTITUTE SENATE BILL NO. 5683, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5518, by Senators Miloscia, Cleveland, Keiser, O'Ban and Fortunato

Requiring fair reimbursement for chiropractic services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri and Steele spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5518, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5518, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Dye, Graves, Jenkin, Klippert, Kretz, Maycumber, Nealey, Rodne, Schmick, Vick and Wilcox.

ENGROSSED SENATE BILL NO. 5518, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Keiser, Palumbo, Hasegawa and Conway)

Requiring coverage for hearing instruments under public employee and medicaid programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 44, February 20, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri, Barkis and Johnson spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Dent, Dye, Graves, Haler, Holy, Klippert, Kraft, Kristiansen, McCaslin, Rodne, Schmick, Shea, Stokesbary, Taylor, Volz and Wilcox.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6024, by Senators Mullet and Angel

Addressing the disposition of certain fees collected by the department of financial institutions for the securities division.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6024.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6024, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Dye, Jenkin, Klippert, Kraft, McCaslin, Shea and Taylor.

SENATE BILL NO. 6024, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6371, by Senator Mullet

Concerning facilities financing by the housing finance commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ryu and Barkis spoke in favor of the passage of the bill.

Representatives Manweller, Walsh and Jenkin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6371.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6371, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, McDonald, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, Muri, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

SENATE BILL NO. 6371, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5991, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Billig, Fain, Ralumbo, Miloscia, Hunt, Mullet, Carlyle, Frockt, Rolfes, Ranker, Darneille, Conway, Hasegawa, Pedersen, Nelson, McCoy, Takko, Saldaña, Cleveland, Wellman, Kuderer, Lias, Hobbs, Chase, Van De Wege, Keiser and Dhingra)

Increasing transparency of contributions by creating the Washington state DISCLOSE act of 2018.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government, Elections & Information Technology was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pellicciotti spoke in favor of the passage of the bill.

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5991, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5991, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McCabe, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

SUBSTITUTE SENATE BILL NO. 5991, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6159, by Senators Takko, Honeyford, Fain and Chase**Concerning the reauthorization of the underground storage tank program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment was adopted. (For Committee amendment, see Journal, Day 46, February 22, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6159, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6159, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan,

Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6159, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6214, by Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, Hobbs, Keiser, Van De Wege, Palumbo, Hasegawa, Rolfes, Ranker, Mullet, Saldaña, Kuderer and Wellman)**Allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement and firefighters. Revised for 1st Substitute: Allowing industrial insurance coverage for posttraumatic stress disorders affecting law enforcement officers and firefighters.**

The bill was read the second time.

Representative Manweller moved the adoption of amendment (1300):

On page 2, beginning on line 30, strike all of section 3

Correct the title.

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1300) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, McCabe, Griffey, Holy and Irwin spoke in favor of the passage of the bill.

Representatives Nealey and Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6214.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6214, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dye, Klippert, Manweller, Nealey, Schmick, Taylor and Vick.

SUBSTITUTE SENATE BILL NO. 6214, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5722, by Senators Lias, Walsh, Ranker, Pedersen, Rivers, Keiser, Fain, Frock, Hunt and Kuderer

Restricting the practice of conversion therapy.

The bill was read the second time.

With the consent of the House, amendments (1071) and (1283) were withdrawn.

Representative Jinkins moved the adoption of amendment (1158):

On page 2, line 13, after "(4)" insert "(a)"

On page 2, line 18, after "reparative therapy" strike "_____ or conversion therapy"

On page 2, after line 18, insert the following:

"(b) "Conversion therapy" does not include counseling or psychotherapies that provide acceptance, support, and understanding of clients or the facilitation of clients' coping, social support, and identity exploration and development that do not seek to change sexual orientation or gender identity."

There being no objection, the House deferred action on SENATE BILL NO. 5722, and the bill held its place on the second reading calendar.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160, by Senate Committee on Ways & Means (originally sponsored by Senators Kuderer, Darneille and Palumbo)

Revising conditions under which a person is subject to exclusive adult jurisdiction and extending juvenile court jurisdiction over serious cases to age twenty-five.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Frame and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6160, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6160, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dye, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Lovick, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2907, by Representatives Goodman, Frame, Kagi and Doglio

Concerning confinement in juvenile rehabilitation facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2907 was substituted for House Bill No. 2907 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2907 was read the second time.

Representative Eslick moved the adoption of amendment (769):

On page 4, after line 16, insert the following:

"(3) The department of social and health services must review the placement of an individual over age twenty-one who was placed in the custody of the department of social and health services following an adult court felony conviction for an offense committed before age eighteen to determine whether the individual should be transferred to the custody of the department of corrections. The department of social and health services may determine the frequency of the review required under this subsection, but the review must occur at least once before the individual turns age twenty-three if the individual's commitment period in a juvenile institution extends beyond age twenty-three."

On page 6, after line 31, insert the following:

"(3) The department of children, youth, and families must review the placement of an individual over age twenty-one who was placed in the custody of the department of children, youth, and families following an adult court felony conviction for an offense committed before age eighteen to determine whether the individual should be transferred to the custody of the department of corrections. The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the individual turns age twenty-three if the individual's commitment period in a juvenile institution extends beyond age twenty-three."

Representatives Eslick and Kagi spoke in favor of the adoption of the amendment.

Amendment (769) was adopted.

Representative Goodman moved the adoption of amendment (1302):

On page 9, after line 19, insert the following:

"Sec. 6. RCW 13.40.300 and 2005 c 238 s 2 are each amended to read as follows:

(1) (~~In no case may~~) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2)(a) A juvenile offender convicted of an A+ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(b) A juvenile offender adjudicated of a serious violent offense as defined under RCW 9.94A.030 may be committed by the juvenile court to the department of social and health services for placement in a correctional institution up to the time the juvenile offender is age twenty-five and one-half years old, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition ~~((-))~~, subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) (A) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; or

(B) Under subsection (2)(b) of this section in which case commitment may not extend beyond age twenty-five and one-half years;

(d) While proceedings are pending in a case in which jurisdiction ~~((has been transferred to))~~ is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v) ~~((-))~~ (B) (II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

~~((2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.~~

~~((3))~~ (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ((except for the purpose of enforcing an order of restitution or penalty assessment)).

~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

Sec. 7. RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each amended to read as follows:

(1) ((In no case may)) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2)(a) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(b) A juvenile offender adjudicated of a serious violent offense as defined under RCW 9.94A.030 may be committed by the juvenile court to the department of children, youth, and families for placement in a correctional institution

up to the time the juvenile offender is age twenty-five and one-half years old, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition((-)), subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except;

(ii) (A) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case

extending beyond the offender's twenty-fifth birthday; or

(B) Under subsection (2)(b) of this section in which case commitment may not extend beyond age twenty-five and one-half years;

(d) While proceedings are pending in a case in which jurisdiction (~~(has been transferred to)~~) is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v) (~~(-E))~~) (B)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

(~~(2)~~) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(~~3~~) (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday (~~(except for the purpose of enforcing an order of restitution or penalty assessment)~~).

(~~(4)~~) (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 9, line 35, after "Sections 3" strike "and 5" and insert ", 5, and 7"

On page 10, line 1, after "Sections 2" strike "and 4" and insert ", 4, and 6"

On page 10, after line 2, insert the following:

"NEW SECTION. **Sec. 12.** Sections 4 and 5 of this act take effect only if chapter . . . (Engrossed Second Substitute Senate No. Bill 6160), Laws of 2018 is not enacted by the effective date of this section.

NEW SECTION. **Sec. 13.** Sections 6 and 7 of this act take effect only if chapter . . . (Engrossed Second Substitute Senate Bill No. 6160), Laws of 2018 is enacted by the effective date of this section."

Correct the title.

Representatives Goodman and Dent spoke in favor of the adoption of the amendment.

Amendment (1302) was adopted.

Representative Dent moved the adoption of amendment (1303):

On page 9, line 24, after "December 1," strike "2027" and insert "2023"

Representatives Dent and Kagi spoke in favor of the adoption of the amendment.

Amendment (1303) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2907.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2907, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kristiansen, Lovick, Lytton, Macri, Manweller, McBride, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh,

Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Kraft, Kretz, MacEwen, Maycumber, McCabe, McCaslin, Pike, Rodne, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2858, by Representatives Johnson, Chandler, Appleton, McCabe and Haler

Allowing excess local infrastructure financing revenues to be carried forward.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2858.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2858, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Kraft and Santos.

HOUSE BILL NO. 2858, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of SENATE BILL NO. 5722 on second reading.

SECOND READING

SENATE BILL NO. 5722, by Senators Liias, Walsh, Ranker, Pedersen, Rivers, Keiser, Fain, Frockt, Hunt and Kuderer

Restricting the practice of conversion therapy.

Representatives Hargrove and Schmick spoke in favor of the adoption of amendment (1158).

Amendment (1158) was adopted.

Representative Macri moved the adoption of amendment (1305):

On page 1, beginning on line 8, after "eighteen" strike all material through "eighteen" on line 14

On page 1, after line 19, insert the following:

"NEW SECTION. Sec. 2. This act may not be construed to apply to:

(1) Speech that does not constitute performing conversion therapy by licensed health care providers on patients under age eighteen;

(2) Religious practices or counseling under the auspices of a religious denomination, church, or organization that do not constitute performing conversion therapy by licensed health care providers on patients under age eighteen; and

(3) Nonlicensed counselors acting under the auspices of a religious denomination or church."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Shea moved the adoption of amendment (1307) to amendment (1305):

On page 1, line 14 of the amendment, after "denomination" strike "or church" and insert ", church, or organization"

Representatives Shea and Macri spoke in favor of the adoption of the amendment to the amendment.

Amendment (1307) to amendment (1305) was adopted.

Representatives Shea and Macri spoke in favor of the adoption of the amendment, as amended.

Amendment (1305), as amended, was adopted.

Representative Klippert moved the adoption of amendment (1280):

On page 2, line 13, after "means" strike "a" and insert "any aversive or coercive"

On page 2, at the beginning of line 15, strike "efforts" and insert "aversive or coercive practices or treatments that seek"

On page 2, beginning on line 17, after "includes" strike all material through "conversion therapy." on line 18 and insert "techniques such as ice baths, tying down individuals, the use of pornographic material, and electroconvulsive therapy conducted outside of medically accepted use."

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (1280) was not adopted.

With the consent of the House, amendments (1281), (1282) and (1306) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Macri, Peterson, DeBolt and Jinkins spoke in favor of the passage of the bill.

Representatives Shea, Hargrove, Klippert and Kraft spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5722, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5722, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McCabe, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn,

Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dent, Dye, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SENATE BILL NO. 5722, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Riccelli to preside.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2995
 ENGROSSED SENATE BILL NO. 5917
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5990
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6084
 ENGROSSED SENATE BILL NO. 6087
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6109
 SENATE BILL NO. 6197
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6241
 SUBSTITUTE SENATE BILL NO. 6309
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6329
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6362
 SENATE BILL NO. 6363
 ENGROSSED SENATE BILL NO. 6379
 SENATE BILL NO. 6407
 SUBSTITUTE SENATE BILL NO. 6437
 SUBSTITUTE SENATE BILL NO. 6452
 SECOND SUBSTITUTE SENATE BILL NO. 6453
 SUBSTITUTE SENATE BILL NO. 6474
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6491
 SUBSTITUTE SENATE BILL NO. 6514

The Speaker (Representative Riccelli presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6273, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Rivers, Fain, Mullet, Palumbo and Saldaña)

Concerning state charity care law. Revised for 1st Substitute: Delineating charity care and notice requirements without restricting charity care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6273, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6273, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6273, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6222, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carlyle, O'Ban, Frockt, Darneille, Walsh, Zeiger, Palumbo, Hasegawa, Billig, Hunt and Kuderer)

Concerning expansion of extended foster care eligibility.

The bill was read the second time.

Representative Dent moved the adoption of amendment (1297):

On page 7, line 19, after "services" strike "~~((only once))~~" and insert "only once unless the department exercises its discretion to permit subsequent re-enrollments"

On page 10, beginning on line 20, after "agreement" strike "~~((once))~~ an unlimited number of times" and insert "once"

On page 10, line 21, after "twenty-one" insert "unless the department exercises its discretion to permit subsequent re-enrollments"

On page 10, line 36, after "program" strike "~~((once))~~ an unlimited number of times" and insert "once"

On page 10, line 38, after "again." insert "The department is authorized to exercise discretion in permitting subsequent re-enrollments when a youth meets the eligibility criteria."

Representatives Dent and Klippert spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

Amendment (1297) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey, Caldier, Graves and Caldier (again) spoke in favor of the passage of the bill.

Representatives Dent and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6222.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6222, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Eslick, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCabe, McCaslin, Pike, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 6222, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6219, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Hobbs, Saldaña, Dhingra, Ranker, Carlyle, Takko, Kuderer, Hasegawa, Palumbo, Chase, Nelson, Frockt, Keiser, Wellman, Darneille, Mullet, Billig, Pedersen, Rolfes, Hunt and Liias)

Concerning health plan coverage of reproductive health care.

The bill was read the second time.

Representative Cody moved the adoption of amendment (1296):

On page 3, line 18, after "sharing" insert ", unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier must establish the plan's cost sharing for the coverage required by subsection (1) of this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from his or her health savings account under internal revenue service laws and regulations"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (1296) was adopted.

Representative Shea moved the adoption of amendment (1311):

On page 3, after line 36, insert the following:

"(7) The legislature recognizes that every person possesses a fundamental right to exercise their religious beliefs and conscience. No religious or sectarian employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, a service or product described in subsection (1) of this section if they object to so doing for reason of conscience or religion."

On page 4, after line 28, insert the following:

"(6) The legislature recognizes that every person possesses a fundamental right to exercise their religious beliefs and conscience. No religious or sectarian employer may be required by law or contract in any circumstances to participate in the provision of, or payment for, a service or product described in subsection (1) of this section if they object to so doing for reason of conscience or religion."

Representatives Shea, Kraft and Shea (again) spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1311) and the amendment was not adopted by the following vote: Yeas, 49; Nays, 49; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Chapman, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker,

Amendment (1311) was not adopted.

Representative Rodne moved the adoption of amendment (1312):

On page 4, line 1, after "(5)" insert "or (6)"

On page 4, after line 28, insert the following:

"(6) Nothing in this section may be interpreted to permit abortions for purposes of gender selection."

On page 4, after line 37, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

No health plan may provide a covered person with coverage for the abortion of a pregnancy for purposes of gender selection."

Representatives Rodne and Shea spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (1312) was not adopted.

Representative Rodne moved the adoption of amendment (1313):

On page 4, line 1, after "(5)" insert "or (6)"

On page 4, after line 28, insert the following:

"(6) Nothing in this section may be interpreted to permit abortions of fetuses with down syndrome."

On page 4, after line 37, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

No health plan may provide a covered person with coverage for the abortion of a fetus with down syndrome."

Representatives Rodne, Smith, Shea and Klippert spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (1313) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Robinson, Macri and Springer spoke in favor of the passage of the bill.

Representatives Schmick, McCaslin, Stambaugh, Pike, Van Werven, Calder, Rodne, Shea, Smith and Jenkin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6219, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6219, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 6219, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5213, by Senators Wilson and Zeiger

Concerning the award of fees for limited license legal technicians in certain domestic violence cases.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5213.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5213, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Goodman, Stokesbary and Taylor.

SENATE BILL NO. 5213, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6529, by Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Ranker, Cleveland, Rolfes, Van De Wege, Miloscia, Chase, Conway, McCoy, Hunt, Keiser and Hasegawa)

Protecting agricultural workers and community members from pesticides. Revised for 2nd Substitute: Establishing a pesticide application safety work group.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Dent and Valdez spoke in favor of the passage of the bill.

Representatives Chandler, Condotta, Steele, Irwin, Dye and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6529.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6529, and the

bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Nealey, Orcutt, Pike, Rodne, Shea, Smith, Springer, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6529, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6274, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Palumbo, Keiser, Wellman, Darneille, Liias, Kuderer, Hasegawa, Hunt and Saldaña)

Helping foster and homeless youth complete apprenticeships. Revised for 2nd Substitute: Helping former foster youth and youth experiencing homelessness access and complete college and registered apprenticeships.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hansen spoke in favor of the passage of the bill.

Representatives Holy and Calder spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6274, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6274, as amended by the House,

and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE SENATE BILL NO. 6274, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5493, by Senate Committee on Labor & Commerce (originally sponsored by Senators Conway, Hasegawa, Keiser, Miloscia, Hobbs, Takko, Wellman, Chase, Darneille, Hunt and Saldaña)

Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Sells spoke in favor of the passage of the bill.

Representatives McCabe and Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5493.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5493, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall,

Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Springer, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 5493, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, by Senate Committee on Local Government (originally sponsored by Senator Takko)

Concerning unit priced contracting by cities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McBride and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6143, and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Dent, Dye, Eslick, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, McDonald, Pike, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6319, by Senators Honeyford and Van De Wege

Implementing the federal produce safety rule.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6319.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6319, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6319, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6369, by Senators Warnick and Van De Wege

Concerning certificates of veterinary inspection for animals brought into the state.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6369.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6369, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6369, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6180, by Senators Hobbs, Schoesler, Takko and King

Defining the planting and harvest dates for purposes of exemptions for agricultural transporters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Orcutt, Shea and Harmsworth spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6180.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6180, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald,

Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Kloba.

SENATE BILL NO. 6180, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

February 27, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1953,
SUBSTITUTE HOUSE BILL NO. 2308,
HOUSE BILL NO. 2479,
HOUSE BILL NO. 2517,
SUBSTITUTE HOUSE BILL NO. 2703,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 27, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bill and passed the bill as amended by the House: ENGROSSED SENATE BILL NO. 5992

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 27, 2018

SECOND READING

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1095,
 HOUSE BILL NO. 1133,
 SECOND SUBSTITUTE HOUSE BILL NO. 1293,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,
 HOUSE BILL NO. 1499,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
 HOUSE BILL NO. 1790,
 HOUSE BILL NO. 1939,
 SUBSTITUTE HOUSE BILL NO. 2016,
 SUBSTITUTE HOUSE BILL NO. 2101,
 SUBSTITUTE HOUSE BILL NO. 2282,
 SUBSTITUTE HOUSE BILL NO. 2298,
 HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2446,
 SUBSTITUTE HOUSE BILL NO. 2514,
 SUBSTITUTE HOUSE BILL NO. 2516,
 SUBSTITUTE HOUSE BILL NO. 2528,
 SUBSTITUTE HOUSE BILL NO. 2576,
 HOUSE BILL NO. 2582,
 SUBSTITUTE HOUSE BILL NO. 2639,
 HOUSE BILL NO. 2682,
 HOUSE BILL NO. 2699,
 HOUSE BILL NO. 2702,
 SUBSTITUTE HOUSE BILL NO. 2752,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 27, 2018

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1085,
 HOUSE BILL NO. 2208,
 SUBSTITUTE HOUSE BILL NO. 2256,
 SUBSTITUTE HOUSE BILL NO. 2342,
 HOUSE BILL NO. 2368,
 SUBSTITUTE HOUSE BILL NO. 2398,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 5992,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SUBSTITUTE SENATE BILL NO. 6313, by Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Wellman, Frockt, Cleveland, Kuderer, Ranker, Conway and Saldaña)

Concerning an employee's right to file a complaint or cause of action for sexual harassment or sexual assault in mandatory employment contracts and agreements. Revised for 1st Substitute: Concerning an employee's right to publicly file a complaint or cause of action for discrimination in employment contracts and agreements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6313, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6313, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweiler, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6313, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5987, by Senator Padden

Concerning pretrial release programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5987, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5987, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 5987, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6519, by Senate Committee on Transportation (originally sponsored by Senators King and Hobbs)

Revising the establishment of marine pilotage tariffs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Rodne and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2990, by Representatives Fey, Young and Muri

Concerning the Tacoma Narrows bridge debt service payment plan.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2990 was substituted for House Bill No. 2990 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2990 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Young and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2990.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2990, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Kilduff.

SUBSTITUTE HOUSE BILL NO. 2990, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6309, by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Miloscia, O'Ban, Rivers, Frockt and Hunt)

Extending the timeline for completing a family assessment response.

The bill was read the second time.

With the consent of the House, amendment (1231) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6309.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6309, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth,

Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6309, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6329, by Senate Committee on Local Government (originally sponsored by Senators Takko, Angel and Chase)

Clarifying the authority and procedures for contracting by public port districts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Appleton and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6329, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6329, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger,

Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Graves, Maycumber, McCaslin, Schmick, Shea and Taylor.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6329, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6514, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Brown, O'Ban, Darnelle, Palumbo and Saldaña)

Concerning suicide prevention and behavioral health in higher education, with enhanced services to student veterans.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orwall, Holy and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6514, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6514, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6514, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2998
 SENATE BILL NO. 5020
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5588
 SUBSTITUTE SENATE BILL NO. 5998
 SUBSTITUTE SENATE BILL NO. 6124
 SUBSTITUTE SENATE BILL NO. 6141
 SENATE BILL NO. 6168
 SENATE BILL NO. 6188
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6199
 SENATE BILL NO. 6210
 SENATE BILL NO. 6231
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6486

There being no objection, the House adjourned until 9:00 a.m., March 1, 2018, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 1, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Olivia Meyers and Aiden Waller. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Marlando Jordan, Word of Faith Center, Kennewick, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

February 27, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6346,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
1388,
SUBSTITUTE HOUSE BILL NO. 2538,
HOUSE BILL NO. 2539,
HOUSE BILL NO. 2669,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1022,

HOUSE BILL NO. 1056,
ENGROSSED HOUSE BILL NO. 1128,
SECOND SUBSTITUTE HOUSE BILL NO. 1513,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1622,
HOUSE BILL NO. 1630,
SUBSTITUTE HOUSE BILL NO. 2530,
HOUSE BILL NO. 2661,
HOUSE BILL NO. 2661,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
HOUSE BILL NO. 2851,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The President has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
1508,
SUBSTITUTE HOUSE BILL NO. 1723,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 6018,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

**HOUSE BILL NO. 2998, by Representatives
Robinson, Cody, Jinkins, Tharinger and Ormsby**

**Providing a business and occupation tax exemption
for accountable communities of health.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2998 was substituted for House Bill No. 2998 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2998 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robinson and Nealey spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

MOTION

On motion of Representative Hayes, Representative Rodne was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2998.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2998, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Dye, Graves, Jenkin, Kraft, Manweller, Muri, Schmick, Taylor, Vick and Walsh.

Absent: Representative Rodne.

SUBSTITUTE HOUSE BILL NO. 2998, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6404, by Senators Wellman, Mullet, Fain, Hunt and Kuderer

Concerning background checks for persons providing child care services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6404.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6404, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SENATE BILL NO. 6404, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6452, by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Frockt, Carlyle, O'Ban, Walsh, Darneille, Miloscia, Kuderer and Saldaña)

Expanding the activities of the children's mental health services consultation program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was not adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Slatter and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6452, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6452, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SUBSTITUTE SENATE BILL NO. 6452, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6453, by Senate Committee on Ways & Means (originally sponsored by Senators King, Carlyle, Hobbs, Zeiger, O'Ban, Walsh, Brown, Darneille, Miloscia, Palumbo and Saldaña)

Concerning legal support for kinship caregivers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6453.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6453, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SECOND SUBSTITUTE SENATE BILL NO. 6453, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6210, by Senators Conway, Schoesler, McCoy, Hobbs, Rolfes and Hunt

Addressing the terms under which tribal schools may participate in the state retirement systems as part of a state-tribal education compact.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Manweller, Sawyer and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6210.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6210, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor,

Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SENATE BILL NO. 6210, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6474, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McCoy, Sheldon, Chase, Conway, Frockt, Hasegawa, Hunt, Kuderer, Palumbo, Rolfes, Saldaña and Van De Wege)

Creating a pilot project for tribal compact schools.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was not adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

Representative Santos moved the adoption of the striking amendment (1315):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.715 RCW to read as follows:

(1) The office of the superintendent of public instruction shall establish a pilot project for one or more schools that are the subject of a state-tribal education compact, schools also known as "tribal compact schools," to implement modifications to requirements governing school attendance, school year length, and assessments. Tribal compact schools that apply to the office of the superintendent of public instruction to participate in the pilot project must be included in the pilot project.

(2) The purpose of the pilot project is to grant participating schools flexibility regarding:

(a) Accommodating cultural, fisheries, and agricultural events and practices; and

(b) Replacing, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards.

(3) Schools participating in the pilot project may:

(a) Request a waiver, in accordance with section 2 of this act, to the requirement for a one hundred eighty-day school year established in RCW 28A.150.220. The waiver requested in accordance with this subsection (3)(a) may be for allowing additional instructional days, including an allowance for year-round instruction;

(b) Develop curricula that links student learning with engagement in cultural, fisheries, and agricultural programs, and aligns with the Washington state learning standards;

(c) Request authorization to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5);

(d) Replace, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards; and

(e) Consider and implement, to the maximum extent permitted by state and federal law, other modifications to requirements as determined by each participating school.

(4) The office of native education within the office of the superintendent of public instruction must collaborate with each tribal compact school participating in the pilot project, including providing technical support and assistance, and review any terms of the compact that relate to the school's implementation of the pilot project.

(5) The office of the superintendent of public instruction, in establishing the pilot project required by this section, shall explore and pursue options for granting flexibility to participating schools from state and federal requirements, including requirements related to assessments, to further the purpose of the pilot project as expressed in subsection (2) of this section.

(6) If requested by a tribal compact school participating or intending to participate in the pilot project, the superintendent of public instruction shall convene a government-to-government

meeting with the tribal compact school for the purpose of revising the compact to reflect the terms of the pilot project. The superintendent of public instruction may also convene a government-to-government meeting on his or her own accord.

(7) Nothing contained in this section is intended or may be construed to limit the amount of funding allocated to tribal compact schools participating in the pilot project.

(8)(a) Each tribal compact school participating in the pilot project shall submit a report every two years to the appropriate committees of the house of representatives and senate and the office of the superintendent of public instruction, with the first report submitted no later than August 1, 2021.

(b) Reports submitted in accordance with this subsection (8) must include:

(i) Information about student performance on assessments required for state and federal accountability purposes and locally developed assessments under subsection (3)(d) of this section, including differences in student performance between the statewide and locally developed assessments; and

(ii) Recommendations for lessening or removing barriers that may affect either student performance on assessments, the effective administration of assessments, or both.

(c) The final report of each participating school must include a recommendation of whether the pilot project should be modified, continued, expanded, or discontinued.

(d) Reports submitted to the house of representatives and the senate in accordance with this subsection (8) must comply with RCW 43.01.036.

(9) The pilot project expires August 1, 2023.

(10) This section expires September 1, 2023.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall, upon receipt of an application from a school that is the

subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act:

(a) Grant a waiver from the requirements for a one hundred eighty-day school year under RCW 28A.150.220; and

(b) Authorize the school to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5).

(2) This section expires September 1, 2023.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.715 RCW to read as follows:

(1) Students in a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act are exempt from the obligation to earn:

(a) A certificate of academic achievement as a prerequisite for graduating from a public high school under RCW 28A.230.090 and 28A.655.061; or

(b) A certificate of individual achievement as a prerequisite for graduating from a public high school under RCW 28A.155.045 and 28A.230.090.

(2) If a student attends a school that is participating in the pilot project established in section 1 of this act, the statewide high school assessments in English language arts and mathematics that are administered under RCW 28A.655.070 may not be used:

(a) To determine whether the student has met the requirements for graduating from a public high school; or

(b) For assessing the student's career and college readiness.

(3) Schools participating in the pilot project established in section 1 of this act are exempt from the provisions in RCW 28A.230.125 that require standardized high school transcripts to include a notation of whether the student has earned a certificate of individual achievement or certificate of academic achievement.

(4) This section expires September 1, 2023.

NEW SECTION. **Sec. 4.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Representatives Santos and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (1315) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6474, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6474, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier, Chandler, Condotta, Graves, Hargrove, Kraft, McCaslin, Orcutt, Shea, Walsh and Young.

Excused: Representative Rodne.

SUBSTITUTE SENATE BILL NO. 6474, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6491, by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban and Darneille)

Increasing the availability of assisted outpatient behavioral health treatment.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins, Graves, Eslick and Dent spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6491, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6491, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Graves, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Appleton, Goodman, Shea, Taylor and Young.

Excused: Representative Rodne.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6491, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6491.

Representative McCaslin, 4 District

SENATE BILL NO. 6240, by Senators Sheldon, Angel, Rolfes and Van De Wege

Regarding miniature hobby boilers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCabe, Sells and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6240.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6240, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Graves.

Excused: Representative Rodne.

SENATE BILL NO. 6240, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6367, by Senators Honeyford, Cleveland, Warnick and Walsh

Concerning publicly owned industrial wastewater treatment facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6367.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6367, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Reeves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SENATE BILL NO. 6367, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6407, by Senator Darneille

Concerning private case management of child welfare services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was not adopted. (For Committee amendment, see Journal, Day 46, February 22, 2018).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6407, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6407, as amended by the House, and the bill passed

the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SENATE BILL NO. 6407, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6287, by Senators Darneille, O'Ban, Carlyle, Zeiger and Saldaña

Making technical changes regarding the department of children, youth, and families.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6287.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6287, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor,

Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

SENATE BILL NO. 6287, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, by Senate Committee on Ways & Means (originally sponsored by Senators Zeiger, Rolfes and Darneille)

Concerning the exemption of property taxes for nonprofit homeownership development.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Lytton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Eslick, Harmsworth, Jenkin, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Pike, Schmick, Shea, Taylor, Vick and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6162, by Senate Committee on Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo and Mullet)

Defining dyslexia as a specific learning disability and requiring early screening for dyslexia.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was not adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

Representative Santos moved the adoption of the striking amendment (1299):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

For the purposes of sections 2 through 6 of this act, "dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities. In addition, the difficulties are not typically a result of ineffective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2021-22 school year, and as provided in this section, each school district must use multitiered systems of support to provide interventions to students in kindergarten through second grade who

display indications of, or areas of weakness associated with, dyslexia. In order to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level, school districts must screen students in kindergarten through second grade for indications of, or areas associated with, dyslexia as provided in this section.

(2)(a) School districts must use screening tools and resources that exemplify best practices, as described under section 3 of this act.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence-based multitiered systems of support, consistent with the recommendations of the dyslexia advisory council under section 4 of this act and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, a school district must begin by providing student supports in the general education classroom. If screening tools and resources indicate that, after receiving the initial tier of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further screening tools and resources indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be evaluated for dyslexia or a specific learning disability.

(4) For a student who shows indications of, or areas of weakness associated with, dyslexia, each school district must notify the student's parents and family of the identified

indicators and areas of weakness, as well as the plan for using multitiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction. The school district must regularly update the student's parents and family of the student's progress.

(5) School districts may use state funds provided under chapter 28A.165 RCW to meet the requirements of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened under section 4 of this act, must identify screening tools and resources that, at a minimum, meet the following best practices to:

(a) Satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of screening tools and resources identified under this section and must include links to the tools and resources, when available.

(3) The superintendent of public instruction must review and update the list of screening tools and resources identified under this section as appropriate.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools and resources that satisfy developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By January 15, 2022, the council must review school district implementation of screenings and their use of multitiered systems of support to provide interventions as required under section 2 of this act, and report to the superintendent of public instruction with updates on its recommendations for the best practices and sample educational

information required under subsection (3) of this section.

(5) This section expires August 1, 2023.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under section 4 of this act and make available to school districts:

(a) Best practices for school district implementation of screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multitiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By February 15, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under section 4 of this act and revise the best practices and sample educational information made available to school districts required under subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened pursuant to section 2 of this act; (ii) with indications of, or areas of weakness associated with, dyslexia identified under section 3 of this act; and (iii) provided interventions pursuant to section 2 of this act;

(b) Descriptions from school districts of the types of interventions used in accordance with section 2 of this act and rates of student progress, when available; and

(c) Descriptions from school districts of the issues districts had related to implementing the provisions of section 2 of this act.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under section 4 of this act must use this data when developing best practice recommendations in accordance with sections 4 and 5 of this act.

Sec. 7. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

(2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(3) (a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a

practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

(5) School districts may use learning assistance program allocations to meet the screening and intervention requirements of section 2 of this act, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of section 2 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction may adopt rules to implement sections 1 through 6 of this act and RCW 28A.165.035.

(2) The rules may include, but are not limited to, the following:

(a) A timeline for school districts and charter schools to implement the screenings required under section 2 of this act;

(b) The frequency of conducting the screenings;

(c) Best practices for identifying screening tools and resources in accordance with section 3 of this act;

(d) Training for school district staff conducting the screenings; and

(e) The members and scope of work for the dyslexia advisory council convened under section 4 of this act.

Sec. 9. RCW 28A.710.040 and 2016 c 241 s 104 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under section 2 of this act;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

~~((d))~~ (e) Comply with the employee record check requirements in RCW 28A.400.303;

~~((e))~~ (f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

~~((f))~~ (g) Comply with the annual performance report under RCW 28A.655.110;

~~((g))~~ (h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

~~((h))~~ (i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

~~((i))~~ (j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter."

Correct the title.

Representatives Santos and Harris spoke in favor of the adoption of the striking amendment.

The striking amendment (1299) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pollet, Harris, Dye, Slatter and Hayes spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6162, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6162, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Pike and Stonier.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6162, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Conway, Miloscia, Keiser and Fortunato)

Concerning the individual provider employment administrator program. Revised for 1st Substitute: Concerning the consumer directed employer program.

The bill was read the second time.

Representative Kraft moved the adoption of amendment (1246):

On page 8, line 6, after "vendors" strike all material through "RCW" on line 8

Representatives Kraft, Buys and Kraft (again) spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (1246) was not adopted.

Representative Schmick moved the adoption of amendment (1247):

On page 9, after line 22, insert the following:

"(h) No contract entered into by the department and a consumer directed employer may have a duration exceeding four years. The department may not renew a contract with a consumer directed employer unless it has evaluated whether other potential vendors might better satisfy the criteria in subsection (2) of this section."

Representatives Schmick, Schmick (again) Manweller, Stokesbary, Volz and Walsh spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (1247) was not adopted.

MOTION

On motion of Representative Hayes, Representative Eslick was excused.

Representative Manweller moved the adoption of amendment (1248):

On page 9, after line 22, insert the following:

"(h) No consumer directed employer may share any affiliation with the bargaining representative of individual providers including, but not limited to, shared officers or any financial relationship."

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1248) was not adopted.

Representative Graves moved the adoption of amendment (1249):

On page 24, line 34, after "requirements" strike all material through "consumer" on line 37

Representatives Graves, Graves (again) and Manweller spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (1249) was not adopted.

Representative Van Werven moved the adoption of amendment (1250):

On page 42, beginning on line 36, strike all of section 27

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Van Werven, Schmick and Van Werven (again) spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (1250) was not adopted.

Representative Manweller moved the adoption of amendment (1251):

On page 46, after line 5, insert the following:

"**Sec. 28.** RCW 42.17A.405 and 2013 c 311 s 1 are each amended to read as follows:

(1) The contribution limits in this section apply to:

- (a) Candidates for legislative office;
- (b) Candidates for state office other than legislative office;
- (c) Candidates for county office;
- (d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;
- (e) Candidates for city council office;
- (f) Candidates for mayoral office;
- (g) Candidates for school board office;
- (h) Candidates for public hospital district board of commissioners in districts with a population over one hundred fifty thousand;
- (i) Persons holding an office in (a) through (h) of this subsection against whom recall charges have been filed or to a political committee having the

expectation of making expenditures in support of the recall of a person holding the office;

(j) Caucus political committees;

(k) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a legislative office, county office, city council office, mayoral office, school board office, or public hospital district board of commissioners that in the aggregate exceed eight hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a legislative office that in the aggregate exceed one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

(3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, a city official, a school board member, a public hospital district commissioner, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, city official, school board member, public hospital district commissioner, or public official in a special purpose district during a recall campaign that in the aggregate exceed eight hundred dollars if for a legislative office, county office, school board office, public hospital district office, or city

office, or one thousand six hundred dollars if for a special purpose district office or a state office other than a legislative office.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed forty cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(5)(a) Notwithstanding subsection (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, city official, school board member, public hospital district commissioner, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, city official, school board member, public hospital district commissioner, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(6) For purposes of determining contribution limits under subsections (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(7) Notwithstanding subsections (2) through (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed eight hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed four thousand dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(8) For the purposes of RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565, a contribution to the authorized political committee of a candidate or of an official specified in subsection (1) of this section against whom recall charges have been filed is considered to be a contribution to the candidate or official.

(9) A contribution received within the twelve-month period after a recall election concerning an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(10) The contributions allowed by subsection (3) of this section are in addition to those allowed by subsection

(2) of this section, and the contributions allowed by subsection (5) of this section are in addition to those allowed by subsection (4) of this section.

(11) RCW 42.17A.125, 42.17A.405 through 42.17A.415, 42.17A.450 through 42.17A.495, 42.17A.500, 42.17A.560, and 42.17A.565 apply to a special election conducted to fill a vacancy in an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a state office candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the official.

(14) Notwithstanding the other provisions of this section, no entity that is represented as a voting member under section 27(2)(a)(iii) or (iv) of

this act may make contributions reportable under this chapter to any candidate for the office of governor, directly or indirectly.

(15) No person may accept contributions that exceed the contribution limitations provided in this section.

~~((15))~~ (16) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates;

(b) An expenditure by a political committee for its own internal organization or fund-raising without direct association with individual candidates; or

(c) An expenditure or contribution for independent expenditures as defined in RCW 42.17A.005 or electioneering communications as defined in RCW 42.17A.005."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1251) to Engrossed Substitute Senate Bill No. 6199.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The bill before us makes several changes to long-term care service options governed by Chapter 74.39A of the Revised Code of Washington. The amendment is drawn to Chapter 42.17A of the Revised Code of Washington and relates to campaign finance, not the delivery of long-term care services.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Schmick moved the adoption of amendment (1252):

On page 48, beginning on line 24, after "(3)" strike all material through "law" on line 38 and insert "In accordance with the United States supreme court decision in *Harris v. Quinn*, 134 S. Ct. 2618 (2014), and the state's authority under section 14(b) of the labor management relations act of 1947, no individual provider may be required to become or remain a member of a labor organization as a condition of participating in programs authorized through the medicaid state plan or medicaid waiver authorities or similar state-funded in-home care programs, nor may any individual provider be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of participation in such programs. No individual provider may be prevented from joining or resigning membership in a labor organization at any time. The department of social and health services and consumer directed employers may not deduct dues, fees, assessments, or other charges from the pay of an individual provider on behalf of a labor organization without the voluntary, written authorization of the individual provider. No such authorization may be irrevocable for a period of more than one year"

Representatives Schmick, Kraft and Graves spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (1252) was not adopted.

Representative Vick moved the adoption of amendment (1253):

On page 48, line 24, after "(3)" insert "(a)"

On page 48, after line 38, insert the following:

"(b) (i) An exclusive bargaining representative who receives dues subject to subsection (1) of this section may not charge dues or fees in excess of one and one-half percent of the employee's base rate of pay.

(ii) If the department of social and health services contracts with a consumer directed employer to be the legal employer of an individual provider pursuant to section 3 of this act, no

exclusive bargaining representative that bargains with the consumer directed employer may charge dues or fees in excess of one and one-half percent of the employee's base rate of pay."

Representatives Vick, Vick (again) and Stokesbary spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1253) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Eslick.

Amendment (1253) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Macri, Riccelli, Stonier, Peterson, Senn and Kagi spoke in favor of the passage of the bill.

Representatives Schmick, Graves, Kraft, Dye, Pike, Hargrove, McCaslin, Jenkin, Van Werven, McDonald, Caldier, Haler, Vick, Barkis, Stokesbary, Buys, Young, Maycumber, Walsh, Rodne, Smith, Condotta and Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6199, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6199, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 0; Absent, 48; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Absent: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6199, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6218, by Senators King, Hobbs and Darneille

Bringing the state into compliance with the federal FAST act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6218.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6218, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick,

Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6218, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6070, by Senators Fortunato and Hasegawa

Establishing permissible methods of parking a motorcycle.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6070, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6070, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6070, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 8008, by Senator Chase

Requesting Congress to reform the harbor maintenance tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8008.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8008, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SENATE JOINT MEMORIAL NO. 8008, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6438, by Senate Committee on Transportation (originally sponsored by Senators King, Palumbo and Hobbs)

Clarifying the collection process for existing vehicle service transactions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Orcutt and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6438.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6438, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6438, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6419, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rolfes, Zeiger, Billig, Wellman, Conway, Darneille, Kuderer, Palumbo and Walsh)

Concerning access to the Washington early childhood education and assistance program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 46, February 22, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kagi spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6419, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6419, as amended by the House,

and the bill passed the House by the following vote: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Hayes, Holy, Jenkin, Johnson, Kraft, Kristiansen, Manweller, McCaslin, McCabe, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Taylor, Vick, Volz, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 6419, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6334, by Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Angel and Darneille)

Concerning implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage. Revised for 1st Substitute: Concerning child support, but only including a parent's obligation to provide medical support, use of electronic funds transfers, notice of noncompliance, adoption of the economic table recommended by the child support work group, and references to the federal poverty level in self-support reserve limitations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

Representative Shea moved the adoption of amendment (1309) to the committee amendment:

On page 38, line 32 of the striking amendment, after "**ECONOMIC TABLE**" insert "**AND RESIDENTIAL SCHEDULE CREDIT**"

On page 38, after line 32 of the striking amendment, insert the following:

"NEW SECTION. Sec. 301. The legislature intends to implement recommendations of the 2011 and 2015 child support schedule workgroups pertaining to updating the child support economic table and establishing a residential schedule credit. The legislature finds that

updating the economic table is necessary to modernize the calculation of basic support obligations. The legislature further finds that both the 2011 and 2015 child support schedule workgroups recognized the importance of establishing an adjustment to the basic support obligation determined under the economic table based on a shared residential schedule. The legislature finds that enacting both an update of the economic table and a residential schedule adjustment to the support obligation determined under the economic table are important in providing a modernized and equitable procedure for establishing child support obligations."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 53, after line 31 of the striking amendment, insert the following:

"Sec. 302. RCW 26.19.075 and 2009 c 84 s 4 are each amended to read as follows:

(1) Reasons for deviation from the standard calculation include but are not limited to the following:

(a) **Sources of income and tax planning.** The court may deviate from the standard calculation after consideration of the following:

(i) Income of a new spouse or new domestic partner if the parent who is married to the new spouse or in a partnership with a new domestic partner is asking for a deviation based on any other reason. Income of a new spouse or new domestic partner is not, by itself, a sufficient reason for deviation;

(ii) Income of other adults in the household if the parent who is living with the other adult is asking for a deviation based on any other reason. Income of the other adults in the household is not, by itself, a sufficient reason for deviation;

(iii) Child support actually received from other relationships;

(iv) Gifts;

(v) Prizes;

(vi) Possession of wealth, including but not limited to savings, investments, real estate holdings and business interests, vehicles, boats, pensions, bank accounts, insurance plans, or other assets;

(vii) Extraordinary income of a child;

(viii) Tax planning considerations. A deviation for tax planning may be granted only if the child would not receive a lesser economic benefit due to the tax planning; or

(ix) Income that has been excluded under *RCW 26.19.071(4)(h) if the person earning that income asks for a deviation for any other reason.

(b) **Nonrecurring income.** The court may deviate from the standard calculation based on a finding that a particular source of income included in the calculation of the basic support obligation is not a recurring source of income. Depending on the circumstances, nonrecurring income may include overtime, contract-related benefits, bonuses, or income from second jobs. Deviations for nonrecurring income shall be based on a review of the nonrecurring income received in the previous two calendar years.

(c) **Debt and high expenses.** The court may deviate from the standard calculation after consideration of the following expenses:

(i) Extraordinary debt not voluntarily incurred;

(ii) A significant disparity in the living costs of the parents due to conditions beyond their control;

(iii) Special needs of disabled children;

(iv) Special medical, educational, or psychological needs of the children; or

(v) Costs incurred or anticipated to be incurred by the parents in compliance with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child.

(d) ~~((Residential schedule. The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving temporary assistance for needy families. When determining the amount of the deviation, the court shall consider evidence concerning the increased~~

~~expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment.~~

~~(e))~~ **Children from other relationships.** The court may deviate from the standard calculation when either or both of the parents before the court have children from other relationships to whom the parent owes a duty of support.

(i) The child support schedule shall be applied to the mother, father, and children of the family before the court to determine the presumptive amount of support.

(ii) Children from other relationships shall not be counted in the number of children for purposes of determining the basic support obligation and the standard calculation.

(iii) When considering a deviation from the standard calculation for children from other relationships, the court may consider only other children to whom the parent owes a duty of support. The court may consider court-ordered payments of child support for children from other relationships only to the extent that the support is actually paid.

(iv) When the court has determined that either or both parents have children from other relationships, deviations under this section shall be based on consideration of the total circumstances of both households. All child support obligations paid, received, and owed for all children shall be disclosed and considered.

(2) All income and resources of the parties before the court, new spouses or new domestic partners, and other adults in the households shall be disclosed and considered as provided in this section. The presumptive amount of support shall be determined according to the child support schedule. Unless specific reasons for deviation are set forth in the written findings of fact and are supported by the evidence, the court shall order each parent to pay the amount of support determined by using the standard calculation.

(3) The court shall enter findings that specify reasons for any deviation or

any denial of a party's request for any deviation from the standard calculation made by the court. The court shall not consider reasons for deviation until the court determines the standard calculation for each parent.

(4) When reasons exist for deviation, the court shall exercise discretion in considering the extent to which the factors would affect the support obligation.

(5) Agreement of the parties is not by itself adequate reason for any deviations from the standard calculation.

NEW SECTION. **Sec. 303.** A new section is added to chapter 26.19 RCW to read as follows:

(1) The court shall make an adjustment to the standard calculation for a shared residential schedule subject to the provisions in this section.

(2) An adjustment to the standard calculation based on the residential schedule may be made if there is a court order or findings made by an administrative law judge regarding the number of overnights the child or children spend with the obligor parent, and the number of overnights allocated to the obligor is equivalent to at least fourteen percent of annual overnights. The number of overnights in the court order or administrative law judge's findings must be used to calculate the residential adjustment. The findings made by an administrative law judge may be based upon a written agreement between the parents or upon sworn testimony provided by a party at the administrative hearing for child support.

(3) The adjustment must be based on the table in section 304 of this act and the formula set forth in the worksheet for calculating residential credit.

(4) An adjustment may not be made to the standard calculation based on the shared residential schedule if:

(a) The adjustment would result in insufficient funds in the household receiving the support transfer payment to meet the basic needs of the child;

(b) The obligee's net income before receiving the support transfer payment is at or below one hundred twenty-five percent of the federal poverty level guidelines for one person; or

(c) The child is receiving temporary assistance for needy families.

(5) To help parties estimate residential credit, the division of child support shall, if feasible and within available resources, create a residential credit calculator available online.

NEW SECTION. **Sec. 304.** A new section is added to chapter 26.19 RCW to read as follows:

Residential time table. The TOTAL column represents the anticipated total out-of-pocket expenses expressed as a percentage of the basic child support obligation that will be incurred by the parent who will pay child support. The total expenses are the sum of transferred and duplicated expenses. The DUPLICATED column represents the duplicated expenses and reflects the assumption that when there is an equal sharing of residential time, fifty percent of the basic child support obligation will be duplicated. The number of annual overnights column will determine the particular fractions of TOTAL and DUPLICATED to be used in the residential time credit worksheet.

ANNUAL OVERNIGHTS

M	FRO	TO	TOTAL	DUPLICAT ED
	1	51	0.000	0.000
	52	55	0.062	0.011
	56	60	0.070	0.014
	61	65	0.080	0.020
	66	70	0.093	0.028
	71	75	0.108	0.038
	76	80	0.127	0.052
	81	85	0.150	0.070
	86	90	0.178	0.093
	91	95	0.211	0.122
	96	100	0.250	0.156
	101	105	0.294	0.195
	106	110	0.341	0.237
	111	115	0.388	0.280

116	120	0.434	0.321
121	125	0.476	0.358
126	130	0.513	0.390
131	135	0.544	0.417
136	140	0.570	0.438
141	145	0.591	0.454
146	150	0.609	0.467
151	155	0.623	0.476
156	160	0.634	0.483
161	165	0.644	0.488
166	170	0.652	0.491
171	175	0.660	0.494
176	180	0.666	0.495
181	183	0.675	0.500

POINT OF ORDER

Representative Jinkins requested a scope and object ruling on amendment (1309) to the committee striking amendment to Substitute Senate Bill No. 6334.

There being no objection, the House deferred action on SUBSTITUTUTE SENATE BILL NO. 6334, and the bill held its place on the second reading calendar.

SENATE BILL NO. 5028, by Senators McCoy, Billig, Carlyle, Hasegawa, Chase, Rolfes, Saldaña, Pedersen and Keiser

Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5028.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5028, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Haler, Hargrove, Holy, Jenkin, Klippert, Kraft, Manweller, McCaslin, Nealey, Pike, Shea, Taylor, Van Werven, Vick, Volz, Walsh and Young.

SENATE BILL NO. 5028, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of SUBSTITUTUTE SENATE BILL NO. 6334 on second reading.

Sec. 305. RCW 26.19.050 and 2005 c 282 s 37 are each amended to read as follows:

(1) The administrative office of the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The administrative office of the courts shall develop and adopt a worksheet for calculating residential credit that is consistent with the intent of the proposed residential schedule credit as set forth in the final report of the 2011 child support schedule workgroup. The administrative office of the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrative office of the courts shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. The administrator may maintain a register of sources for approved worksheets.

(3) The administrative office of the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance."

SUBSTITUTE SENATE BILL NO. 6334, by Senate Committee on Law & Justice (originally sponsored by Senators Dhingra, Angel and Darneille)

Concerning implementation of mandatory provisions of the federal rule on flexibility, efficiency, and modernization in child support enforcement programs regarding health care coverage. Revised for 1st Substitute: Concerning child support, but only including a parent's obligation to provide medical support, use of electronic funds transfers, notice of noncompliance, adoption of the economic table recommended by the child support work group, and references to the federal poverty level in self-support reserve limitations.

With the consent of the House, amendment (1309) to the committee amendment was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6334, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6334, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6334, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5020, by Senators Hasegawa, Hunt, Keiser and Chase

Concerning certain state ethnic and cultural diversity commissions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government, Elections & Information Technology was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Ortiz-Self spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5020, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5020, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Klippert, Pike, Shea and Taylor.

SENATE BILL NO. 5020, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6582, by Senators Chase, Saldaña and Hasegawa

Concerning the criminal history of applicants to institutions of higher education.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6582, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6582, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Hayes, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Taylor, Vick, Volz, Walsh, Wilcox and Young.

SENATE BILL NO. 6582, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5928, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Rivers, Palumbo and Hasegawa)

Making financial services available to marijuana producers, processors, retailers, qualifying patients, health care professionals, and designated providers as authorized under chapters 69.50 and 69.51A RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sawyer and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5928.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5928, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dent, Dye, Haler, Hargrove, Johnson, Klippert, Kraft, Manweller, McCaslin, McDonald, McCabe, Pike, Rodne, Smith and Van Werven.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5928, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6124, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Dhingra, Palumbo, Mullet, Frockt, Takko, Darneille, Rolfes, Billig, Cleveland, Kuderer, Wellman, Carlyle, Ranker, Hasegawa, Saldaña, Nelson, Keiser, McCoy, Van De Wege, Chase and O'Ban)

Clarifying that court hearings under the involuntary commitment act may be conducted by video.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Graves spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representative Manweller was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6124, and the bill passed the

House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SUBSTITUTE SENATE BILL NO. 6124, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6058, by Senators Hunt, Zeiger and Kuderer

Modifying write-in voting provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government, Elections & Information Technology was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dolan, McDonald and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6058, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6058, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves,

Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Griffey, Haler, Holy, Jenkin, Klippert, Kraft, Kristiansen, McCaslin, Orcutt, Shea, Smith, Taylor, Vick, Volz and Walsh.

Excused: Representative Manweller.

SENATE BILL NO. 6058, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6245, by Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Ranker, Conway, Hasegawa, McCoy, Hunt and Keiser)

Concerning spoken language interpreter services.

The bill was read the second time.

With the consent of the House, the committee amendment by the Committee on Labor & Workplace Standards was not adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Frame spoke in favor of the passage of the bill.

Representative McCabe spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6245, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6245, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier,

Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

SECOND SUBSTITUTE SENATE BILL NO. 6245, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6462, by Senators Angel and Mullet

Concerning the seller's real estate disclosure regarding oil tank insurance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6462.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6462, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SENATE BILL NO. 6462, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6175, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Pedersen, Rivers and Mullet)

Concerning the Washington uniform common interest ownership act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

Representative Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6175, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6175, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

SUBSTITUTE SENATE BILL NO. 6175, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6109, by Senate Committee on Ways & Means (originally sponsored by Senators Van De Wege and Rolfes)

Concerning the International Wildland Urban Interface Code.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McBride spoke in favor of the passage of the bill.

Representatives Griffey and Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6109.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6109, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6109, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6127, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Van De Wege)

Improving the management of the state's halibut fishery.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 46, February 22, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake, Buys and Jenkin spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6127, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6127, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Haler, Hargrove, Harmsworth, Harris, Holy, Klippert, Kraft, Kretz, Maycumber, McCaslin, McCabe, Pike, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representative Manweller.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6127, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6408, by Senators Padden and Pedersen

Regulating body worn cameras.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen, Rodne, Klippert and Stokesbary spoke in favor of the passage of the bill.

Representative Pollet spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6408.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6408, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Pollet and Ryu.

Excused: Representative Manweller.

SENATE BILL NO. 6408, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6125, by Senator Honeyford

Extending the expiration date of the department of ecology's authority to enter into voluntary regional agreements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6125.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6125, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti,

Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SENATE BILL NO. 6125, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6414, by Senators Billig, Conway, Liias and Saldaña

Concerning population-based representation on the governing body of public transportation benefit areas.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1318):

On page 2, line 7, after "cities" insert ", and this single elected official must be from a different city every two years until each of the multiple cities has been represented, at which point this rotation between the multiple cities must begin again. Any of the multiple cities may waive its position in the rotation by resolution of its legislative body"

Representatives Orcutt and Harmsworth spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (1318) was not adopted.

Representative Harmsworth moved the adoption of the striking amendment (1273):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.57A.050 and 2010 c 278 s 3 are each amended to read as follows:

~~((Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component~~

~~cities within the area and the county legislative authority of each county within the area. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.)~~ (1) A public transportation benefit area is governed by a board consisting of nine directly elected nonpartisan members, or fifteen directly elected nonpartisan members in the case of a multicounty area. One nonpartisan member must be elected from each of the nine numbered electoral districts or fifteen numbered electoral districts in the case of a multicounty area, in primary and general elections commencing with the elections held in 2018. Commencing with such elections, a person seeking election or serving on the board may not hold other public office and must be a registered voter residing in the relevant electoral district during the term in office and for a period from at least thirty days before filing a petition for candidacy.

(2) A five-member districting commission appointed by the governor must define the districts as soon as possible after the effective date of this section. The districting commission has all reasonably necessary powers and must determine a reasonable budget, which must be funded upon its request by a public transportation benefit area. The districting commission must promptly approve a plan for the requisite number of numbered electoral districts in a public transportation benefit area, and publicize and file the plan with the county clerk of the county or counties within a public transportation benefit area. The plan must be drawn to ensure that the electoral districts: Have nearly equal populations in accordance with the one person, one vote principle; do not divide a precinct; are compact, convenient, and contiguous; and minimize the number of districts that consist of portions of different counties if there are multiple counties in the public transportation benefit area. An objection to the plan must commence within thirty days, and be heard within sixty days, of filing the plan.

(3) Upon certification of the 2018 general election, terms of office of the public transportation benefit area board members expire, if any are existing on the effective date of this section, and the elected nonpartisan members must take office. Each elected member must serve the remainder of 2018 plus an additional period of two or four years. Lots must be drawn to determine which five of the nine elected members or eight of the fifteen elected members must serve an additional four years, and which four of the nine elected members or seven of the fifteen elected members must serve an additional two years. All successors elected in subsequent elections in odd-numbered years must have terms of office for four years, commencing January 1st after the election.

(4) An authority's board positions become vacant upon failure to maintain residence or other qualification, recall, death, resignation, or adjudication of permanent disability. The nonpartisan vacancy must be filled as provided in chapter 42.12 RCW. The appointed temporary member must serve until a successor for the remainder of the vacated term is chosen in the next primary and general election.

(5) Local jurisdiction expenditures incurred through administering the election of the public transportation benefit area's board members must be reimbursed by the authority.

(6) Every decade, after the release of federal census information, the governor must appoint a new districting commission in accordance with subsection (2) of this section. The commission must operate in accordance with the standards provided in subsection (2) of this section and prepare a timetable for transition to any new districts.

(7) To allow staggered terms after a redistricting, a board member who has an uncompleted four-year term and no longer resides in his or her prior district solely due to redistricting must serve the remainder of the four-year term.

(8) Within ~~((such sixty-day period))~~ sixty days of the establishment of the public transportation benefit area, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. ~~((The county legislative authority and each city remaining in the public transportation benefit area may~~

~~disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.~~

~~In no case shall the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, fifteen voting members. Those cities within the public transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.)~~

(9) There is one nonvoting member of the public transportation benefit area authority. The nonvoting member is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote. The nonvoting member shall comply with all governing bylaws and policies of the authority. The chair or cochair of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session. The requirement that a nonvoting member be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

(10) Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from

forty-four dollars up to ninety dollars per day or portion of a day for actual attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

(11) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(12) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

NEW SECTION. **Sec. 2.** RCW 36.57A.055
(Governing body-Periodic review of

composition) and 1991 c 318 s 16 & 1983 c 65 s 4 are each repealed."

Correct the title.

Representative Harmsworth spoke in favor of the adoption of the striking amendment.

Representative Fey spoke against the adoption of the striking amendment.

The striking amendment (1273) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Riccelli spoke in favor of the passage of the bill.

Representatives Orcutt, Holy and Kraft spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6414.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6414, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

SENATE BILL NO. 6414, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

HB 3008 by Representatives Pike, Shea, Walsh, Taylor, Dent, Condotta, McCaslin, Hargrove, Holy and Chandler

AN ACT Relating to allowing public school districts and private schools to adopt a policy authorizing permanent employees to possess firearms on school grounds under certain conditions; amending RCW 9.41.280 and 9.41.280; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 43.101 RCW; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 3009 by Representatives Dent, Holy, McCabe and Dye

AN ACT Relating to meeting the demands of the aviation industry by increasing the number of commercial and professional pilots in Washington; amending RCW 28B.145.020, 28B.145.090, and 28B.145.070; adding new sections to chapter 28B.145 RCW; and adding new sections to chapter 47.68 RCW.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 1, 2018

E2SSB 5935 Prime Sponsor, Committee on Ways & Means: Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The federal communications commission has adopted a national broadband plan that includes recommendations directed to federal, state, and local governments, including recommendations to:

(a) Design policies to ensure robust competition and maximizing consumer welfare, innovation, and investment;

(b) Ensure efficient allocation and management of assets that government controls or influences, such as poles and rights-of-way, to encourage network upgrades and competitive entry;

(c) Reform current universal service mechanisms to support deployment in high-cost areas; ensuring that low-income Americans can afford broadband; and supporting efforts to boost adoption and utilization; and

(d) Reform laws, policies, standards, and incentives to maximize the benefits of broadband in sectors that government influences significantly, such as public education, health care, and government operations;

(2) The federal communications commission has also adopted a goal that all of the country's households have affordable access to actual download speeds of at least twenty-five megabits per second and actual upload speeds of at least three megabits per second; that a majority of households have access to speeds of one hundred fifty megabits, respectively; and that every community should have affordable access to at least one gigabit per second broadband service to anchor institutions such as schools, hospitals, and government buildings;

(3) These national goals are presently appropriate for Washington state, and recognizes that as technology advances the goals will require changes over time;

(4) Extensive investments have been made by the telecommunications industry and the public sector, as well as policies and programs adopted to provide affordable broadband services throughout the state, that will provide a foundation to build a comprehensive statewide framework for additional actions needed to advance state's broadband goals.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW to read as follows:

The definitions in this section apply throughout sections 3, 4, and 6 of this act unless the context clearly requires otherwise.

(1) "Broadband" means networks of deployed telecommunications equipment

and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(2) "Local governments" includes cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(3) "Office" means the governor's office on broadband access.

(4) "Underserved areas" means areas lacking actual download speeds of at least twenty-five megabits per second and actual upload speeds of at least three megabits per second.

(5) "Unserved areas" means areas without access to broadband.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The governor's office on broadband access is created within the consolidated technology services agency. The mission of the office is to improve economic vitality, health care access, and education through greater access to broadband services.

(2) The office, in collaboration with the utilities and transportation commission, the department of commerce, the state librarian, and the community economic revitalization board, shall serve as the coordinating body for public and private efforts to ensure statewide broadband access and deployment. The office is responsible for all matters regarding the adoption of statewide broadband access and deployment.

(3) The duties of the office include:

(a) Coordinating with local governments, communities, public and private entities, and consumer-owned and investor-owned utilities to develop strategies and plans for deployment of broadband infrastructure and access to broadband services;

(b) Reviewing existing broadband initiatives, policies, and public and private investments;

(c) Taking comprehensive actions to advance the state's broadband access goals;

(d) Updating the state's goals and standards for broadband service as technological advances become available;

(e) Identifying, on an annual basis, unserved and underserved areas of the state;

(f) Implementing actions necessary to develop and maintain a detailed inventory of the deployment of broadband services, including monitoring and tracking the availability of broadband services and internet speeds across the state, with an emphasis upon identifying and assessing progress made towards achieving the goals for internet speeds in unserved and underserved areas;

(g) Developing standards for defining levels of service for broadband access, including unserved and underserved areas, and revising these standards as technological advances are made and services are expanded;

(h) Fostering public sector and telecommunications industry actions to bring sustainable broadband access to areas that are unserved or underserved;

(i) Prioritizing and sequencing delivery of quality broadband service to unserved and underserved areas of the state; and

(j) Coordinating public, private, state, and federal funds or other funds, for deployment of broadband services in underserved and unserved areas of the state.

(4) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband-capable infrastructure or broadband services available to underserved or unserved areas of the state;

(c) Barriers to the adoption of broadband service;

(d) Unserved or underserved populations in the state; and

(e) Requiring minimum broadband access service of twenty-five mbps download speed and three mbps upload speed and faster speeds as technology advances.

(5) The office must submit a report to the governor and the economic development committees of the senate and the house of representatives by December 1, 2019, detailing:

(a) A broadband strategy to bring broadband service at minimum download speeds of twenty-five megabits and upload speeds of three megabits to all of Washington by 2025 that includes:

(i) Recommendations for policy changes to advance the strategy; and

(ii) A framework for how future funding could be spent to advance the strategy;

(b) Progress on the broadband strategy;

(c) Ongoing and future funding options for the broadband strategy that would achieve the service goals at the lowest cost to the state, including:

(i) A reverse auction approach that awards funding to the lowest private, public, or tribal broadband provider bidder, or to a partnership consisting of two or more of those entities;

(ii) Expansion of broadband infrastructure loans or grants by the community economic revitalization board; and

(iii) Other funding models that would incorporate merit-based qualifications and consider project viability;

(d) A study of the taxes imposed on the capital costs associated with providing retail broadband service, including taxes paid under chapters 82.08 and 82.12 RCW, including an examination of the impact to broadband deployment if a credit is provided against taxes paid under chapters 82.08 and 82.12 RCW on the capital costs associated with providing retail broadband service telecommunications network transmission equipment located in an underserved area in the state; and

(e) Other information as the office deems necessary.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

(1) The office may take all appropriate steps to seek federal funding in order to maximize investment in

broadband deployment and adoption in the state.

(2) The office may apply for federal funds and other grants or donations and must deposit the funds in the broadband access account created in section 8 of this act.

NEW SECTION. **Sec. 5.** FOR THE BROADBAND ACCESS ACCOUNT. (1) During the 2017-2019 fiscal biennium, the treasurer must transfer the sum of \$75,000,000, from the budget stabilization account to the broadband access account created in section 8 of this act.

(2) For the 2017-2019 fiscal biennium, the sum of \$500,000 is appropriated from the broadband access account created in section 8 of this act to the consolidated technology services agency. The amount is provided solely for the purposes of development of a broadband strategy and report described in sections 3 and 6 of this act. For the purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennia.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The office may convene an advisory group to make recommendations on developing a statewide rural broadband strategy to ensure broadband access statewide by January 1, 2026. The advisory committee must conduct a gap analysis on the deployment of broadband services in underserved and unserved areas of the state. The analysis must include a review of:

(a) Deployment of broadband services and deployment strategies by public utility districts, port districts, public and private partnerships, and private entities;

(b) Economic development opportunities that could be realized with access to broadband services; and

(c) Broadband access availability in unserved and underserved areas of the state.

(2) The members of the advisory committee must include experts from the utilities and transportation commission, the state librarian, and the department of commerce. The office may invite, as

necessary, subject matter experts to participate in the advisory group.

NEW SECTION. **Sec. 7.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Beginning January 1, 2019, the department must:

(a) Estimate the annual amount of taxes paid under chapter 82.04 RCW associated with federal funds received by telecommunications service providers for making broadband-capable infrastructure available to unserved or underserved areas of the state;

(b) Instruct the state treasurer to deposit the estimated amounts in (a) of this subsection into the broadband access account created in section 8 of this act.

(2) Beginning December 1, 2018, and by December 1st each subsequent year, a person receiving federal funding for the purposes of making broadband-capable infrastructure available to underserved or unserved areas of the state must notify the department of the amount of federal funding received for this purpose.

NEW SECTION. **Sec. 8.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The broadband access account is created in the state treasury. All receipts from sections 4 and 7 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only for the expansion of broadband access, including funding grants under section 5 of this act.

Sec. 9. RCW 80.36.135 and 2008 c 181 s 414 are each amended to read as follows:

(1) The legislature declares that:

(a) Changes in technology and the structure of the telecommunications industry may produce conditions under which traditional rate of return, rate base regulation of telecommunications companies may not in all cases provide the most efficient and effective means of achieving the public policy goals of this

state as declared in RCW 80.36.300, this section, and RCW 80.36.145. The commission should be authorized to employ an alternative form of regulation if that alternative is better suited to achieving those policy goals.

(b) Because of the great diversity in the scope and type of services provided by telecommunications companies, alternative regulatory arrangements that meet the varying circumstances of different companies and their ratepayers may be desirable.

(c) Increasing competition from private and public telecommunications providers may require the modification of obligations arising under RCW 80.36.090 in certain markets.

(2) Subject to the conditions set forth in this chapter and RCW 80.04.130, the commission may regulate telecommunications companies subject to traditional rate of return, rate base regulation by authorizing an alternative form of regulation. The commission may determine the manner and extent of any alternative forms of regulation as may in the public interest be appropriate. In addition to the public policy goals declared in RCW 80.36.300, the commission shall consider, in determining the appropriateness of any proposed alternative form of regulation, whether it will:

(a) Facilitate the broad deployment of technological improvements and advanced telecommunications services to underserved areas or underserved customer classes;

(b) Improve the efficiency of the regulatory process;

(c) Preserve or enhance the development of effective competition and protect against the exercise of market power during its development;

(d) Preserve or enhance service quality and protect against the degradation of the quality or availability of efficient telecommunications services;

(e) Provide for rates and charges that are fair, just, reasonable, sufficient, and not unduly discriminatory or preferential; and

(f) Not unduly or unreasonably prejudice or disadvantage any particular customer class.

(3) A telecommunications company or companies subject to traditional rate of return, rate base regulation may petition the commission to establish an alternative form of regulation. The company or companies shall submit with the petition a plan for an alternative form of regulation. The plan shall contain a proposal for transition to the alternative form of regulation and the proposed duration of the plan. The plan must also contain a proposal for ensuring adequate carrier-to-carrier service quality, including service quality standards or performance measures for interconnection, and appropriate enforcement or remedial provisions in the event the company fails to meet service quality standards or performance measures. The commission also may initiate consideration of alternative forms of regulation for a company or companies on its own motion. The commission, after notice and hearing, shall issue an order accepting, modifying, or rejecting the plan within nine months after the petition or motion is filed, unless extended by the commission for good cause. The commission shall order implementation of the alternative plan of regulation unless it finds that, on balance, an alternative plan as proposed or modified fails to meet the considerations stated in subsection (2) of this section.

(4) Not later than sixty days from the entry of the commission's order, the company or companies affected by the order may file with the commission an election not to proceed with the alternative form of regulation as authorized by the commission.

(5) The commission may waive such regulatory requirements under Title 80 RCW for a telecommunications company subject to an alternative form of regulation as may be appropriate to facilitate the implementation of this section. However, the commission may not waive any grant of legal rights to any person contained in this chapter and chapter 80.04 RCW. The commission may waive different regulatory requirements for different companies or services if such different treatment is in the public interest.

(6) Upon petition by the company, and after notice and hearing, the commission may rescind or modify an alternative form of regulation in the manner requested by the company.

(7) The commission or any person may file a complaint under RCW 80.04.110 alleging that a telecommunications company under an alternative form of regulation has not complied with the terms and conditions set forth in the alternative form of regulation. The complainant shall bear the burden of proving the allegations in the complaint.

(8) During a state of emergency declared under RCW 43.06.010(12), the governor may waive or suspend the operation or enforcement of this section or any portion of this section or under any administrative rule, and issue any orders to facilitate the operation of state or local government or to promote and secure the safety and protection of the civilian population.

Sec. 10. RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011) and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

- (i) Single-party service;
- (ii) Voice grade access to the public switched network;
- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);
- (v) Access to emergency services (911);
- (vi) Access to operator services;
- (vii) Access to interexchange services;
- (viii) Access to directory assistance; and
- (ix) Toll limitation services.

(c) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet

protocol service, and includes local exchange carriers.

(d) "Communications services" includes telecommunications services and information services and any combination thereof.

(e) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

(f) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

(g) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that: ~~((a) [(i)])~~ (i) Enables real-time, two-way voice communications; ~~((b) [(ii)])~~ (ii) requires a broadband connection from the user's location; ~~((c) [(iii)])~~ (iii) requires internet protocol-compatible customer premises equipment; and ~~((d) [(iv)])~~ (iv) permits users generally to receive calls that originate on the public network and to terminate calls to the public network.

(h) "Program" means the state universal communications services program created in RCW 80.36.650.

(i) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

(j) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

(k) "Working telephone number" means a north American numbering plan telephone number, or successor dialing protocol, that is developed for use in placing calls to or from the public network, that enables a consumer to make or receive calls.

(2) This section expires July 1, ~~((2020))~~ 2026.

Sec. 11. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of

the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission ~~((during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support))~~ and the provision, enhancement, and maintenance of broadband services, recognizing that the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued telecommunications services under the rates, terms, and conditions established by the commission under this chapter and broadband services for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) Before July 1, 2022, a communications provider is eligible to receive distributions from the account if:

(a) The communications provider is:
 (i) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or (ii) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if

the lines or equivalents are located in Washington;

(b) ~~The ((customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark))~~ communications provider has adopted a plan to provide, enhance, or maintain broadband service in its service area; and

(c) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services.

(4) Beginning July 1, 2022, the commission must determine eligibility for distributions from the account using a competitive, market-based assessment of a communications provider's ability to provide voice and broadband services to the greatest number of consumers within a defined service area. The assessment must be technology-neutral in considering the level of service provided.

(5)(a) Distributions to eligible communications providers are based on ~~((a benchmark established by the commission. The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark))~~ criteria established by the commission.

(b) If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

~~((+5))~~ (6) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

~~((+6))~~ (7) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

~~((+7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.)~~

(8) The program terminates on June 30, ~~((2019))~~ 2025, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2024))~~ 2026.

Sec. 12. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650 and commission expenses related to implementation and administration of the provisions of RCW 80.36.620 through 80.36.690, section 212, chapter 8, Laws of 2013 2nd sp. sess., and section 13, chapter . . ., Laws of 2018 (section 13 of this act). Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ~~((2024))~~ 2026.

Sec. 13. 2013 2nd sp.s. c 8 s 212 (uncodified) is amended to read as follows:

By December 1, ~~((2017))~~ 2021, and in compliance with RCW 43.01.036, the Washington utilities and transportation commission must report to the appropriate committees of the legislature, on the following: (1) Whether funding levels for each small telecommunications company have been adequate to maintain reliable universal service; (2) the future impacts on small telecommunications companies from the elimination of funding under this act; (3) the impacts on customer rates from the current level of funding and the future impacts when the funding terminates under this act; and (4) the impacts on line and service delivery investments when the funding is terminated under this act. The report must also include an analysis of the need for future program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. Utilities and transportation commission expenses related to conducting all analysis in preparation of this report must be expended from the universal communications services account.

Sec. 14. RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690; and

(c) Establishment of the ~~((benchmark))~~ formula used to calculate distributions ~~((+and~~

~~((d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 and 80.36.620 as necessary~~

~~to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610).~~

(2) This section expires July 1, ~~((2020))~~ 2026.

Sec. 15. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2026.

Sec. 16. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2026.

Sec. 17. RCW 80.36.700 and 2013 2nd sp.s. c 8 s 211 are each amended to read as follows:

(1) The universal communications services program established in RCW

80.36.630 through 80.36.690 terminates ~~((2019))~~ June 30, ~~((2019))~~ 2025.

(2) This section expires July 1, ~~((2020))~~ 2026.

NEW SECTION. **Sec. 18.** The following acts or parts of acts are each repealed:

(1) RCW 43.330.400 (Broadband mapping account—Federal broadband data improvement act funding—Coordination of broadband mapping activities) and 2011 1st sp.s. c 43 s 603 & 2009 c 509 s 2;

(2) RCW 43.330.403 (Reporting availability of high-speed internet—Survey of high-speed internet infrastructure owned or leased by state agencies—Geographic information system map—Rules) and 2011 1st sp.s. c 43 s 604 & 2009 c 509 s 3;

(3) RCW 43.330.406 (Procurement of geographic information system map—Accountability and oversight structure—Application of public records act) and 2011 1st sp.s. c 43 s 605 & 2009 c 509 s 4;

(4) RCW 43.330.409 (Broadband mapping, deployment, and adoption—Reports) and 2011 1st sp.s. c 43 s 606 & 2009 c 509 s 5;

(5) RCW 43.330.412 (Community technology opportunity program—Administration—Grant program) and 2011 1st sp.s. c 43 s 607, 2009 c 509 s 6, & 2008 c 262 s 6;

(6) RCW 43.330.415 (Washington community technology opportunity account) and 2011 1st sp.s. c 43 s 608, 2009 c 509 s 8, & 2008 c 262 s 8;

(7) RCW 43.330.418 (Broadband deployment and adoption—Governor's actions—Oversight and implementation by the department) and 2011 1st sp.s. c 43 s 609 & 2009 c 509 s 9; and

(8) RCW 43.330.421 (Advisory group on digital inclusion and technology planning) and 2011 1st sp.s. c 43 s 610 & 2009 c 509 s 10."

Correct the title.

Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele and Wylie.

Referred to Committee on Appropriations.

March 1, 2018

ESSB 6187 Prime Sponsor, Committee on Energy, Environment & Technology: Concerning the electrification of transportation. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Programs for electrification of transportation have the potential to allow electric utilities to optimize the use of electric distribution infrastructure, improve the management of electric loads, and better manage the integration of variable renewable energy resources. The legislature finds that, depending upon each utility's unique circumstances, electrification of transportation programs may provide cost-effective energy efficiency or defer capital investment needed to accommodate unmanaged variable electricity supply and demand. Electrification of transportation may result in cost savings and system benefits for all ratepayers.

(2) State policy can achieve the greatest return on investment in reducing greenhouse gas emissions and improving air quality by expediting the transition to alternative fuel vehicles, including electric vehicles. Potential benefits associated with electrification of transportation include the monetization of environmental attributes associated with carbon reduction in the transportation sector.

NEW SECTION. Sec. 2. A new section is added to chapter 35.92 RCW to read as follows:

(1) The governing authority of an electric utility formed under this chapter may adopt a transportation electrification plan that, at a minimum, establishes a finding that: (a) If the electric utility is acquiring new resources as indicated in its most recent plan developed pursuant to chapter 19.280

RCW, utility outreach and investment in the electrification of transportation infrastructure is cost-effective, as determined using a methodology that assesses both the expected system benefits and expected costs to ratepayers served by the utility on the distribution system; or (b) if the electric utility is not acquiring new resources as indicated in its most recent plan developed pursuant to chapter 19.280 RCW, utility outreach and investment in the electrification of transportation infrastructure is cost-effective, as determined using a methodology that assesses both the expected system benefits and expected costs to ratepayers served by the utility on the distribution system and long-term contracted wholesale electricity supply that will result in a greater ratepayer benefit than the individual benefit from the program cost.

(2) In adopting a transportation electrification plan under subsection (1) of this section, the governing authority may consider some or all of the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the utility's distribution load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and software systems in electrification of transportation proposals; and (e) overall customer experience.

(3) The governing authority of an electric utility formed under this chapter may, upon making a cost-effectiveness determination in accordance with subsection (1) of this section, offer programs in the electrification of transportation for its customers, including advertising programs to promote the utility's or third-party services, incentives, or rebates.

(4) For the purposes of this section, "system benefit" means a situation where financial, reliability, and quality benefits of the electrification of transportation are conferred equally among all ratepayers on the distribution

system or among the utility's resource generation portfolio.

(5) For the purposes of this section, "distribution system" means all of the distribution lines, substations, switches, and other distribution hardware contiguously connected at voltages below ninety kilovolts that are owned and operated by a single utility.

NEW SECTION. **Sec. 3.** A new section is added to chapter 54.16 RCW to read as follows:

(1) The commission of a public utility district may adopt a transportation electrification plan that, at a minimum, establishes a finding that: (a) If the district is acquiring new resources as indicated in its most recent plan developed pursuant to chapter 19.280 RCW, district outreach and investment in the electrification of transportation infrastructure is cost-effective, as determined using a methodology that assesses both the expected system benefits and expected costs to ratepayers served by the district on the distribution system; or (b) if the district is not acquiring new resources as indicated in its most recent plan developed pursuant to chapter 19.280 RCW, district outreach and investment in the electrification of transportation infrastructure is cost-effective, as determined using a methodology that assesses both the expected system benefits and expected costs to ratepayers served by the utility on the distribution system and long-term contracted wholesale electricity supply that will result in a greater ratepayer benefit than the individual benefit from the program cost.

(2) In adopting a transportation electrification plan under subsection (1) of this section, the commission may consider some or all of the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the district's distribution load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and

software systems in electrification of transportation proposals; and (e) overall customer experience.

(3) The commission of a public utility district may, upon making a cost-effectiveness determination in accordance with subsection (1) of this section, offer programs in the electrification of transportation for its customers, including advertising programs to promote the district's or third-party services, incentives, or rebates.

(4) For the purposes of this section, "system benefit" means a situation where financial, reliability, and quality benefits of the electrification of transportation are conferred equally among all ratepayers on the distribution system or among the utility's resource generation portfolio.

(5) For the purposes of this section, "distribution system" means all of the distribution lines, substations, switches, and other distribution hardware contiguously connected at voltages below ninety kilovolts that are owned and operated by a single utility.

NEW SECTION. **Sec. 4.** (1) The department of commerce, subject to availability of amounts appropriated for this specific purpose, shall arrange for a study of utility capital expenditures projected to be driven by growth in distributed resources, including photovoltaic systems, electric vehicles, and any other customer-owned technologies identified as likely to cause a shift in capital expenditures. The study must survey each of the state's utilities and must include a low and high adoption scenario for each resource.

(2) If specific funding for the purposes of this section, referencing this section by bill or chapter number and section number, is not provided by June 30, 2018, in the omnibus appropriations act, this section is null and void."

Correct the title.

Signed by Representatives Morris, Chair; Kloba, Vice Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Fey; Harmsworth; Hudgins; Manweller; McDonald; Nealey; Santos; Slatter; Steele and Wylie.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6187 which was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on Appropriations was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 6544
ENGROSSED SENATE BILL NO. 6213

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

THIRD SUBSTITUTE SENATE BILL NO. 5576
ENGROSSED SUBSTITUTE SENATE BILL NO.
6034
SENATE BILL NO. 6093
SENATE BILL NO. 6134
SUBSTITUTE SENATE BILL NO. 6142
SECOND SUBSTITUTE SENATE BILL NO. 6236
SUBSTITUTE SENATE BILL NO. 6251
SENATE BILL NO. 6393

There being no objection, the House adjourned until 9:30 a.m., March 2, 2018, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 2, 2018

The House was called to order at 9:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sumi Suda and Nicholas Hazelgrove. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Darrell Watson, Father's House Fellowship, Goldendale, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION**HOUSE RESOLUTION NO. 2018-4679, by Representative Graves**

WHEREAS, The United States' involvement in World War II lasted from 1939 to 1945; and

WHEREAS, Numerous war heroes from the state of Washington deserve recognition for their courageous efforts and sacrifice for our country; and

WHEREAS, Gregory "Pappy" Boyington was an American combat pilot who flew in the United States Marine Corps during World War II; and

WHEREAS, Gregory Boyington was awarded both the Medal of Honor and the Navy Cross after being deployed in the South Pacific as a Marine F4U Corsair fighter pilot; and

WHEREAS, Gregory Boyington was a student of the University of Washington and a student of Lincoln High School in Tacoma, Washington; and

WHEREAS, Gregory Boyington's courage and resolve was displayed in war time after being captured by a Japanese submarine crew and held prisoner for more than a year and a half;

NOW, THEREFORE, BE IT RESOLVED, That on this 23rd day of February 2018, The House of Representatives of the State of Washington honor Gregory "Pappy" Boyington as an American hero, adequately displaying the bravery of American veterans that the state of Washington hopes to produce.

There being no objection, HOUSE RESOLUTION NO. 4679 was adopted.

RESOLUTION**HOUSE RESOLUTION NO. 2018-4683, by Representative Vick**

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, For the first time in school history, the Camas High School Papermakers are the 2018 4A Gymnastics Champions; and

WHEREAS, The Camas Papermakers dethroned the reigning four-time state champion Woodinville High School; and

WHEREAS, The Camas Papermakers finished the state finals with an overall team score of 181.2; and

WHEREAS, Shea McGee finished second in the All-Around category with a score of 37.9, finished second in the Bars with a score of 9.6, and finished second place in the Beams category with a score of 9.475; and

WHEREAS, Alyssa Shibata finished fifth in the All-Around category with a score of 37.35 and first in the Bars category with a score of 9.725; and

WHEREAS, The only senior on the team, Jacqueline Purwins, ends her time at Camas High School as a state champion; and

WHEREAS, Joy Marsh, Siena Brophy, Grace Alonzo, Madison Martin, and Lizzy Wing all had at least one performance that added to the team's final score; and

WHEREAS, The Camas High School Papermakers girls gymnastics team was coached by Carol Willson;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate the Camas High School gymnastics team on their state championship and the fans, supportive alumni, and the entire Camas community for this remarkable accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Camas High School Papermakers gymnastics team and to Head Coach Carol Willson.

There being no objection, HOUSE RESOLUTION NO. 4683 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

March 1, 2018

MR. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1433,
HOUSE BILL NO. 2087,
SUBSTITUTE HOUSE BILL NO. 2597,
SUBSTITUTE HOUSE BILL NO. 2634,
SUBSTITUTE HOUSE BILL NO. 2686,
SUBSTITUTE HOUSE BILL NO. 2786,
ENGROSSED HOUSE BILL NO. 2808,
ENGROSSED HOUSE BILL NO. 2861,
ENGROSSED HOUSE BILL NO. 2948,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 1, 2018

MR. SPEAKER:

The Senate has passed:

HOUSE JOINT MEMORIAL NO. 4002,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,
HOUSE BILL NO. 2751,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 1, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SENATE BILL NO. 5450,
SENATE BILL NO. 5912,
SUBSTITUTE SENATE BILL NO. 5996,
SUBSTITUTE SENATE BILL NO. 6021,
SENATE BILL NO. 6027,
SENATE BILL NO. 6053,
SENATE BILL NO. 6059,
SENATE BILL NO. 6073,
SENATE BILL NO. 6113,
SENATE BILL NO. 6115,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
SENATE BILL NO. 6145,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

ESSB 5955 by Senate Committee on Transportation (originally sponsored by Senators Kuderer, Wellman, Keiser, Hobbs, Palumbo, Mullet, Lias, Chase, Hasegawa, Darneille, Conway, Cleveland, Nelson, Billig and Takko)

AN ACT Relating to the collection of certain taxes and fees as a result of a high capacity transit system approved by the voters of a regional transit authority in 2016; amending RCW 82.44.135 and 81.112.360; adding a new section to chapter 82.44 RCW; adding new sections to chapter 81.112 RCW; adding a new section to chapter 36.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 6346 by Senate Committee on Labor & Commerce (originally sponsored by Senator Takko)

AN ACT Relating to allowing the sale of wine by microbrewery license holders; and amending RCW 66.24.244.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5746, by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Kuderer and Pearson)

Concerning the association of Washington generals.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government, Elections & Information Technology was not adopted. (For Committee amendment, see Journal, Day 47, February 23, 2018).

There being no objection, the committee amendment by the Committee on Transportation was before the House for

purpose of amendment. (For Committee amendment, see Journal, Day 50, February 26, 2018).

Representative Hudgins moved the adoption of amendment (1298) to the committee striking amendment:

On page 1, line 13 of the amendment, after "educational" insert ", sports,"

On page 2, line 13 of the amendment, after "governor;" strike "and"

On page 2, line 14 of the amendment, after "(b)" insert "Beginning January 1, 2019, collaboration with the association of Washington generals to administer the sports mentoring program as established under section 3 of this act, a mentoring program to encourage underserved youth to join sports or otherwise participate in the area of sports; and

(c)"

On page 2, line 17 of the amendment, after "program" insert "and the sports mentoring program"

On page 2, line 19 of the amendment, after "program" insert "and the sports mentoring program"

On page 4, after line 13 of the amendment, insert the following:

"Seattle Mariners

Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under section 3 of this act, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant

governor solely to administer the Washington world fellows program, an equity focused program"

On page 8, line 32 of the amendment, after "(6)" insert "Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7)"

On page 8, after line 36 of the amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 43.15 RCW to read as follows:

(1) The sports mentoring program is established to enable eligible nonprofit community-based organizations to provide opportunities for underserved youth to join sports teams or otherwise participate in the area of sports. The goal of the program is to support youth in building self-confidence, developing skills in the areas of goal setting and collaboration, and promoting a healthy lifestyle through forming positive relationships with peers and family, avoiding risky or delinquent behavior, and achieving educational success. Proceeds from the Seattle Mariners special license plate, issued under RCW 46.18.200, must be deposited into the Seattle Mariners account in accordance with RCW 46.68.420. Funds in the account may only be used, except as provided under RCW 46.68.420(6), for grants to support youth to stay in school, participate in sports, and receive mentorships.

(2) The office of lieutenant governor will collaborate with the association of Washington generals to issue competitive grants to eligible organizations. The following criteria must be used to prioritize applications:

(a) Services provided by the organization to program participants are provided without a fee;

(b) Eligible organizations must assist children with enrolling in sports through their parents, guardians, or coach; and

(c) Eligible organizations must provide professional staff support to the mentor, child, and parent.

(3) Eligible organizations must meet the following requirements:

(a) Be a 501(c)(3) nonprofit organization;

(b) Conduct national criminal background checks for all employees and volunteer mentors who work with children;

(c) Have adopted standards for care including staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards adopted;

(d) Ensure that sixty percent or more of the children they serve are eligible for free or reduced-price lunch;

(e) Provide free, direct services to children through volunteer mentoring; and

(f) Provide professional oversight of all mentoring relationships for each child served.

Sec. 4. RCW 46.17.220 and 2017 c 25 s 2 and 2017 c 11 s 3 are each reenacted and amended to read as follows:

~~((1))~~) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
((a))) (1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
((b))) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
((c))) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425

((d))) Baseball stadium	\$ 40.00	\$ 30.00	Subject en (2) of this section
((e))) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
((f))) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
((g))) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
((h))) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
((i))) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
((j))) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
((k))) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
((l))) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
((m))) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
((n))) Law enforcement	\$ 40.00	\$ 30.00	RCW 46.68.420

~~((11))~~ \$ \$ RCW
 +)) (34) 40.00 30.00 46.68.425
 Washingt
 on's
 fish
 collecti
 on

~~((12))~~ \$ \$ RCW
 +)) (35) 40.00 30.00 46.68.420
 Washingt
 on's
 national
 parks

~~((13))~~ \$ \$ RCW
 +)) (36) 40.00 30.00 46.68.425
 Washingt
 on's
 wildlife
 collecti
 on

~~((14))~~ \$ \$ RCW
 +)) (37) 40.00 30.00 46.68.420
 We love
 our pets

~~((15))~~ \$ \$ RCW
 +)) (38) 40.00 30.00 46.68.425
 Wild on
 Washingt
 on

~~((2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.)~~

Sec. 5. RCW 46.18.200 and 2017 c 25 s 1 and 2017 c 11 s 2 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.
Fred Hutch	Displays the Fred Hutch logo.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.

Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.	State flower	Recognizes the Washington state flower.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.	Volunteer firefighters	Recognizes volunteer firefighters.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.	Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.
Music matters	Displays the "Music Matters" logo.	Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.	Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.
<u>Seattle Mariners</u>	<u>Displays the "Seattle Mariners" logo.</u>	Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Seattle Seahawks	Displays the "Seattle Seahawks" logo.	Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Seattle University	Recognizes Seattle University.		
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.		
Ski & ride Washington	Recognizes the Washington snowsports industry.		

Washington's fish collection

Recognizes Washington's fish.

Washington's national park fund

Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.

~~((Washington's fish collection~~

~~Recognizes Washington's fish.))~~

Washington's wildlife collection

Recognizes Washington's wildlife.

We love our pets

Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Wild Washington on

Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

Sec. 6. RCW 46.68.430 and 2010 c 161 s 811 are each amended to read as follows:

(1) The department shall:

(a) Collect special license plates fees established under RCW 46.17.220 ~~((1) (c) and (e))~~ (6);

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

SPECIAL LICENSE PLATE TYPE	ACCOUNT	PURPOSE
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(Baseball stadium	A county	To pay the principal and interest payments on bonds issued by the county to
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~~construct a
baseball
stadium, as
defined in RCW
82.14.0485,
including
reasonably
necessary
preconstruction
costs, while
the taxes are
being collected
under RCW
82.14.360.
After the
principal and
interest
payments on
bonds have been
made, the state
treasurer shall
credit the
funds to the
state general
fund.)~~

Collegiate RCW Student
28B.10.890 scholarships

NEW SECTION. Sec. 7. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Mariners license plates" means special license plates issued under RCW 46.18.200 that display a symbol or artwork recognizing the Seattle Mariners.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 46.04.062 (Baseball stadium license plate) and 2010 c 161 s 105; and

(2) RCW 46.18.215 (Baseball stadium license plates) and 2011 c 332 s 3, 2010 c 161 s 614, 1997 c 291 s 5, 1995 3rd sp.s. c 1 s 102, 1994 c 194 s 2, & 1990 c 250 s 1.

NEW SECTION. Sec. 9. Sections 3 through 8 of this act take effect January 1, 2019."

Correct the title.

Representatives Hudgins, Orcutt, Pettigrew, Smith and Harmsworth spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1298) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hudgins and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5746, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5746, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Kraft, McCaslin, Pike, Shea, Taylor and Young.

SUBSTITUTE SENATE BILL NO. 5746, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6379, by Senators Fain, Keiser, Takko and Short

Requiring a public hearing before a local government may remove a recorded restrictive covenant from land owned by the local government. (REVISED FOR ENGROSSED: Requiring a public hearing before a local government may remove, vacate, or extinguish certain covenants from land it owns.)

The bill was read the second time.

Representative Taylor moved the adoption of amendment (1344):

On page 1, line 10, after "covenant," strike all material through "deed" and insert "any known covenant from an unrecorded instrument, any unrecorded easement, or unrecorded access to any improvements owned by others"

On page 1, line 21, after "covenant" insert ", easement, or access"

On page 2, beginning on line 6, after "covenant," strike all material through "deed" on line 7 and insert "any known covenant from an unrecorded instrument, any unrecorded easement, or unrecorded access to any improvements owned by others"

On page 2, line 16, after "covenant" insert ", easement, or access"

On page 2, beginning on line 23, after "covenant," strike all material through "deed" on line 24 and insert "any known covenant from an unrecorded instrument, any unrecorded easement, or unrecorded access to any improvements owned by others"

On page 2, line 33, after "covenant" insert ", easement, or access"

Representatives Taylor, Griffey, Taylor (again) and Klippert spoke in favor of the adoption of the amendment.

Representative McBride spoke against the adoption of the amendment.

Amendment (1344) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McBride, Griffey and Appleton spoke in favor of the passage of the bill.

Representatives Taylor, Shea and Maycumber spoke against the passage of the bill.

There being no objection, the House deferred action on ENGROSSED SENATE BILL NO. 6379, and the bill held its place on the third reading calendar.

SUBSTITUTE SENATE BILL NO. 6012, by Senate Committee on Transportation (originally sponsored by Senators King, Sheldon, Angel, Rolfes, Van De Wege, Keiser, Hunt, Conway, Chase, Short, O'Ban, Saldaña and Mullet)

Allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license. Revised for 1st Substitute: Concerning requirements for

the issuance of a driver's license that includes a veteran designation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Muri, Clibborn, Eslick and Hargrove spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6012.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6012, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmitt, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6012, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5917, by Senators Mullet, Palumbo, Wilson, Frockt, Rolfes and Liias

Requiring a systemwide credit policy regarding international baccalaureate exams. (REVISED FOR ENGROSSED: Requiring a systemwide credit policy regarding international baccalaureate and Cambridge international exams.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 23, 2018).

Representative Dolan moved the adoption of amendment (1314) to the committee striking amendment:

On page 2, beginning on line 14 of the striking amendment, after "term." insert "The institutions of higher education must conduct biennial reviews of their IB and Cambridge international credit policies and report noncompliance to the appropriate committees of the legislature by November 1st of each year, beginning November 1, 2020."

Representatives Dolan and Holy spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1314) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pollet, Holy, Graves and Walsh spoke in favor of the passage of the bill.

Representative Buys spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5917, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5917, as amended by the House, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Chapman, Condotta, Dent, Kraft, Manweller, Sawyer, Shea, Stonier and Taylor.

ENGROSSED SENATE BILL NO. 5917, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, by Senate Committee on Health & Long Term Care (originally sponsored by Senators Van De Wege, Pedersen and Kuderer)

Enacting the uniform emergency volunteer health practitioners act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5990.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Johnson, Manweller and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6318, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Takko, Warnick and Van De Wege)

Clarifying existing law by creating a new intrastate food safety and security chapter from existing intrastate food safety laws and moving certain provisions in the

intrastate commerce food, drugs, and cosmetics act to the titles of the agencies that administer the provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6318.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6318, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Schmick and Taylor.

SUBSTITUTE SENATE BILL NO. 6318, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6393, by Senators Braun, Keiser, King, Mullet, Palumbo and Conway

Allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6393.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6393, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6393, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6544, by Senate Committee on Ways & Means (originally sponsored by Senators Chase, Brown, Hasegawa, Wagoner, Wellman, Takko and Conway)

Establishing the future of work task force.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pollet spoke in favor of the passage of the bill.

Representatives Holy, Barkis and Wilcox spoke against the passage of the bill.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 6544, and the bill held its place on the third reading calendar.

SENATE BILL NO. 6197, by Senators Keiser, Baumgartner, Hasegawa and Conway

Regarding an employer's payment of indebtedness upon the death of an employee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6197.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6197, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6197, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6211, by Senators Hawkins, Rolfes, Van De Wege and Takko

Concerning the federal lands revolving account.

The bill was read the second time.

With the consent of the house, amendment (1222) was withdrawn.

Representative Taylor moved the adoption of amendment (1240):

On page 3, after line 16, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW to read as follows:

The fish and wildlife federal lands revolving account is created in the custody of the state treasurer. All receipts from the proceeds of good neighbor agreements as defined in RCW 79.02.010 and implemented by the department of fish and wildlife and all

legislative transfers, gifts, grants, and federal funds designated for use in conjunction with a good neighbor agreement implemented by the department of fish and wildlife must be deposited into the account. Expenditures from the account are subject to the limitations of the agreements under which proceeds were generated and may be used only for the planning and implementation of good neighbor agreements, including management or administrative costs and relevant goods and services. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The fish and wildlife federal lands revolving account is an interest-bearing account and the interest must be credited to the account."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 3, at the beginning of line 19, after "The" insert "natural resources"

On page 3, line 21, after "79.02.010" insert "and implemented by the department of natural resources"

On page 3, line 23, after "agreement" insert "implemented by the department of natural resources"

On page 3, line 31, after "The" insert "natural resources"

On page 4, at the beginning of line 33, after "account, the" insert "fish and wildlife federal lands revolving account, the natural resources"

Correct the title.

Representatives Taylor and Blake spoke in favor of the adoption of the amendment.

Amendment (1240) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6211, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6211, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SENATE BILL NO. 6211, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6029, by Senate Committee on Ways & Means (originally sponsored by Senators Liias, Ranker, Fain, Frockt, Billig, Darneille, Palumbo, Rolfes, Keiser, Cleveland, Pedersen, Hunt, Wellman, Conway, Chase, Saldaña, Kuderer, Hasegawa and Mullet)

Establishing a student loan bill of rights.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stonier, Holy and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6029.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6029, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris,

McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Eslick, Kraft, Kristiansen, Manweller, Stokesbary, Taylor, Vick and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6029, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6363, by Senators Chase and Warnick

Concerning a rail line over the Milwaukee Road corridor.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Manweller and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6363, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6363, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6363, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6231, by Senators Kuderer, Van De Wege, Conway, Wellman, Chase, Hasegawa, Saldaña and Keiser

Concerning the statute of limitations for unfair labor practice complaints filed in superior court.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jinkins spoke in favor of the passage of the bill.

Representatives Rodne, Graves, Irwin, Manweller and Shea spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6231.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6231, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SENATE BILL NO. 6231, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6437, by Senate Committee on Transportation (originally sponsored by Senator King)

Addressing the disposal of recreational vehicles abandoned on public property.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was not adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

Representative Fey moved the adoption of the striking amendment (1328):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been impounded and abandoned pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state;

(3) Abandoned recreational vehicles continue to be a hazard to the health and safety of citizens, business owners, and the environment; and

(4) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow truck operators may be successful in their duties of public impounding, transporting, and storing unauthorized vehicles.

NEW SECTION. **Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle under section 5 of this act without being licensed as a hulk hauler. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery to a licensed dismantler or authorized disposal site for each abandoned recreational vehicle by use of an abandoned vehicle report or junk vehicle affidavit to be sent to the

department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the disposal of a properly processed abandoned recreational vehicle.

Sec. 3. RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prohibit: Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle under section 5 of this act in compliance with this chapter.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor, or other agent, or subagent appointed by the director, shall require an applicant to pay a six-dollar fee in addition to any other fees and taxes required by law.

(2) The abandoned recreational disposal fee must be deposited into the abandoned recreational vehicle disposal account created in section 6 of this act.

(3) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

NEW SECTION. **Sec. 5.** (1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap metal businesses, as defined in RCW 19.290.010, may apply to the department on a form prescribed by the department for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under section 6 of this act for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles. The department may not authorize

reimbursements that total more than ten thousand dollars per vehicle for which cost reimbursements are requested.

(3) After consulting with the 2017 stakeholder group, the department may develop rules including, but not limited to, towing, transport, storage, dismantling, and disposal rates, application form and contents, and cost reimbursement and the reimbursement process, to implement this section.

(4) The department shall convene a stakeholder work group every two years, with the first meeting to be held within twelve months of rule adoption, to make recommendations on rule amendments.

(5) For the purposes of this section, an "abandoned recreational vehicle" means a camper, motorhome, or travel trailer that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

NEW SECTION. **Sec. 6.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The abandoned recreational vehicle disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this act and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department to reimburse registered tow truck operators and licensed dismantlers for up to one hundred percent of the total reasonable and auditable administrative costs for transport, dismantling, and disposal of abandoned recreational vehicles under section 5 of this act when the last registered owner

is unknown after a reasonable search effort. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle. Any funds received by the registered tow truck operators or licensed dismantlers through collection efforts from the last owner of record shall be turned over to the department for vehicles reimbursed under section 5 of this act.

(3) Funds in the account resulting from transfers from the general fund must be used to reimburse one hundred percent of eligible costs up to a limit of ten thousand dollars per vehicle for which cost reimbursements are requested.

(4) In each fiscal biennium, beginning in the 2019-2021 fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department in implementing this chapter.

Sec. 7. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the

early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget

Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State

University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 46.80.020 and 2003 c 53 s 253 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter 70.95 RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in section 5 of this act.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec. 9.** Section 4 of this act applies to vehicle registrations that are due or become due on or after May 1, 2019.

NEW SECTION. **Sec. 10.** The director of licensing may take necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. **Sec. 11.** Section 5 of this act constitutes a new chapter in Title 46 RCW.

NEW SECTION. **Sec. 12.** This act takes effect May 1, 2019."

Correct the title.

Representative Fey spoke in favor of the adoption of the striking amendment.

The striking amendment (1328) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fey, Hayes and Eslick spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6437, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6437, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McDonald, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, DeBolt, Dye, Griffey, Hargrove, Holy, Jenkin, MacEwen, McCaslin,

McCabe, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Taylor, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 6437, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6493 and the bill was placed on the second reading calendar:

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251, by Senate Committee on Ways & Means (originally sponsored by Senators Takko, Warnick, Rolfes, McCoy, Zeiger and Chase)

Concerning tourism marketing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community Development, Housing & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ryu, Barkis, Jenkin and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute Senate Bill No. 5251, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute Senate Bill No. 5251, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins,

Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6040, by Senators Pedersen and Padden

Addressing meetings under the business corporations act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6040.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6040, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6040, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6134, by Senators Wellman, Zeiger and Hasegawa

Modifying definitions for alternative learning experience courses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6134.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6134, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6134, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6136, by Senators Rolfes, Zeiger, Wellman and Hasegawa

Removing concurrent enrollment requirement of algebra II for AP computer science courses to be counted as equivalent to high school mathematics.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Valdez and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6136.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6136, and the bill passed the House by the following vote: Yeas, 87; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dye, Graves, Hargrove, Schmick, Stanford, Stokesbary, Taylor, Van Werven and Young.

SENATE BILL NO. 6136, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5598, by Senators Pedersen, Angel, Rolfes, King, Darneille, Bailey, Brown, Mullet, Carlyle, Braun, Hobbs, Palumbo, Wellman, Keiser, Honeyford, Ranker, Nelson, Liias, McCoy, Billig, Cleveland, Hasegawa, Frockt, Conway, Rivers, Saldaña, Kuderer, Chase, Hunt, Fain, Walsh, Van De Wege, Rossi, Zeiger, Warnick, Becker, Takko, Wilson, Schoesler and Hawkins

Granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 26, 2018).

Representative Jenkin moved the adoption of amendment (1346) to the committee striking amendment:

On page 1, beginning on line 3 of the striking amendment, strike all of sections 1 and 2 and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Grandparent" means:

(a) A person who is the parent of a child's father or mother, and who is

related to the child by blood, adoption, or marriage including preceding generations as denoted by prefixes of grand, great, or great-great; and

(b) Spouses of any persons named in (a) of this subsection, even after the marriage is terminated.

(2) "Parent" means a legal parent whose rights have not been terminated, relinquished, or declared not to exist.

NEW SECTION. **Sec. 2.** (1) A grandparent may petition for visitation with the child if:

(a) The petitioner has an ongoing and substantial relationship with the child;

(b) The petitioner is the child's grandparent; and

(c) The child is likely to suffer harm or a substantial risk of harm if visitation is denied.

(2) A person has established an ongoing and substantial relationship with a child if the person and the child have had a relationship formed and sustained through interaction, companionship, and mutuality of interest and affection, without expectation of financial compensation, with substantial continuity for at least two years unless the child is under the age of two years, in which case there must be substantial continuity for at least half of the child's life, and with a shared expectation of and desire for an ongoing relationship."

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1346) to Senate Bill 5598.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The title of SB 5598 is an act relating to granting relatives, including but not limited to grandparents, the right to seek visitation with a child through the courts.

The striking amendment limits the right to grandparents, in effect making the purpose of the bill the exact opposite of that expressed in the title.

The Speaker therefore finds and rules that the amendment changes the scope and object of the bill. The point of order is well taken."

Representative Rodne moved the adoption of amendment (1347):

On page 2, beginning on line 31 of the striking amendment, after "visitation" strike "more than once" and insert "with a child if a prior petition for visitation with the child has been filed by the petitioner or any other person."

Representatives Rodne and Shea spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1347) was not adopted.

Representative Shea moved the adoption of amendment (1348):

On page 2, beginning on line 1 of the striking amendment, strike all of sections 2 through 5 and insert the following:

"NEW SECTION. **Sec. 2.** (1) A person who is not the parent of the child may file a motion to intervene in a pending child custody proceeding under chapter 26.10 RCW to seek visitation with the child if:

(a) The person has an ongoing and substantial relationship with the child;

(b) The person is a relative of the child or a parent of the child; and

(c) The child is likely to suffer harm or a substantial risk of harm if visitation is denied.

(2) A person has established an ongoing and substantial relationship with a child if the person and the child have had a relationship formed and sustained through interaction, companionship, and mutuality of interest and affection, without expectation of financial compensation, with substantial continuity for at least two years unless the child is under the age of two years, in which case there must be substantial continuity for at least half of the child's life, and with a shared expectation of and desire for an ongoing relationship.

NEW SECTION. **Sec. 3.** (1) A person may not file a motion to intervene in a pending child custody proceeding to seek visitation with a child more than once.

(2) The person must file with the motion to intervene an affidavit alleging that:

(a) A relationship with the child that satisfies the requirements of section 2

of this act exists or existed before action by the parent or parents or other person having legal custody of the child; and

(b) The child would likely suffer harm or the substantial risk of harm if visitation between the person and child was not granted.

(3) The person shall set forth facts in the affidavit supporting the requested order for visitation.

(4) The person shall serve notice of the motion to intervene to each person having legal custody of, or court-ordered residential time with, the child. A person having legal custody or residential time with the child may file an opposing affidavit.

(5) If, based on the motion and affidavits, the court finds that it is more likely than not that visitation will be granted, the court shall grant the motion to intervene.

(6) The court may not enter any temporary orders to establish, enforce, or modify visitation under this section.

NEW SECTION. Sec. 4. (1) (a) The court shall enter an order granting visitation if it finds that the child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and the child is not granted and that granting visitation between the child and the petitioner is in the best interest of the child.

(b) An order granting visitation does not confer upon the petitioner the rights and duties of a parent.

(2) In making its determination, the court shall consider the reasons the parent or other person having legal custody denied visitation to the petitioner. It is presumed that a fit parent's decision to deny visitation is in the best interest of the child and does not create a likelihood of harm or a substantial risk of harm to the child.

(3) To rebut the presumption in subsection (2) of this section, the petitioner must prove by clear and convincing evidence that the child would likely suffer harm or the substantial risk of harm if visitation between the petitioner and the child were not granted.

(4) If the court finds that the petitioner has met the standard for

rebutting the presumption in subsection (2) of this section, or if there is no presumption because no parent has custody of the child, the court shall consider whether it is in the best interest of the child to enter an order granting visitation. The petitioner must prove by clear and convincing evidence that visitation is in the child's best interest. In determining whether it is in the best interest of the child, the court shall consider the following, nonexclusive factors:

(a) The love, affection, and strength of the current relationship between the child and the petitioner and how the relationship is beneficial to the child;

(b) The length and quality of the prior relationship between the child and the petitioner before the parent or other person having legal custody denied visitation, including the role performed by the petitioner and the emotional ties that existed between the child and the petitioner;

(c) The relationship between the petitioner and the child's parent or other person having legal custody;

(d) The love, affection, and strength of the current relationship between the child and the parent or other person having legal custody;

(e) The nature and reason for the objection by the parent or other person having legal custody to granting the petitioner visitation;

(f) The effect that granting visitation will have on the relationship between the child and the parent or other person having legal custody;

(g) The residential time-sharing arrangements between the parties having residential time with the child;

(h) The good faith of the petitioner and parent or other person having legal custody;

(i) Any history of physical, emotional, or sexual abuse or neglect by the petitioner, or any history of physical, emotional, or sexual abuse or neglect by a person residing with the petitioner if visitation would involve contact between the child and the person with such history;

(j) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(k) Any other factor relevant to the child's best interest; and

(l) The fact that the parent has not lost his or her parental rights by being adjudicated as an unfit parent.

NEW SECTION. Sec. 5. (1)(a) For the purposes of sections 2 through 4 of this act, the court shall, on motion of a party to the proceeding, order the petitioner to pay a reasonable amount for costs and reasonable attorneys' fees to the party in advance and prior to any hearing, unless the court finds, considering the financial resources of all parties, that it would be unjust to do so.

(b) Regardless of the financial resources of the parties, if the court finds that a motion to intervene to seek visitation was brought in bad faith or without reasonable basis in light of the requirements of sections 2 through 4 of this act, the court shall order the petitioner to pay a reasonable amount for costs and reasonable attorneys' fees to the other party.

(2) If visitation is granted, the court shall order the petitioner to pay all transportation costs associated with visitation."

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (1348) was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff, Robinson, Vick and Graves spoke in favor of the passage of the bill.

Representatives Rodne, Dent, Young, Manweller, Wilcox, Pike, Kraft and Smith spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5598, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5598, as amended by the House, and the bill passed

the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting Yea: Representative(s): Appleton, Bergquist, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kagi, Kilduff, Kloba, Lovick, Lytton, Morris, Mr. Speaker, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie

Voting Nay: Representative(s): Barkis, Blake, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Johnson, Kirby, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, McCabe, Orcutt, Pike, Reeves, Rodne, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox, Young

SENATE BILL NO. 5598, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5598.

Representative Haler, 8 District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Rolles, Sheldon, Angel, Hunt, Chase, Kuderer and Hasegawa)

Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 26, 2018).

Representative Morris moved the adoption of amendment (1354) to the committee striking amendment:

On page 2, line 6 of the striking amendment, after "section." insert "The authority provided in this subsection expires five years after the effective date of this act for any public utility district that has not begun providing retail internet service within that time period."

On page 3, line 24 of the striking amendment, after "subsection" strike "(8)" and insert "(9)"

On page 4, line 11 of the striking amendment, after "subsection" strike "(8)" and insert "(9)"

On page 4, beginning on line 26 of the striking amendment, after "area" strike "who may apply therefor and be reasonably entitled thereto" and insert "meeting the provisions of subsections (2) and (4) of this section"

On page 4, line 28 of the striking amendment, after "as" strike "demanded" and insert "requested"

On page 5, beginning on line 1 of the striking amendment, strike all of sections 3 through 10 and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2) (a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband

network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section."

Representatives Morris and DeBolt spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1354), to the committee striking amendment, was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morris and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, Harris, Kraft and Vick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SENATE BILL NO. 5598, as amended by the House, passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5598, as amended by the House, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5598, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kloba, Lovick, Lytton, Macri, McBride, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Johnson, Kirby, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Orcutt, Pike, Reeves, Rodne, Schmick, Shea, Smith, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SENATE BILL NO. 5598, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6493, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Billig, Palumbo, Ranker, Carlyle, Hasegawa and Kuderer)

Increasing transparency and accountability for intercollegiate athletic programs.

The bill was read the second time.

Representative Hansen moved the adoption of amendment (1209):

On page 2, line 26, after "year" insert ", plus any transfers of reserves that were originally generated directly by the athletic department account"

Representatives Hansen and Holy spoke in favor of the adoption of the amendment.

Amendment (1209) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6493, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6493, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Klippert and Taylor.

SUBSTITUTE SENATE BILL NO. 6493, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Fain, Mullet and Keiser)

Concerning the January 1, 2020, implementation of the school employees' benefits board program.

The bill was read the second time.

With the consent of the house, amendment (1327) was withdrawn.

Representative Cody moved the adoption of amendment (1345):

On page 59, after line 36, insert the following:

"NEW SECTION. Sec. 35. A new section is added to chapter 41.05 RCW to read as follows:

(1) For plan years beginning January 1, 2020, at least one health carrier in an insurance holding company system must offer in the exchange at least one silver and one gold qualified health plan in any county in which any health carrier in that insurance holding company system offers a fully insured health plan that was approved, on or after the effective date of this section, by the school employees' benefits board or the public employees' benefits board to be offered to employees and their covered dependents under this chapter.

(2) The rates for a health plan approved by the school employees' benefits board or the public employees' benefits board may not include the administrative costs or actuarial risks associated with a qualified health plan offered under subsection (1) of this section.

(3) The authority shall perform an actuarial review during the annual rate setting process for plans approved by the school employees' benefits board or the public employees' benefits board to ensure compliance with subsection (2) of this section.

(4) For purposes of this section, "exchange" and "health carrier" have the same meaning as in RCW 48.43.005."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (1345) was adopted.

Representative Taylor moved the adoption of the striking amendment (1339):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.740 and 2017 3rd sp.s. c 13 s 801 are each amended to read as follows:

(1) The school employees' benefits board is created within the authority. The function of the school employees' benefits board is to design and approve insurance benefit plans for school employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) By September 30, 2017, the governor shall appoint the following voting members to the school employees' benefits board as follows:

(a) Two members from associations representing certificated employees;

(b) Two members from associations representing classified employees;

(c) Four members with expertise in employee health benefits policy and administration, one of which is nominated by an association representing school business officials; and

(d) The director of the authority or his or her designee.

(3) Initial members of the school employees' benefits board shall serve staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms.

(4) Compensation and reimbursement related to school employees' benefits board member service are as follows:

(a) Members of the school employees' benefits board must be compensated in accordance with RCW 43.03.250 and must be reimbursed for their travel expenses

while on official business in accordance with RCW 43.03.050 and 43.03.060.

(b) While school employees' benefits board members are carrying out their powers and duties under chapter 41.05 RCW, if the service of any certificated or classified employee results in a need for a school employees' benefits board organization to employ a substitute for such certificated or classified employee during such service, payment for such a substitute may be made by the authority from funds appropriated by the legislature for the school employees' benefits board program. If such substitute is paid by the authority, no deduction shall be made from the salary of the certificated or classified employee. In no event shall a school employees' benefits board organization deduct from the salary of a certificated or classified employee serving on the school employees' benefits board more than the amount paid the substitute employed by the school employees' benefits board organization.

(5) The director of the authority or his or her designee shall be the chair and another member shall be selected by the school employees' benefits board as vice chair. The chair shall conduct meetings of the school employees' benefits board. The vice chair shall preside over meetings in the absence of the chair. The school employees' benefits board shall develop bylaws for the conduct of its business.

(6) The school employees' benefits board shall:

(a) Study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment, and disability insurance, or any of, or combination of, the enumerated types of insurance for eligible school employees and their dependents on the best basis possible with relation both to the welfare of the school employees and the state. However, liability insurance should not be made available to dependents;

(b) Develop school employee benefit plans that include comprehensive, evidence-based health care benefits for school employees. In developing these plans, the school employees' benefits board shall consider the following elements:

(i) Methods of maximizing cost containment while ensuring access to quality health care;

(ii) Development of provider arrangements that encourage cost containment and ensure access to quality care including, but not limited to, prepaid delivery systems and prospective payment methods;

(iii) Wellness, preventive care, chronic disease management, and other incentives that focus on proven strategies;

(iv) Utilization review procedures to support cost-effective benefits delivery;

(v) Ways to leverage efficient purchasing by coordinating with the public employees' benefits board;

(vi) Effective coordination of benefits; and

(vii) Minimum standards for insuring entities;

(c) Authorize premium contributions for ~~((an))~~ a school employee and the employee's dependents in a manner that encourages the use of cost-efficient health care systems. For participating school employees, the required school employee share of the cost for family coverage ~~((under a plan))~~ premiums may not exceed ~~((the required employee share of the cost for employee only coverage))~~ three times the premiums for a school employee purchasing single coverage for the same coverage plan;

(d) Determine the terms and conditions of school employee and dependent eligibility criteria, enrollment policies, and scope of coverage. At a minimum, the eligibility criteria established by the school employees' benefits board shall address the following:

(i) The effective date of coverage following hire;

(ii) ~~((An))~~ The benefits eligibility criteria, but the school employees' benefits board's criteria shall be no more restrictive than requiring that a school employee ~~((must))~~ be anticipated to work at least six hundred thirty hours per school year ~~((to qualify for coverage))~~ to be benefits eligible; and

(iii) Coverage for dependents, including criteria for legal spouses; children up to age twenty-six; children

of any age with disabilities, mental illness, or intellectual or other developmental disabilities; and state registered domestic partners, as defined in RCW 26.60.020, and others authorized by the legislature;

~~(e) ((Determine the terms and conditions of purchasing system participation, consistent with chapter 13, Laws of 2017 3rd sp. sess., including establishment of criteria for employing districts and individual employees,~~

~~(f))~~ Establish penalties to be imposed when ~~((the employing district))~~ a school employees' benefits board organization fails to comply with established participation criteria; and

~~((g))~~ (f) Participate with the authority in the preparation of specifications and selection of carriers contracted for school employee benefit plan coverage of eligible school employees in accordance with the criteria set forth in rules. To the extent possible, the school employees' benefits board shall leverage efficient purchasing by coordinating with the public employees' benefits board.

(7) School employees shall choose participation in one of the health care benefit plans developed by the school employees' benefits board. Individual school employees may be permitted to waive coverage under terms and conditions established by the school employees' benefits board.

(8) By November 30, 2021, the authority shall review the benefit plans provided through the school employees' benefits board, complete an analysis of the benefits provided and the administration of the benefits plans, and determine whether provisions in chapter 13, Laws of 2017 3rd sp. sess. have resulted in cost savings to the state. The authority shall submit a report to the relevant legislative policy and fiscal committees summarizing the results of the review and analysis.

Sec. 2. RCW 41.05.006 and 2006 c 299 s 1 are each amended to read as follows:

(1) The legislature recognizes that (a) the state is a major purchaser of health care services, (b) the increasing costs of such health care services are posing and will continue to pose a great financial burden on the state, (c) it is the state's policy, consistent with the

best interests of the state, to provide comprehensive health care as an employer, to ~~((state))~~ employees and school employees ~~((and)),~~ officials ~~((and)),~~ their dependents, and to those who are dependent on the state for necessary medical care, and (d) it is imperative that the state begin to develop effective and efficient health care delivery systems and strategies for procuring health care services in order for the state to continue to purchase the most comprehensive health care possible.

(2) It is therefore the purpose of this chapter to establish the Washington state health care authority whose purpose shall be to (a) develop health care benefit programs that provide access to at least one comprehensive benefit plan funded to the fullest extent possible by the employer, and a health savings account/high deductible health plan option as defined in section 1201 of the medicare prescription drug improvement and modernization act of 2003, as amended, for eligible ~~((state))~~ employees and school employees, officials, and their dependents, and (b) study all state purchased health care, alternative health care delivery systems, and strategies for the procurement of health care services and make recommendations aimed at minimizing the financial burden which health care poses on the state, ~~((its))~~ employees and school employees, and its charges, while at the same time allowing the state to provide the most comprehensive health care options possible.

Sec. 3. RCW 41.05.009 and 2015 c 116 s 1 are each amended to read as follows:

(1) The authority, or an employing agency at the authority's direction, shall initially determine and periodically review whether an employee or a school employee is eligible for benefits pursuant to the criteria established under this chapter.

(2) An employing agency shall inform an employee or a school employee in writing whether or not he or she is eligible for benefits when initially determined and upon any subsequent change, including notice of the employee's or school employee's right to an appeal.

Sec. 4. RCW 41.05.011 and 2017 3rd sp.s. c 13 s 802 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055 and the school employees' benefits board established under RCW 41.05.740.

(3) "Dependent care assistance program" means a benefit plan whereby ~~((state))~~ employees and school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6)(a) "Employee" for the public employees' benefits board program includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (i) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state submits application materials to the authority to

provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (ii) employees of employee organizations representing state civil service employees, at the option of each such employee organization; (iii) through December 31, 2019, employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (iv) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (v) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (vi) through December 31, 2019, employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(b) Effective January 1, 2020, "school employee" for the school employees' benefits board program includes all employees of school districts, educational service districts, and charter schools established under chapter 28A.710 RCW.

(7) "Employee group" means employees of a similar employment type, such as administrative, represented classified, nonrepresented classified, confidential, represented certificated, or nonrepresented certificated, within a school ~~((district))~~ employees' benefits board organization.

(8)(a) "Employer" for the public employees' benefits board program means the state of Washington.

(b) "Employer" for the school employees' benefits board program means school districts and educational service

districts and charter schools established under chapter 28A.710 RCW.

(9) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, ~~((school districts, and educational service districts, and))~~ employee organizations representing state civil service employees, and through December 31, 2019, school districts, educational service districts, and charter schools obtaining employee benefits through a contractual agreement with the authority to participate in benefit plans developed by the public employees' benefits board.

(10) (a) "Employing agency" for the public employees' benefits board program means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, or other political subdivision; ~~((charter school,))~~ and a tribal government covered by this chapter.

(b) "Employing agency" for the school employees' benefits board program means school districts ~~((and)),~~ educational service districts, and charter schools.

(11) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(12) "Flexible benefit plan" means a benefit plan that allows employees and school employees to choose the level of health care coverage provided and the amount of employee or school employee contributions from among a range of choices offered by the authority.

(13) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(14) "Medical flexible spending arrangement" means a benefit plan whereby state and school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter

pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(15) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(16) "Plan year" means the time period established by the authority.

(17) "Premium payment plan" means a benefit plan whereby ~~((state and))~~ public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(18) "Public employee" has the same meaning as employee and school employee.

~~((19))~~ (19) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

~~((19))~~ (20) "Salary" means a state or school employee's monthly salary or wages.

~~((20))~~ (21) "Salary reduction plan" means a benefit plan whereby ~~((state and))~~ public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

~~((21))~~ "School employees' benefits board" means the board established in RCW 41.05.740.)

(22) "School employees' benefits board (~~(participating)~~) organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that (~~(participates)~~) is required to participate in benefit plans provided by the school employees' benefits board.

(23) "School year" means school year as defined in RCW 28A.150.203(11).

(24) "Seasonal employee" means a state employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

~~((24))~~ (25) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

~~((25))~~ (26) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

~~((26))~~ (27) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

It is the intent of the legislature that the word "board" be read to mean both the school employees' benefits board and the public employees' benefits board throughout this chapter. The use of "board" should be liberally construed to mean both boards, to the extent not in conflict with state or federal law. In no case shall either board be limited from exercising its individual authority as authorized within this chapter.

Sec. 6. RCW 41.05.021 and 2017 3rd sp.s. c 13 s 803 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have a director appointed by the governor, with the consent of the senate. The director shall serve at the pleasure of the governor. The director may employ a deputy director, and such assistant directors and special assistants as may be needed to administer the authority, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer insurance benefits for (~~(state)~~) employees, retired or disabled state and school employees, and (~~(subject to school employees' benefits board direction)~~) school employees; administer the basic health plan pursuant to chapter 70.47 RCW; administer the children's health program pursuant to chapter 74.09 RCW; study state purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services; and administer grants that further the mission and goals of the authority. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for ~~((state))~~ employees, retired or disabled state and school employees, and ~~((subject to school employees' benefits board direction,))~~ school employees as specifically authorized in RCW 41.05.065 and 41.05.740 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees and school employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis;

(v) Development of data systems to obtain utilization data from state purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031; and

(vi) In collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(A) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring

entities, health care facilities, and providers that:

(I) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(II) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(B) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020, integrated delivery systems, and providers that:

(I) Facilitate diagnosis or treatment;

(II) Reduce unnecessary duplication of medical tests;

(III) Promote efficient electronic physician order entry;

(IV) Increase access to health information for consumers and their providers; and

(V) Improve health outcomes;

(C) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board ~~((and the school employees' benefits board));~~

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and (g) of this subsection, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To review and approve or deny the application when the governing body of a tribal government applies to transfer their employees to an insurance or self-insurance program administered ~~((under this chapter))~~ by the public employees' benefits board. In the event of an employee transfer pursuant to this subsection (1)(f), members of the governing body are eligible to be included in such a transfer if the members are authorized by the tribal government to participate in the insurance program being transferred from and subject to payment by the members of all costs of insurance for the members. The authority shall: (i) Establish the conditions for participation; (ii) have the sole right to reject the application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050. Approval of the application by the authority transfers the employees and dependents involved to the insurance, self-insurance, or health care program ~~((approved by the authority))~~ administered by the public employees' benefits board;

(g) To ensure the continued status of the employee insurance or self-insurance programs administered under this chapter as a governmental plan under section 3(32) of the employee retirement income security act of 1974, as amended, the authority shall limit the participation of employees of a county, municipal, school district, educational service district, or other political subdivision, the Washington health benefit exchange, or a tribal government, including providing for the participation of those employees whose services are substantially all in the performance of essential governmental functions, but not in the performance of commercial activities. Charter schools established under chapter 28A.710 RCW are employers and are school employees' benefits board organizations unless:

(i) The authority receives guidance from the internal revenue service or the United States department of labor that participation jeopardizes the status of plans offered under this chapter as governmental plans under the federal employees' retirement income security act or the internal revenue code; or

(ii) The charter schools are not in compliance with regulations issued by the internal revenue service and the United States treasury department pertaining to

section 414(d) of the federal internal revenue code;

(h) To establish billing procedures and collect funds from school ~~((districts))~~ employees' benefits board organizations in a way that minimizes the administrative burden on districts;

(i) Through December 31, 2019, to publish and distribute to nonparticipating school districts and educational service districts by October 1st of each year a description of health care benefit plans available through the authority and the estimated cost if school districts and educational service district employees were enrolled;

(j) To apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts to implement initiatives and strategies developed under this section;

(k) To issue, distribute, and administer grants that further the mission and goals of the authority;

(l) To adopt rules consistent with this chapter as described in RCW 41.05.160 including, but not limited to:

(i) Setting forth the criteria established by the public employees' benefits board under RCW 41.05.065, and by the school employees' benefits board under RCW 41.05.740, for determining whether an employee or school employee is eligible for benefits;

(ii) Establishing an appeal process in accordance with chapter 34.05 RCW by which an employee or school employee may appeal an eligibility determination;

(iii) Establishing a process to assure that the eligibility determinations of an employing agency comply with the criteria under this chapter, including the imposition of penalties as may be authorized by the board ~~((or the school employees' benefits board))~~;

(m)(i) To administer the medical services programs established under chapter 74.09 RCW as the designated single state agency for purposes of Title XIX of the federal social security act;

(ii) To administer the state children's health insurance program under chapter 74.09 RCW for purposes of

Title XXI of the federal social security act;

(iii) To enter into agreements with the department of social and health services for administration of medical care services programs under Titles XIX and XXI of the social security act. The agreements shall establish the division of responsibilities between the authority and the department with respect to mental health, chemical dependency, and long-term care services, including services for persons with developmental disabilities. The agreements shall be revised as necessary, to comply with the final implementation plan adopted under section 116, chapter 15, Laws of 2011 1st sp. sess.;

(iv) To adopt rules to carry out the purposes of chapter 74.09 RCW;

(v) To appoint such advisory committees or councils as may be required by any federal statute or regulation as a condition to the receipt of federal funds by the authority. The director may appoint statewide committees or councils in the following subject areas: (A) Health facilities; (B) children and youth services; (C) blind services; (D) medical and health care; (E) drug abuse and alcoholism; (F) rehabilitative services; and (G) such other subject matters as are or come within the authority's responsibilities. The statewide councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the director in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(n) To review and approve or deny the application from the governing board of the Washington health benefit exchange to provide public employees' benefits board state-sponsored insurance or self-insurance programs to employees of the exchange. The authority shall (i) establish the conditions for

participation; (ii) have the sole right to reject an application; and (iii) set the premium contribution for approved groups as outlined in RCW 41.05.050.

(2) On and after January 1, 1996, the public employees' benefits board and the school employees' benefits board beginning October 1, 2017, may implement strategies to promote managed competition among employee and school employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans statewide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans.

Sec. 7. RCW 41.05.022 and 2017 3rd sp.s. c 13 s 804 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: Health benefits for groups of employees of school districts and educational service districts that voluntarily purchase health benefits as provided in RCW 41.05.011 through December 31, 2019; health benefits for ((state)) employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare.

(3) On and after January 1, 2020, health benefits for groups of school employees of ((school districts and educational service districts)) school

employees' benefits board organizations shall be merged into a single, community-rated risk pool separate and distinct from the pool described in subsection (2) of this section.

(4) By December 15, 2018, the health care authority, in consultation with the ((public employees' benefits board and the school employees' benefits)) board, shall submit to the appropriate committees of the legislature a complete analysis of the most appropriate risk pool for the retired and disabled school employees, to include at a minimum an analysis of the size of the nonmedicare and medicare retiree enrollment pools, the impacts on cost for state and school district retirees of moving retirees from one pool to another, the need for and the amount of an ongoing retiree subsidy allocation from the active school employees, and the timing and suggested approach for a transition from one risk pool to another.

(5) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them, and that an insuring entity that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them;

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section; and

(e) Ensure the control of benefit costs under managed competition by adopting rules to prevent ((employers)) an employing agency from entering into an

agreement with employees or employee organizations when the agreement would result in increased utilization in ((public employees' benefits board or school employee[s]' benefits)) board plans or reduce the expected savings of managed competition.

Sec. 8. RCW 41.05.023 and 2007 c 259 s 6 are each amended to read as follows:

(1) The health care authority, in collaboration with the department of health, shall design and implement a chronic care management program for ((state)) employees and school employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees and school employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

Sec. 9. RCW 41.05.026 and 2017 3rd sp.s. c 13 s 805 are each amended to read as follows:

(1) When soliciting proposals for the purpose of awarding contracts for goods or services, the director shall, upon written request by the bidder, exempt

from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

(2) When soliciting information for the development, acquisition, or implementation of state purchased health care services, the director shall, upon written request by the respondent, exempt from public inspection and copying such proprietary data, trade secrets, or other information submitted by the respondent that relate to the respondent's unique methods of conducting business, data unique to the product or services of the respondent, or to determining prices or rates to be charged for services.

(3) Actuarial formulas, statistics, cost and utilization data, or other proprietary information submitted upon request of the director, board, (~~school employees' benefits board,~~) or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter by a contracting insurer, health care service contractor, health maintenance organization, vendor, or other health services organization may be withheld at any time from public inspection when necessary to preserve trade secrets or prevent unfair competition.

(4) The board (~~(school employees' benefits board,)~~) or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter, may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with subsections (1) through (3) of this section.

(5) A person who challenges a request for or designation of information as exempt under this section is entitled to seek judicial review pursuant to chapter 42.56 RCW.

Sec. 10. RCW 41.05.050 and 2017 3rd sp.s. c 13 s 806 are each amended to read as follows:

(1) Every: (a) Department, division, or separate agency of state government;

(b) county, municipal, school district, educational service district, or other political subdivisions; and (c) tribal governments as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, other political subdivision, or a tribal government for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups, except as provided in subsection (4) of this section.

(2) To account for increased cost of benefits for the state and for state employees, the authority may develop a rate surcharge applicable to participating counties, municipalities, other political subdivisions, and tribal governments.

(3) The contributions of any: (a) Department, division, or separate agency of the state government; (b) county, municipal, or other political subdivisions; (c) any tribal government as are covered by this chapter; and (d) school districts (~~and~~), educational service districts, and charter schools, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Until January 1, 2020, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to (~~state~~) employees, for groups of school district and educational service district employees enrolled in authority plans. The authority may collect these amounts in accordance with the school district or educational service district fiscal year, as described in RCW 28A.505.030.

(b) For all groups of school district or educational service district employees enrolling in authority plans for the first time after September 1, 2003, and until January 1, 2020, the

authority shall collect from each participating school district or educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to ((state)) employees, only if the authority determines that this method of billing the school districts and educational service districts will not result in a material difference between revenues from school districts and educational service districts and expenditures made by the authority on behalf of school districts and educational service districts and their employees. The authority may collect these amounts in accordance with the school district or educational service district fiscal year, as described in RCW 28A.505.030.

(c) Until January 1, 2020, if the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of ((district)) school and educational service district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all ((district)) school and educational service district employees enrolled in authority plans.

(d) Beginning January 1, 2020, all school districts ((and)), educational service districts, and charter schools shall commence participation in the school employees' benefits board program established under RCW 41.05.740. All school districts ((and)), educational service districts, charter schools, and all school district employee groups participating in the public employees' benefits board plans before January 1, 2020, shall thereafter participate in the school employees' benefits board program administered by the authority. All school districts, educational service districts, and charter schools shall provide contributions to the authority for insurance and health care plans for school employees and their dependents. These contributions must be provided to the authority for all eligible school employees, including school employees who have waived their coverage.

(e) For the purposes of this subsection((+)

~~(i) "District" means school district and educational service district; and~~

~~((ii))~~, "tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size.

(f) Notwithstanding this subsection and RCW 41.05.065(4), the authority may allow school districts and educational service districts enrolled on a tiered rate structure prior to September 1, 2002, and until January 1, 2020, to continue participation based on the same rate structure and under the same conditions and eligibility criteria.

(5) The authority shall transmit a recommendation for the amount of the employer contributions to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 11. RCW 41.05.055 and 2017 3rd sp.s. c 13 s 807 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the public employees' benefits board is to design and approve insurance benefit plans for employees and to establish eligibility criteria for participation in insurance benefit plans.

(2) The public employees' benefits board shall be composed of nine members through December 31, 2019, and of eight members thereafter, appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the public employees' benefits board, and represents an organized group of retired public employees;

(b) Through December 31, 2019, two representatives of school district employees, one of whom shall represent an association of school employees as a nonvoting member, and one of whom is retired, and represents an organized group of retired school employees. Thereafter, and only while retired school employees are served by the public employees' benefits board, only the

retired representative shall serve on the public employees' benefits board;

(c) Four members with experience in health benefit management and cost containment, one of whom shall be a nonvoting member; and

(d) The director.

(3) The governor shall appoint the initial members of the public employees' benefits board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the public employees' benefits board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The public employees' benefits board shall prescribe rules for the conduct of its business. The director shall serve as chair of the public employees' benefits board. Meetings of the public employees' benefits board shall be at the call of the chair.

Sec. 12. RCW 41.05.065 and 2015 c 116 s 3 are each amended to read as follows:

(1) The public employees' benefits board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The public employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for employees. In developing these plans, the public employees' benefits board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits; and

(f) Minimum standards for insuring entities.

(3) To maintain the comprehensive nature of employee health care benefits, benefits provided to employees shall be substantially equivalent to the state employees' health benefit(~~s~~) plan in effect on January 1, 1993. Nothing in this subsection shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account. The public employees' benefits board may establish employee eligibility criteria which are not substantially equivalent to employee eligibility criteria in effect on January 1, 1993.

(4) Except if bargained for under chapter 41.80 RCW, the public employees' benefits board shall design benefits and determine the terms and conditions of employee and retired or disabled school employee participation and coverage, including establishment of eligibility criteria subject to the requirements of this chapter. Employer groups obtaining benefits through contractual agreement with the authority for employees defined in RCW 41.05.011(6)(a) (i) through ((~~d~~)) (vi) may contractually agree with the authority to benefits eligibility criteria which differs from that determined by the public employees' benefits board. The eligibility criteria established by the public employees' benefits board shall be no more restrictive than the following:

(a) Except as provided in (b) through (e) of this subsection, an employee is

eligible for benefits from the date of employment if the employing agency anticipates he or she will work an average of at least eighty hours per month and for at least eight hours in each month for more than six consecutive months. An employee determined ineligible for benefits at the beginning of his or her employment shall become eligible in the following circumstances:

(i) An employee who works an average of at least eighty hours per month and for at least eight hours in each month and whose anticipated duration of employment is revised from less than or equal to six consecutive months to more than six consecutive months becomes eligible when the revision is made.

(ii) An employee who works an average of at least eighty hours per month over a period of six consecutive months and for at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period.

(b) A seasonal employee is eligible for benefits from the date of employment if the employing agency anticipates that he or she will work an average of at least eighty hours per month and for at least eight hours in each month of the season. A seasonal employee determined ineligible at the beginning of his or her employment who works an average of at least eighty hours per month over a period of six consecutive months and at least eight hours in each of those six consecutive months becomes eligible at the first of the month following the six-month averaging period. A benefits-eligible seasonal employee who works a season of less than nine months shall not be eligible for the employer contribution during the off season, but may continue enrollment in benefits during the off season by self-paying for the benefits. A benefits-eligible seasonal employee who works a season of nine months or more is eligible for the employer contribution through the off season following each season worked.

(c) Faculty are eligible as follows:

(i) Faculty who the employing agency anticipates will work half-time or more for the entire instructional year or equivalent nine-month period are eligible for benefits from the date of employment. Eligibility shall continue until the beginning of the first full month of the next instructional year,

unless the employment relationship is terminated, in which case eligibility shall cease the first month following the notice of termination or the effective date of the termination, whichever is later.

(ii) Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period are eligible for benefits at the beginning of the second consecutive quarter or semester of employment in which he or she is anticipated to work, or has actually worked, half-time or more. Such an employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least half-time in a quarter or semester. Faculty who the employing agency anticipates will not work for the entire instructional year or equivalent nine-month period, but who actually work half-time or more throughout the entire instructional year, are eligible for summer or off-quarter or off-semester coverage. Faculty who have met the criteria of this subsection (4)(c)(ii), who work at least two quarters or two semesters of the academic year with an average academic year workload of half-time or more for three quarters or two semesters of the academic year, and who have worked an average of half-time or more in each of the two preceding academic years shall continue to receive uninterrupted employer contributions for benefits if he or she works at least half-time in a quarter or semester or works two quarters or two semesters of the academic year with an average academic workload each academic year of half-time or more for three quarters or two semesters. Eligibility under this section ceases immediately if this criteria is not met.

(iii) Faculty may establish or maintain eligibility for benefits by working for more than one institution of higher education. When faculty work for more than one institution of higher education, those institutions shall prorate the employer contribution costs, or if eligibility is reached through one institution, that institution will pay the full employer contribution. Faculty working for more than one institution must alert his or her employers to his or her potential eligibility in order to establish eligibility.

(iv) The employing agency must provide written notice to faculty who are

potentially eligible for benefits under this subsection (4)(c) of their potential eligibility.

(v) To be eligible for maintenance of benefits through averaging under (c)(ii) of this subsection, faculty must provide written notification to his or her employing agency or agencies of his or her potential eligibility.

(vi) For the purposes of this subsection (4)(c):

(A) "Academic year" means summer, fall, winter, and spring quarters or summer, fall, and spring semesters;

(B) "Half-time" means one-half of the full-time academic workload as determined by each institution; except that for community and technical college faculty, half-time academic workload is calculated according to RCW 28B.50.489.

(d) A legislator is eligible for benefits on the date his or her term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible for benefits on the date his or her term begins or they take the oath of office, whichever occurs first.

(e) A justice of the supreme court and judges of the court of appeals and the superior courts become eligible for benefits on the date he or she takes the oath of office.

(f) Except as provided in (c)(i) and (ii) of this subsection, eligibility ceases for any employee the first of the month following termination of the employment relationship.

(g) In determining eligibility under this section, the employing agency may disregard training hours, standby hours, or temporary changes in work hours as determined by the authority under this section.

(h) Insurance coverage for all eligible employees begins on the first day of the month following the date when eligibility for benefits is established. If the date eligibility is established is the first working day of a month, insurance coverage begins on that date.

(i) Eligibility for an employee whose work circumstances are described by more than one of the eligibility categories in (a) through (e) of this subsection shall be determined solely by the criteria of

the category that most closely describes the employee's work circumstances.

(j) Except for an employee eligible for benefits under (b) or (c)(ii) of this subsection, an employee who has established eligibility for benefits under this section shall remain eligible for benefits each month in which he or she is in pay status for eight or more hours, if (i) he or she remains in a benefits-eligible position and (ii) leave from the benefits-eligible position is approved by the employing agency. A benefits-eligible seasonal employee is eligible for the employer contribution in any month of his or her season in which he or she is in pay status eight or more hours during that month. Eligibility ends if these conditions are not met, the employment relationship is terminated, or the employee voluntarily transfers to a noneligible position.

(k) For the purposes of this subsection, the public employees' benefits board shall define "benefits-eligible position."

(5) The public employees' benefits board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(6)(a) For any open enrollment period following August 24, 2011, the public employees' benefits board shall offer a health savings account option for employees that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The public employees' benefits board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(b) By November 30, 2015, and each year thereafter, the authority shall submit a report to the relevant legislative policy and fiscal committees that includes the following:

(i) Public employees' benefits board health plan cost and service utilization trends for the previous three years, in total and for each health plan offered to employees;

(ii) For each health plan offered to employees, the number and percentage of employees and dependents enrolled in the plan, and the age and gender demographics of enrollees in each plan;

(iii) Any impact of enrollment in alternatives to the most comprehensive plan, including the high deductible health plan with a health savings account, upon the cost of health benefits for those employees who have chosen to remain enrolled in the most comprehensive plan.

(7) Notwithstanding any other provision of this chapter, for any open enrollment period following August 24, 2011, the public employees' benefits board shall offer a high deductible health plan in conjunction with a health savings account developed under subsection (6) of this section.

(8) Employees shall choose participation in one of the health care benefit plans developed by the public employees' benefits board and may be permitted to waive coverage under terms and conditions established by the public employees' benefits board.

(9) The public employees' benefits board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The public employees' benefits board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the public employees' benefits board determines to be in the best interests of employees and the state. The public employees' benefits board shall adopt rules setting forth criteria by which it shall evaluate the plans.

(10) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments, political subdivisions, and tribal governments not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the ~~(administrator)~~ director, if it does not jeopardize the financial viability of

the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the public employees' benefits board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the public employees' benefits board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer.

The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the public employees' benefits board.

(11) The public employees' benefits board may establish penalties to be imposed by the authority when the eligibility determinations of an employing agency fail to comply with the criteria under this chapter.

Sec. 13. RCW 41.05.066 and 2015 c 116 s 4 are each amended to read as follows:

A certificate of domestic partnership qualified under the provisions of RCW 26.60.030 shall be recognized as evidence of a qualified domestic partnership fulfilling all necessary eligibility criteria for the partner of the employee or school employee to receive benefits. Nothing in this section affects the requirements of domestic partners to complete documentation related to federal tax status that may currently be required by the board for employees or school employees choosing to make premium payments on a pretax basis.

Sec. 14. RCW 41.05.075 and 2017 3rd sp.s. c 13 s 808 are each amended to read as follows:

(1) The director shall provide benefit plans designed by the board (~~and the school employees' benefits board~~) through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of

providing insurance coverage authorized by RCW 41.05.140. The process of contracting for plans offered by the school employees' benefits board is subject to ~~((oversight))~~ insight and direction by the school employees' benefits board.

(2) The director (~~(, subject to school employees' benefits board direction for plans offered to school employees,)~~) shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) (~~(School districts directly providing medical and dental benefits plans and contracted insuring entities providing medical and dental benefits plans to school districts on December 31, 2017,))~~ The entities described in RCW 28A.400.275(2) shall provide the school employees' benefits board and authority specified data by ((January 1, 2019)) April 1, 2018, in a format to be determined by the authority, to support an initial benefits plans procurement. At a minimum, the data must cover the period January 1, 2014, through ((August 1, 2018)) December 31, 2017, and include:

(a) A summary of the benefit packages offered to each group of ~~((district))~~ school employees, including covered benefits, point-of-service cost-sharing, member count, and the group policy number;

(b) Aggregated subscriber and member demographic information, including age band and gender, by insurance tier by month and by benefit packages;

(c) Monthly total by benefit package, including premiums paid, inpatient facility claims paid, outpatient facility claims paid, physician claims

paid, pharmacy claims paid, capitation amounts paid, and other claims paid;

(d) A listing for calendar years 2014 through 2017 of large claims defined as annual amounts paid in excess of one hundred thousand dollars including the amount paid, the member enrollment status, and the primary diagnosis; ~~((and))~~

(e) A listing of calendar year ~~((2018))~~ 2017 allowed claims by provider entity; and

(f) All data needed for design, procurement, rate setting, and administration of all school employees' benefits board benefits.

Any data that may be confidential and contain personal health information may be protected in accordance with a data-sharing agreement.

(4) The director shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(5) The director shall centralize the enrollment files for all employee, school employee, and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(6) All claims data shall be the property of the state. The director may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the director's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (8) of this section.

(7) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this

subsection may preclude the director from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(8) The director shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020, integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(9) The director may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any

network under contract with the authority.

Sec. 15. RCW 41.05.080 and 2015 c 116 s 5 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and

retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

Sec. 16. RCW 41.05.085 and 2005 c 195 s 3 are each amended to read as follows:

(1) Beginning with the appropriations act for the 2005-2007 biennium, the legislature shall establish as part of both the state employees' and the school and educational service district employees' insurance benefit allocation the portion of the allocation to be used to provide a prescription drug subsidy to reduce the health care insurance premiums charged to retired or disabled school district and educational service district employees, or retired state employees, who are eligible for parts A and B of medicare. The legislature may also establish a separate health care subsidy to reduce insurance premiums charged to individuals who select a medicare supplemental insurance policy option established in RCW 41.05.195.

(2) The amount of any premium reduction shall be established by the public employees' benefits board. The amount established shall not result in a premium reduction of more than fifty percent, except as provided in subsection (3) of this section. The public employees' benefits board may also determine the amount of any subsidy to be available to spouses and dependents.

(3) The amount of the premium reduction in subsection (2) of this section may exceed fifty percent, if the (~~administrator~~) director, in consultation with the office of financial management, determines that it is necessary in order to meet eligibility requirements to participate in the federal employer incentive program as provided in RCW 41.05.068.

Sec. 17. RCW 41.05.140 and 2013 c 251 s 10 are each amended to read as follows:

(1) Except for property and casualty insurance, the authority may self-fund, self-insure, or enter into other methods of providing insurance coverage for insurance programs under its jurisdiction, including the basic health plan as provided in chapter 70.47 RCW. The authority shall contract for payment of claims or other administrative services for programs under its jurisdiction. If a program does not require the prepayment of reserves, the authority shall establish such reserves within a reasonable period of time for the payment of claims as are normally required for that type of insurance under an insured program. The authority shall endeavor to reimburse basic health plan health care providers under this section at rates similar to the average reimbursement rates offered by the statewide benchmark plan determined through the request for proposal process.

(2) Reserves established by the authority for employee and retiree benefit programs shall be held in a separate account in the custody of the state treasurer and shall be known as the public employees' and retirees' insurance reserve fund. The state treasurer may invest the moneys in the reserve fund pursuant to RCW 43.79A.040.

(3) Reserves established by the authority for school employee benefit programs shall be held in a separate account in the custody of the state treasurer and shall be known as the school employees' benefits board insurance reserve fund. The state treasurer may invest the moneys in the reserve fund pursuant to RCW 43.79A.040.

(4) Any savings realized as a result of a program created for employees or school employees and retirees under this section shall not be used to increase benefits unless such use is authorized by statute.

~~((4))~~ (5) Any program created under this section shall be subject to the examination requirements of chapter 48.03 RCW as if the program were a domestic insurer. In conducting an examination, the commissioner shall determine the adequacy of the reserves established for the program.

~~((5))~~ (6) The authority shall keep full and adequate accounts and records of the assets, obligations, transactions,

and affairs of any program created under this section.

~~((6))~~ (7) The authority shall file a quarterly statement of the financial condition, transactions, and affairs of any program created under this section in a form and manner prescribed by the insurance commissioner. The statement shall contain information as required by the commissioner for the type of insurance being offered under the program. A copy of the annual statement shall be filed with the speaker of the house of representatives and the president of the senate.

~~((7))~~ (8) The provisions of this section do not apply to the administration of chapter 74.09 RCW.

Sec. 18. RCW 41.05.225 and 2002 c 71 s 1 are each amended to read as follows:

(1) The public employees' benefits board shall offer a plan of health insurance to blind licensees who are actively operating facilities and participating in the business enterprises program established in RCW 74.18.200 through 74.18.230, and maintained by the department of services for the blind. The plan of health insurance benefits must be the same or substantially similar to the plan of health insurance benefits offered to state employees under this chapter. Enrollment will be at the option of each individual licensee or vendor, under rules established by the public employees' benefits board.

(2) All costs incurred by the state or the public employees' benefits board for providing health insurance coverage to active blind vendors, excluding family participation, under subsection (1) of this section may be paid for from net proceeds from vending machine operations in public buildings under RCW 74.18.230.

(3) Money from the business enterprises program under the federal Randolph-Sheppard Act may not be used for family participation in the health insurance benefits provided under this section. Family insurance benefits are the sole responsibility of the individual blind vendors.

Sec. 19. RCW 41.05.300 and 2008 c 229 s 3 are each amended to read as follows:

(1) The state of Washington may enter into salary reduction agreements with employees and school employees (~~(of the state)~~) pursuant to the internal revenue code, for the purpose of making it possible for employees and school employees (~~(of the state)~~) to select on a "before-tax basis" certain taxable and nontaxable benefits. The purpose of the salary reduction plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 125, 26 U.S.C. Sec. 129, and other applicable sections of the internal revenue code.

(2) Nothing in the salary reduction plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's salary reduction agreement, the plan, this section, or RCW 41.05.123, 41.05.310 through 41.05.360, and 41.05.295 gives a participant any right to be retained in state employment.

Sec. 20. RCW 41.05.320 and 2008 c 229 s 5 are each amended to read as follows:

(1) Elected officials and permanent employees and school employees (~~(of the state)~~) are eligible to participate in the salary reduction plan and reduce their salary by agreement with the authority. The authority may adopt rules to: (a) Limit the participation of employing agencies and their employees in the plan; and (b) permit participation in the plan by temporary employees and school employees (~~(of the state)~~).

(2) Persons eligible under subsection (1) of this section may enter into salary reduction agreements with the state.

(3) (a) An eligible person may become a participant of the salary reduction plan for a full plan year with annual benefit plan selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(b) Once an eligible person elects to participate in the salary reduction plan and determines the amount his or her gross salary shall be reduced and the benefit plan for which the funds are to be used during the plan year, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (c) of this

subsection. Prior to making an election to participate in the salary reduction plan, the eligible person shall be informed in writing of all the benefits and reductions that will occur as a result of such election.

(c) The authority shall provide in the salary reduction plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the salary reduction plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any reduction of salary under the salary reduction plan shall not reduce the reportable compensation for the purpose of computing the state retirement and pension benefits earned by the employee or school employee pursuant to chapters 41.26, 41.32, 41.35, 41.37, 41.40, and 43.43 RCW.

Sec. 21. RCW 41.04.205 and 2016 c 67 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. In the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) Establish the conditions for participation; and

(b) Have the sole right to reject the application, except a group application from a county or other political subdivision of the state with fewer than five thousand employees must be approved.

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

(3) Any application of this section to members of the law enforcement officers' and firefighters' retirement system under chapter 41.26 RCW is subject to chapter 41.56 RCW.

(4) Until December 31, 2019, school districts may voluntarily transfer to the public employees' benefits board, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit.

Sec. 22. RCW 28A.400.275 and 2017 3rd sp.s. c 13 s 814 and 2017 3rd sp.s. c 7 s 1 are each reenacted and amended to read as follows:

(1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district or educational service district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district and educational service district employee benefits. The term of the contract or agreement may not exceed one year, except that the final contract or agreement entered into for the 2018-19 school year must exceed one year only by the months necessary to ensure employee benefits are maintained through December 31, 2019.

(2) ~~((Through December 31, 2019, school districts and their benefit providers shall annually submit, by a date determined by the office of the insurance commissioner, the following information and data for the prior~~

~~calendar year to the office of the insurance commissioner.~~

~~(a) Progress by the district and its benefit providers toward greater affordability for full family coverage, health care cost savings, and significantly reduced administrative costs;~~

~~(b) Compliance with the requirement to provide a high deductible health plan option with a health savings account;~~

~~(c) An overall plan summary including the following:~~

~~(i) The financial plan structure and overall performance of each health plan including:~~

~~(A) Total premium expenses;~~

~~(B) Total claims expenses;~~

~~(C) Claims reserves; and~~

~~(D) Plan administration expenses, including compensation paid to brokers;~~

~~(ii) A description of the plan's use of innovative health plan features designed to reduce health benefit premium growth and reduce utilization of unnecessary health services including but not limited to the use of enrollee health assessments or health coach services, care management for high cost or high risk enrollees, medical or health home payment mechanisms, and plan features designed to create incentives for improved personal health behaviors;~~

~~(iii) Data to provide an understanding of employee health benefit plan coverage and costs, including: The total number of employees and, for each employee, the employee's full-time equivalent status, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution to premium, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent;~~

~~(iv) Data necessary for school districts to more effectively and competitively manage and procure health insurance plans for employees. The data must include, but not be limited to, the following:~~

~~(A) A summary of the benefit packages offered to each group of district employees, including covered benefits, employee deductibles, coinsurance, and~~

~~copayments, and the number of employees and their dependents in each benefit package;~~

~~(B) Aggregated employee and dependent demographic information, including age band and gender, by insurance tier and by benefit package;~~

~~(C) Total claim payments by benefit package, including premiums paid, inpatient facility claims paid, outpatient facility claims paid, physician claims paid, pharmacy claims paid, capitation amounts paid, and other claims paid;~~

~~(D) Total premiums paid by benefit package;~~

~~(E) A listing of large claims defined as annual amounts paid in excess of one hundred thousand dollars including the amount paid, the member enrollment status, and the primary diagnosis;~~

~~(F) After December 31, 2018, school districts shall submit such data as required by the school employees' benefits board to administer the consolidated purchasing of health services.~~

~~(3) Through December 31, 2018, school districts and their benefit providers shall jointly report to the office of the insurance commissioner on their health insurance related efforts and achievements to:~~

~~(a) Significantly reduce administrative costs for school districts;~~

~~(b) Improve customer service;~~

~~(c) Reduce differential plan premium rates between employee only and family health benefit premiums;~~

~~(d) Protect access to coverage for part-time K-12 employees.~~

~~(4) The information and data shall be submitted in a format and according to a schedule established by the office of the insurance commissioner under RCW 48.02.210 to enable the commissioner to meet the reporting obligations under that section.~~

~~(5) Through December 31, 2018,)) School districts, educational service districts, and their benefit providers shall submit data to the health care authority in accordance with RCW 41.05.075(3).~~

(3) Any benefit provider offering a benefit plan by contract or agreement with a school district or educational service district under subsection (1) of this section shall make available to the school district or educational service district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the school district, educational service district, and benefit provider are required to report to the ((office of the insurance commissioner)) health care authority under this section. ((After December 31, 2018, a benefit provider shall submit such data to the school employees' benefits board.

~~(6))~~ (4) Each school district and educational service district shall:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority.

Sec. 23. RCW 28A.400.350 and 2017 3rd sp.s. c 13 s 816 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to

chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) (a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the

premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5) (a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

~~((e) Upon notification from the office of the insurance commissioner of a school district's substantial noncompliance with the data reporting requirements of RCW 28A.400.275, and the failure is due to the action or inaction of the school district, and if the noncompliance has occurred for two reporting periods, the superintendent is authorized and required to limit the school district's authority provided in subsection (1) of this section regarding employee health benefits to the provision of health benefit coverage provided by the state health care authority.))~~

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019. Beginning January 1, 2020, school districts and educational service districts shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) A function of the school employees' benefits board established under RCW 41.05.740 is to design and approve insurance benefit plans and to establish eligibility criteria for participation in insurance benefit plans by January 1, 2020. In order for the school employees' benefits board to develop these benefit plans, charter school employees' information must be provided to the school employees'

benefits board and the health care authority.

(2) Charter schools and their benefit providers must submit data to the health care authority in accordance with RCW 41.05.075(3).

(3) Any benefit provider offering a benefit plan by contract or agreement with a charter school must make available to the charter school the benefit plan descriptions and, where available, the demographic information on plan subscribers that the charter school and benefit providers are required to report to the health care authority under this section.

(4) Each charter school must:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those actions necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority.

Sec. 25. RCW 41.05.120 and 2017 3rd sp.s. c 13 s 809 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, the remittance paid by school districts and educational service districts under RCW 28A.400.410, reserves, dividends, and refunds, for payment of premiums and claims for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085, and transfers from the flexible spending administrative account as authorized in RCW 41.05.123. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the flexible spending administrative account to provide reserves and start-up costs for

the operation of the flexible spending administrative account program.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' and retirees' insurance account.

(3) The school employees' insurance account is hereby established in the custody of the state treasurer, to be used by the director for the deposit of contributions, reserves, dividends, and refunds, for payment of premiums and claims for school employee insurance benefit contracts, and for transfers from the school employees' benefits board flexible spending and dependent care administrative account as authorized in this subsection. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the director. Moneys from the account may be transferred to the school employees' benefits board flexible spending and dependent care administrative account to provide reserves and start-up costs for the operation of the school employees' benefits board flexible spending arrangement and dependent care assistance program.

(4) The state treasurer and the state investment board may invest moneys in the school employees' insurance account. These investments must be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The director shall determine whether the state treasurer or the state investment board or both shall invest moneys in the school employees' insurance account.

Sec. 26. RCW 41.05.123 and 2008 c 229 s 6 are each amended to read as follows:

(1) For the public employees' benefits board program, the flexible spending administrative account is created in the custody of the state treasurer.

(a) All receipts from the following must be deposited in the account:

~~((a))~~ (i) Revenues from employing agencies for costs associated with operating the medical flexible spending

arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter; and

~~((b) funds transferred from the dependent care administrative account; and~~

~~(e))~~ (ii) Unclaimed moneys at the end of the plan year after all timely submitted claims for that plan year have been processed. Expenditures from the account may be used only for administrative and other expenses related to operating the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter. Only the ~~((administrator))~~ director or the ~~((administrator's))~~ director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

~~((2))~~ (b) The salary reduction account is ~~((established in the state treasury))~~ created in the custody of the state treasurer. Employee salary reductions paid to reimburse participants or service providers for benefits provided by the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be paid from the salary reduction account. The funds held by the state to pay for benefits provided by the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be deposited in the salary reduction account. Unclaimed moneys remaining in the salary reduction account at the end of a plan year after all timely submitted claims for that plan year have been processed shall become a part of the flexible spending administrative account. Only the ~~((administrator))~~ director or the ~~((administrator's))~~ director's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW and an appropriation is not required for expenditures.

~~((3))~~ (c) Program claims reserves and money necessary for start-up costs transferred from the public employees'

and retirees' insurance account established in RCW 41.05.120 may be deposited in the flexible spending administrative account. Moneys in excess of the amount necessary for administrative and operating expenses of the medical flexible spending arrangement program may be transferred to the public employees' and retirees' insurance account.

~~((4))~~ (d) The authority may periodically bill employing agencies for costs associated with operating the medical flexible spending arrangement program and the dependent care assistance program provided through the salary reduction plan authorized under this chapter.

(2) For the school employees' benefits board program, the school employees' benefits board flexible spending and dependent care administrative account is created in the custody of the state treasurer.

(a) All receipts from the following must be deposited in the account:

(i) Revenues from school employees' benefits board organizations for costs associated with operating the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter; and

(ii) Unclaimed moneys at the end of the plan year after all timely submitted claims for that plan year have been processed. Expenditures from the account may be used only for administrative and other expenses related to operating the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(b) The school employees' benefits board salary reduction account is created in the custody of the state treasurer. School employee salary reductions paid to reimburse participants or service providers for benefits provided by the school employees' benefits board medical

flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be paid from the school employees' benefits board salary reduction account. The funds held by the state to pay for benefits provided by the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter shall be deposited in the school employees' benefits board salary reduction account. Unclaimed moneys remaining in the school employees' benefits board salary reduction account at the end of a plan year after all timely submitted claims for that plan year have been processed shall become a part of the school employees' benefits board flexible spending and dependent care administrative account. Only the director or the director's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW and an appropriation is not required for expenditures.

(c) Program claims reserves and money necessary for start-up costs transferred from the school employees' insurance account established in RCW 41.05.120 may be deposited in the school employees' benefits board flexible spending and dependent care administrative account. Moneys in excess of the amount necessary for administrative and operating expenses of the school employees' benefits board medical flexible spending arrangement and the school employees' benefits board dependent care assistance program may be transferred to the school employees' insurance account.

(d) The authority may periodically bill school employees' benefits board organizations for costs associated with operating the school employees' benefits board medical flexible spending arrangement program and the school employees' benefits board dependent care assistance program provided through the salary reduction plan authorized under this chapter.

Sec. 27. RCW 41.05.143 and 2017 3rd sp.s. c 13 s 811 are each amended to read as follows:

(1) The uniform medical plan benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for contracted expenditures for uniform medical plan claims administration, data analysis, utilization management, preferred provider administration, and activities related to benefits administration where the level of services provided pursuant to a contract fluctuate as a direct result of changes in uniform medical plan enrollment. Moneys in the account may also be used for administrative activities required to respond to new and unforeseen conditions that impact the uniform medical plan, but only when the authority and the office of financial management jointly agree that such activities must be initiated prior to the next legislative session.

(2) Receipts from amounts due from or on behalf of uniform medical plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. All proposals for allotment increases shall be provided to the house of representatives appropriations committee and to the senate ways and means committee at the same time as they are provided to the office of financial management.

(3) The uniform dental plan benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for contracted expenditures related to benefits administration for the uniform dental plan as established under RCW 41.05.140. Receipts from amounts due from or on behalf of uniform dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(4) The public employees' benefits board medical benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for contracted expenditures related to claims administration, data analysis, utilization management, preferred provider administration, and other activities related to benefits administration for self-insured medical plans (~~(other than the uniform medical plan)~~). Receipts from amounts due from or on behalf of enrollees for expenditures related to benefits administration, including moneys disbursed from the public employees' and retirees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(5) The school employees' benefits board ~~medical benefits administration~~ administrative account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for school employees' benefits board contracted expenditures related to claims administration, data analysis, utilization management, preferred provider administration, and other activities related to benefits administration for self-insured medical plans (~~(other than the uniform medical plan)~~). Receipts from amounts due from or on behalf of enrollees for expenditures related to benefits administration, including moneys disbursed from the school employees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(6) The school employees' benefits board dental benefits administration account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. Moneys in the account shall be used exclusively for school employees' benefits board contracted expenditures related to benefits administration for the self-insured dental plan as established under RCW 41.05.140. Receipts from amounts due

from or on behalf of the self-insured dental plan enrollees for expenditures related to benefits administration, including moneys disbursed from the school employees' insurance account, shall be deposited into the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 28. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington

achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, public

employees' and retirees' insurance account, school employees' insurance account, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 29. RCW 41.05.700 and 2017 c 219 s 2 are each amended to read as follows:

(1) A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

(a) The plan provides coverage of the health care service when provided in person by the provider;

(b) The health care service is medically necessary;

(c) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, 2015; and

(d) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(2)(a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

(a) Hospital;

(b) Rural health clinic;

(c) Federally qualified health center;

(d) Physician's or other health care provider's office;

(e) Community mental health center;

(f) Skilled nursing facility;

(g) Home or any location determined by the individual receiving the service; or

(h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

(a) An originating site for professional fees;

(b) A provider for a health care service that is not a covered benefit under the plan; or

(c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

(a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;

(b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(e) "Provider" has the same meaning as in RCW 48.43.005;

(f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this

section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

NEW SECTION. Sec. 30. A new section is added to chapter 41.05 RCW to read as follows:

(1) All health care and financial related data as required by section 4, chapter 3, Laws of 2012 2nd sp. sess. that was sent by school districts and their benefits providers to the office of the insurance commissioner for plan years ending in 2012 through 2016 for the purposes of studying health benefits provided to school employees must be provided to the authority by March 15, 2018.

(2) All claims data, including health care and financial related data received by the authority under subsection (1) of this section, is the property of the state and is exempt from disclosure and not subject to chapter 42.56 RCW.

Sec. 31. RCW 42.56.400 and 2017 3rd sp.s. c 30 s 2 and 2017 c 193 s 2 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7) (a) (ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5) (b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2) as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp.s., that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 as it existed on January 1, 2017, and 48.02.210 as it existed prior to repeal by section 2, chapter 7, Laws of 2017 3rd sp.s.;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065; (~~and~~)

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068; (~~and~~)

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230; and

(28) All claims data, including health care and financial related data received under section 30 of this act, received and held by the health care authority.

NEW SECTION. Sec. 32. Sections 14, 22, 23, 30, and 31 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representative Taylor and Taylor (again) spoke in favor of the adoption of the striking amendment.

Representative Cody spoke against the adoption of the striking amendment.

The striking amendment (1339) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Robinson spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Substitute Senate Bill No. 6241, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6187, by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Palumbo, Carlyle, McCoy, Hobbs, Wellman, Sheldon, Hawkins, Mullet, Conway and Brown)

Concerning the electrification of transportation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology & Economic Development was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 53, March 1, 2018).

There being no objection, the House deferred action on. ENGROSSED SUBSTITUTE SENATE BILL NO. 6187, and the bill held its place on the second reading calendar.

SENATE BILL NO. 6188, by Senators Dhingra, O'Ban, Wilson, Van De Wege and Kuderer

Encouraging fairness in disciplinary actions of peace officers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Irwin and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6188.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6188, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6188, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5288, by Senators Hunt, Liias and Kuderer

Authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Doglio, Barkis and Dolan spoke in favor of the passage of the bill.

Representative Wilcox spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5288.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5288, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Blake, Buys, Caldier, Chandler, Condotta, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harmsworth, Hayes, Holy, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Nealey, Orcutt, Pellicciotti, Pike, Reeves, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SENATE BILL NO. 5288, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Senate Bill No. 5288.

Representative Haler, 8 District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6133, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Zeiger, Wellman, Keiser, Hasegawa and Kuderer)

Expanding statewide career and technical education course equivalency options.

The bill was read the second time.

With the consent of the house, amendment (1230) was withdrawn.

Representative Santos moved the adoption of amendment (1070):

On page 2, at the beginning of line 10, strike "technology, engineering,"

Representatives Santos and Harris spoke in favor of the adoption of the amendment.

Amendment (1070) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6133, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6133, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6133, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5064, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Fain, Rolfes, Rivers, Pedersen, Ranker, Mullet, Billig, Becker, Braun, King, Darneille, Chase, Carlyle and Palumbo)

Concerning freedom of expression rights of students at public schools and institutions of higher education.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 23, 2018).

With the consent of the house, amendments (1245), (1242), and (1270) to the committee striking amendment were withdrawn.

Representative Santos moved the adoption of amendment (1320) to the committee striking amendment:

On page 1, after line 2 of the striking amendment, insert the following:

"NEW SECTION. Sec. 1. The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First

Amendment to the United States Constitution and by Article I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to encourage students to become educated, informed and responsible members of society."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Santos and Graves spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1320), to the committee striking amendment, was adopted.

Representative Walsh moved the adoption of amendment (1241) to the committee striking amendment:

On page 4, after line 20 of the striking amendment, insert the following:

"NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Constitutional time, place, and manner restrictions" means restrictions on the time, place, and manner of free speech that do not violate the federal or state constitutions, are reasonable, content-neutral, and viewpoint-neutral, are narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience.

(2) "Faculty" or "faculty member" means any person, whether or not the person is compensated by a public institution of higher education, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching. "Faculty" includes tenured and nontenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors, and those in comparable positions, however titled. "Faculty" does not include persons whose primary responsibilities are administrative or managerial.

(3) "Free speech" means speech, expression, or assemblies, verbal or written, protected by the federal or state constitutions, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. "Free speech" does not include the promotion, sale, or distribution of any product or service.

(4) "Institution of higher education" or "institution" has the definition in RCW 28B.10.016.

(5) "Student" means:

(a) An individual currently enrolled in a course of study at an institution of higher education; and

(b) An organization that comprises entirely individuals currently enrolled in a course of study at an institution of higher education and the organization is registered as a student organization with the institution pursuant to institutional rules.

NEW SECTION. **Sec. 4.** (1) The governing boards of every institution of higher education shall each adopt a policy that affirms the following principles of free speech, which are the public policy of this state:

(a) Students have a fundamental constitutional right to free speech;

(b) An institution of higher education must be committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to section 6 of this act;

(c) An institution of higher education must be committed to maintaining its campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not suppressed because some or most members of the institution's community think those ideas are offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or emotionally disturbing;

(d) Students and faculty members must be allowed to make judgments about ideas for themselves and to act on those judgments by openly and vigorously debating the ideas they either agree to

and/or oppose, rather than by seeking to suppress free speech;

(e) It is not the proper role of an institution of higher education to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or emotionally disturbing;

(f) Although an institution of higher education should greatly value civility and mutual respect, concerns about civility and mutual respect must not be used by an institution of higher education as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or emotionally disturbing those ideas may be to some students or faculty;

(g) All students and all faculty must be free to state their own views about and contest the views expressed on campus and to state their own views about and contest speakers who are invited to express their views on campus. Students and faculty may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. Therefore, an institution of higher education has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom;

(h) An institution of higher education must be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study, and to evaluate, and to gain new understanding;

(i) The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competencies;

(j) Although faculty are free in the classroom to discuss subjects within areas of their competencies, faculty shall be cautious in expressing personal views in the classroom and shall be careful not to introduce controversial matters that have no relationship to the subject taught, especially regarding matters they have no special competence or training in and in which, therefore,

faculty's views cannot claim the authority accorded other statements they make that are within their areas of competence. However, no faculty should face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed and comprises a substantial portion of classroom instruction;

(k) An institution of higher education must maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students;

(l) An institution of higher education must not restrict students' free speech only to particular areas of the campus, sometimes known as "free speech zones";

(m) An institution of higher education must not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates;

(n) An institution of higher education must not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature. However, an institution of higher education may maintain a policy that grants members of the institution's community the right to reserve certain outdoor spaces in advance;

(o) An institution of higher education must not charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition to speech;

(p) An institution of higher education must allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of the guest speakers; and

(q) An institution of higher education must not disinvite a speaker invited by a student, student organization, or faculty member solely because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or emotionally disturbing by students, faculty, administrators, government officials, or members of the public.

(2) The policy adopted pursuant to this section must be made available to

students and faculty annually through one or more of the following methods:

(a) By publication annually in the institution of higher education's student handbook and faculty handbook, whether paper or electronic;

(b) By way of a prominent notice on the institution of higher education's web site other than through the electronic publication of the policy in the student handbook and faculty handbook;

(c) Sent annually to students and employees to their institutionally provided email address; or

(d) Addressed by the institution of higher education in orientation programs for new students and new faculty.

(3) Nothing in this section may be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

NEW SECTION. Sec. 5. (1) With respect to disciplining students for their speech, expression, or assemblies, each institution of higher education must adopt a policy on "student-on-student harassment" defining the term consistent with and no more expansively than the language contained in subsection (2) of this section.

(2) As used in this section, "student-on-student harassment" means unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law, and that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit.

NEW SECTION. Sec. 6. Nothing in this chapter requires an institution of higher education to fund costs associated with student speech or expression. An institution of higher education shall not impose costs on students or student organizations on the basis of the anticipated reaction or opposition to a person's speech by listeners.

NEW SECTION. Sec. 7. Nothing in this chapter prohibits an institution of higher education from imposing measures that do not violate the federal and state constitutions, such as:

(1) Constitutional time, place, and manner restrictions;

(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;

(3) Restricting the use of the institution of higher education's property to protect the free speech rights of students and faculty and preserve the use of the property for the advancement of the institution's mission;

(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the federal or state constitution; and

(5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.

NEW SECTION. **Sec. 8.** The governing body of each institution of higher education may adopt rules to effectuate the purposes of this chapter.

NEW SECTION. **Sec. 9.** Sections 3 through 8 of this act constitute a new chapter in Title 28B RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (1241) to the committee amendment to Substitute Senate Bill No. 5064.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "SB 5064 sets standards for academic freedom for student newspapers and other school-sponsored media in high schools and higher education institutions.

The amendment also addresses freedom of expression but its provision are not limited to expression in student media or student newspapers.

The Speaker therefore finds and rules that the amendment exceeds the scope and object of the bill. The point of order is well taken."

With the consent of the house, amendment (1243) was withdrawn.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins, Stokesbary, Rodne and Wilcox spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representative Shea was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5064, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Klippert, Kraft, McCaslin, Orcutt and Taylor.

Excused: Representative Shea.

SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6475, by Senate Committee on Transportation (originally sponsored by Senators Hobbs, Palumbo, King, Wagoner, McCoy and Liias)

Prohibiting the imposition of regional transit authority property taxes on less than a whole parcel.

The bill was read the second time.

With the consent of the house, amendment (1239) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Harmsworth spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6475.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6475, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6475, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

The House resumed consideration of SUBSTITUTE SENATE BILL NO. 6544 on third reading.

SUBSTITUTE SENATE BILL NO. 6544, by Senate Committee on Ways & Means (originally sponsored by Senators Chase, Brown, Hasegawa, Wagoner, Wellman, Takko and Conway)

Establishing the future of work task force.

Representatives Hansen and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6544.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6544, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Holy, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Ryu, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE SENATE BILL NO. 6544, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6544.

Representative Holy, 6th District

SECOND READING

SENATE BILL NO. 6179, by Senators Carlyle, Ranker, Hunt and Sheldon

Concerning the annual reporting requirements for regulated utility and transportation companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6179.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6179, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Dent,

Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Hayes, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Condotta, DeBolt, Graves, Harmsworth, Harris, Holy, Irwin, Jenkin, Kraft, Kretz, Maycumber, McCaslin, McCabe, Pike, Rodne, Shea, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SENATE BILL NO. 6179, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6368, by Senators Warnick, Honeyford and Van De Wege

Updating laws concerning agricultural fairs, youth shows, and exhibitions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen, Dent and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6368.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6368, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SENATE BILL NO. 6368, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 3, 2018, the 55th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

HOUSE JOURNAL
OF THE
SIXTY-FIFTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2018 Regular Session
Convened January 8, 2018
Adjourned Sine Die March 8, 2018

VOLUME 3



Frank Chopp, Speaker
John Lovick, Speaker Pro Tempore
Bernard Dean, Chief Clerk

Compiled and edited by Maureen Mueller, Journal Clerk

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SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 3, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katrina Telnack and Jessica Adams. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Joan McBride, 48th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

March 2, 2018

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1058,
HOUSE BILL NO. 1336,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.
1482,
SUBSTITUTE HOUSE BILL NO. 1558,
SUBSTITUTE HOUSE BILL NO. 1656,
HOUSE BILL NO. 1672,
ENGROSSED HOUSE BILL NO. 1742,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1831,
ENGROSSED HOUSE BILL NO. 1849,
HOUSE BILL NO. 2257,
HOUSE BILL NO. 2261,
HOUSE BILL NO. 2307,
HOUSE BILL NO. 2313,
SUBSTITUTE HOUSE BILL NO. 2317,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
HOUSE BILL NO. 2468,
HOUSE BILL NO. 2474,
SUBSTITUTE HOUSE BILL NO. 2515,
HOUSE BILL NO. 2649,
SECOND SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2696,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701,
HOUSE BILL NO. 2785,
SUBSTITUTE HOUSE BILL NO. 2822,
ENGROSSED HOUSE BILL NO. 2957,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 2, 2018

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2858,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

February 28, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5955,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 3010 by Representatives Graves, Stokesbary, Wilcox, Caldier, Maycumber, Dent, McCaslin and Young

AN ACT Relating to creating and funding a school choice scholarship program for foster students; adding new sections to chapter 43.216 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Early Learning & Human Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

THIRD READING**MESSAGE FROM THE SENATE**

March 1, 2018

MR. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1506, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the

employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state (~~(employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males))~~ who discriminates in any way in providing compensation based on gender between similarly employed (~~(or in any employment formerly performed by males, shall be))~~ employees of the employer is guilty of a misdemeanor. If any (~~(female))~~ employee (~~(shall))~~ receives less compensation because of (~~(being discriminated against))~~ discrimination on account of (~~(her sex, and))~~ gender in violation of this section, (~~(she shall be))~~ that employee is entitled to (~~(recover in a civil action the full amount of compensation that she would have received had she not been discriminated against))~~ the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to (~~(her))~~ the employee upon account. (~~(A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.))~~)

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed.

(3) (a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

NEW SECTION. Sec. 4. (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3)(a) (i) through (iii) (as recodified by this act) does not constitute discrimination within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW

49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the employee actual damages, statutory damages equal to the actual damages or five thousand dollars, whichever is greater, and interest of one percent per month on all compensation owed;

(ii) The employer to pay to the department the costs of investigation and enforcement; and

(iii) Any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Section 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. Sec. 5. (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in

chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. Sec. 6. An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. Sec. 7. (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from ten years before the complaint.

NEW SECTION. Sec. 8. (1) Subject to subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. The employee must bring a civil action within three years of the date of the alleged violation of this chapter regardless of whether the employee pursued an administrative complaint. Recovery of any wages and interest owed must be calculated from ten years prior to the date of filing the civil action.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

(3) A city, code city, town, county, or political subdivision may not enact a charter, ordinance, regulation, rule, or resolution:

(a) Creating a gender pay equity program that alters or amends the requirements of this chapter for any private employer;

(b) Providing for local enforcement of the provisions of this chapter; or

(c) Requiring private employers to supplement the requirements or benefits provided under this chapter.

NEW SECTION. Sec. 9. A violation of this chapter occurs when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. Sec. 10. The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 11. The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. Sec. 12. RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to Second Substitute House Bill No. 1506 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives Sells, Senn and McCabe as conferees.

MESSAGE FROM THE SENATE

February 28, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 2008, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective planning for and implementation of core state services for children requires predictability and stability in the budgeting process for these services. For these reasons, the legislature intends that costs for behavioral rehabilitation services be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting program caseloads, and incorporating forecast-based program costs into the maintenance level budget, the state can ensure predictable funding levels for this program.

NEW SECTION. Sec. 2. (1) The children and families services program of the department of social and health services through June 30, 2018, and of the department of children, youth, and families effective July 1, 2018, shall facilitate a stakeholder work group in a collaborative effort to design a behavioral rehabilitation services rate payment methodology that is based on actual provider costs of care. The work group may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, and in compliance with RCW 43.01.036, the department of children, youth, and families must submit a report with the final work group findings to the appropriate legislative committees.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The office of innovation, alignment, and accountability must develop a single validated tool to assess the care needs of foster children. Once the validated tool is available for use on a statewide basis, the department of children, youth, and families must use the tool for assessing the care needs of foster

children, including but not limited to whether the department should provide foster children with behavioral rehabilitation services. The department must notify the caseload forecast council, the office of financial management, and the appropriate fiscal committees of the legislature when it begins statewide use of the validated tool.

Sec. 4. RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an

alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW (~~43.215.405~~) 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions

provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.88 RCW to read as follows:

For the purposes of this chapter, expenditures for behavioral rehabilitation services placements must be forecasted and budgeted as maintenance level costs.

NEW SECTION. **Sec. 6.** (1) The department of children, youth, and families shall, as part of its budget request submittal for the 2019-2021 biennial operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

(a) An analysis of the need for licensed foster homes;

(b) A listing of support resources available for parents in licensed foster homes; and

(c) A review of department policies that affect the recruitment and retention of licensed foster homes.

A report containing the results of the review shall be submitted to the office of financial management and appropriated committees of the legislature no later than October 1, 2018.

(2) This section expires October 1, 2018."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2008 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 28, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. **Sec. 2.** (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I

AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE

NEW SECTION. **Sec. 101.** A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States

applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. **Sec. 102.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. **Sec. 103.** A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicard issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-

class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete under this subsection.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 101 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicard under RCW

46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the

cancellation of the license or identicard and the identification of the incorrect information.

PART II

ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

The health benefit exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III

AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means the department of agriculture, the department of veterans affairs, the military department, and the business professions division of the department of licensing, or a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

- (a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and
- (b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement

automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

(a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;

(b)(i) The qualifications to be registered to vote;

(ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and

(iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Confirmation that the person is a citizen of the United States;

(vi) A digital copy of the person's signature; and

(vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to be automatically registered to vote pursuant to this section at another state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1).

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital

copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; (~~(e)~~)

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation

for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor, if he or she willfully:

(1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;

(2) Neglects or refuses to perform such duty in the manner required by voter registration law;

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

PART IV

MISCELLANEOUS

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010.

The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

NEW SECTION. Sec. 402. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, and 29A.08.110; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 1, 2018

MR. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2748, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature acknowledges that the learning assistance program was developed to provide supplemental services for public school students who are not meeting academic standards. Initially, school districts were allowed to use learning assistance program funds in a flexible manner to support participating students. Over time, the legislature restricted and established priorities for the use of learning assistance program funds. The legislature finds that it is time to restore the flexibility of learning assistance program funds; however, local control must be balanced with local accountability for improvement in student academic achievement.

Sec. 2. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) While the state allocations for the learning assistance program under this chapter are intended to be flexible dollars within the control of the public school and school district, this local control must be balanced with local accountability for improvement in student achievement.

(2) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW

28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

~~((2))~~ (3) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

Sec. 3. RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist students who are not meeting academic standards ~~((and reduce disruptive behaviors in the classroom))~~; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards ~~((and reduce disruptive behaviors in the classroom))~~.

(2) School districts implementing a learning assistance program shall ~~((focus first on))~~ emphasize addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy.

Sec. 4. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. ~~((To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235,))~~

The office of the superintendent of public instruction shall publish the best practices and strategies by July 1, 2018, and update this publication by each July 1st thereafter.

(2) The following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Intensive reading and literacy improvement strategies under RCW 28A.655.235;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

~~((d))~~ (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

~~((e))~~ (f) Tutoring support for participating students;

~~((f))~~ (g) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

~~((g))~~ (h) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended for partnerships.

~~((2))~~ ~~In addition to the state menu developed under RCW 28A.655.235,))~~ (3) The office of the superintendent of public instruction shall convene a panel of experts ~~((, including the Washington state institute for public policy,))~~ to develop additional ~~((state menus of))~~

best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics (~~and reduce disruptive behaviors in the classroom~~)).

The panel may consider ways to integrate student supports to promote students' academic success.

The office of the superintendent of public instruction shall publish the ~~((state menus))~~ best practices by July 1, 2015, and update the ~~((state menus))~~ best practices by each July 1st thereafter.

~~((3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (2) of this section or RCW 28A.655.235.~~

~~(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.~~

~~(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.)~~

(4)(a) During the 2018-19 and 2019-20 school years only, school districts may expend a portion of the district's learning assistance program allocation to develop a dropout early warning and intervention data system as defined in RCW 28A.175.074. During the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction may retain up to one-half of one percent of

learning assistance program allocation funds generated by middle school and high school students for the purpose of supporting districts in data collection and reporting and providing professional development and technical assistance. The office of the superintendent of public instruction is encouraged to work with the educational service districts to provide these services.

(b) School districts may expend a portion of the district's learning assistance program allocation on interventions for students identified as at risk of not graduating using the dropout early warning and intervention data system defined in RCW 28A.175.074.

(5) School districts are encouraged to implement the best practices and strategies ~~((from the state menus))~~ developed under this section ~~((and RCW 28A.655.235 before the use is required))~~.

Sec. 5. RCW 28A.165.100 and 2013 2nd sp.s. c 18 s 204 are each amended to read as follows:

(1) Beginning with the 2014-15 school year, school districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) By August 1, 2014, and each August 1st thereafter, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

(a) The amount of academic growth gained by students participating in the learning assistance program;

(b) The number of students who gain at least one year of academic growth; ~~((and))~~

(c) The specific practices, activities, and programs used by each school building that received learning assistance program funding; and

(d) Other data required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains.

(3) Beginning November 1, 2018, and each November 1st thereafter, the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts to show which are the most effective. The data must be disaggregated by student subgroups.

Sec. 6. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average staff mix factor for certificated instructional staff, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for ((underachieving)) students who are not meeting academic standards through the learning assistance program

under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 7. RCW 28A.300.139 and 2016 c 72 s 801 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of

community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A system-level needs assessment with resource mapping must be conducted in order to identify academic and nonacademic supports that are currently available or lacking in schools, school districts, and the community. A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

Sec. 8. RCW 28A.320.190 and 2009 c 578 s 2 are each amended to read as follows:

(1) The extended learning opportunities program is created for eligible ~~((eleventh and))~~ ninth through twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220 ~~((+3+))~~ (5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the

((Washington)) statewide student
assessment ((of student learning));

(c) Attendance in a public high school or public alternative school classes or at a skill center;

(d) Inclusion in remediation programs, including summer school;

(e) Language development instruction for English language learners;

(f) Online curriculum and instructional support, including programs for credit retrieval and ((Washington)) statewide student assessment ((of student learning)) preparatory classes; and

(g) Reading improvement specialists available at the educational service districts to serve eighth(~~, eleventh, and~~) through twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

NEW SECTION. Sec. 9. Sections 2 through 8 of this act take effect January 1, 2019."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "modifying the learning assistance program to balance local control and state accountability by making the allowable uses of program funds more flexible; amending RCW 28A.165.055, 28A.165.005, 28A.165.035, 28A.165.100, 28A.710.280, 28A.300.139, and 28A.320.190; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2748, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS. (1) Abuse, fatal overdoses, and poisonings from prescription and over-the-counter medicines used in the home have emerged as an epidemic in recent years. Poisoning is the leading cause of unintentional injury-related death in Washington, and more than ninety percent of poisoning deaths are due to drug overdoses. Poisoning by prescription and over-the-counter medicines is also one of the most common means of suicide and suicide attempts, with poisonings involved in more than twenty-eight thousand suicide attempts between 2004 and 2013.

(2) Home medicine cabinets are the most common source of prescription drugs that are diverted and misused. Studies find about seventy percent of those who abuse prescription medicines obtain the drugs from family members or friends, usually for free. People who are addicted to heroin often first abused prescription opiate medicines. Unused, unwanted, and expired medicines that accumulate in homes increase risks of drug abuse, overdoses, and preventable poisonings.

(3) A safe system for the collection and disposal of unused, unwanted, and expired medicines is a key element of a comprehensive strategy to prevent prescription drug abuse, but disposing of medicines by flushing them down the toilet or placing them in the garbage can contaminate groundwater and other bodies of water, contributing to long-term harm to the environment and animal life.

(4) The legislature therefore finds that it is in the interest of public health to establish a single, uniform, statewide system of regulation for safe and secure collection and disposal of medicines through a uniform drug "take-back" program operated and funded by drug manufacturers.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of the patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Authorized collector" means any of the following persons or entities that have entered into an agreement with a program operator to collect covered drugs:

(a) A person or entity that is registered with the United States drug enforcement administration and that qualifies under federal law to modify its registration to collect controlled substances for the purpose of destruction;

(b) A law enforcement agency; or

(c) An entity authorized by the department to provide an alternative collection mechanism for certain covered drugs that are not controlled substances, as defined in RCW 69.50.101.

(3) "Collection site" means the location where an authorized collector operates a secure collection receptacle for collecting covered drugs.

(4)(a) "Covered drug" means a drug from a covered entity that the covered entity no longer wants and that the covered entity has abandoned or discarded or intends to abandon or discard. "Covered drug" includes legend drugs and nonlegend drugs, brand name and generic drugs, drugs for veterinary use for household pets, and drugs in medical devices and combination products.

(b) "Covered drug" does not include:

(i) Vitamins, minerals, or supplements;

(ii) Herbal-based remedies and homeopathic drugs, products, or remedies;

(iii) Controlled substances contained in schedule I of the uniform controlled substances act, chapter 69.50 RCW;

(iv) Cosmetics, shampoos, sunscreens, lip balm, toothpaste, antiperspirants, or other personal care products that are regulated as both cosmetics and nonprescription drugs under the federal

food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.;

(v) Drugs for which manufacturers provide a pharmaceutical product stewardship or drug take-back program as part of a federal food and drug administration managed risk evaluation and mitigation strategy under 21 U.S.C. Sec. 355-1;

(vi) Biological drug products, as defined by 21 C.F.R. 600.3 (h) as it exists on the effective date of this section, for which manufacturers provide a pharmaceutical product stewardship or drug take-back program and who provide the department with a report describing the program, including how the drug product is collected and safely disposed and how patients are made aware of the drug take-back program, and who updates the department on changes that substantially alter their drug take-back program;

(vii) Drugs that are administered in a clinical setting;

(viii) Emptied injector products or emptied medical devices and their component parts or accessories;

(ix) Exposed needles or sharps, or used drug products that are medical wastes; or

(x) Pet pesticide products contained in pet collars, powders, shampoos, topical applications, or other forms.

(5) "Covered entity" means a state resident or other nonbusiness entity and includes an ultimate user, as defined by regulations adopted by the United States drug enforcement administration. "Covered entity" does not include a business generator of pharmaceutical waste, such as a hospital, clinic, health care provider's office, veterinary clinic, pharmacy, or law enforcement agency.

(6) "Covered manufacturer" means a person, corporation, or other entity engaged in the manufacture of covered drugs sold in or into Washington state. "Covered manufacturer" does not include:

(a) A private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store label if the manufacturer of the drug is identified under section 4 of this act;

(b) A repackager if the manufacturer of the drug is identified under section 4 of this act; or

(c) A nonprofit, 501(c)(3) health care corporation that repackages drugs solely for the purpose of supplying a drug to facilities or retail pharmacies operated by the corporation or an affiliate of the corporation if the manufacturer of the drug is identified under section 4 of this act.

(7) "Department" means the department of health.

(8) (a) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances other than food, minerals, or vitamins that are intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection.

(9) "Drug take-back organization" means an organization designated by a manufacturer or group of manufacturers to act as an agent on behalf of each manufacturer to develop and implement a drug take-back program.

(10) "Drug take-back program" or "program" means a program implemented by a program operator for the collection, transportation, and disposal of covered drugs.

(11) "Drug wholesaler" means an entity licensed as a wholesaler under chapter 18.64 RCW.

(12) "Generic drug" means a drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety, strength, route of administration, quality, performance characteristics, and intended use. The inactive ingredients in a generic drug need not be identical to the inactive ingredients in the chemically identical or bioequivalent brand name drug.

(13) "Legend drug" means a drug, including a controlled substance under chapter 69.50 RCW, that is required by any applicable federal or state law or regulation to be dispensed by prescription only or that is restricted to use by practitioners only.

(14) "Mail-back distribution location" means a facility, such as a town hall or library, that offers prepaid, preaddressed mailing envelopes to covered entities.

(15) "Mail-back program" means a method of collecting covered drugs from covered entities by using prepaid, preaddressed mailing envelopes.

(16) "Manufacture" has the same meaning as in RCW 18.64.011.

(17) "Nonlegend drug" means a drug that may be lawfully sold without a prescription.

(18) "Pharmacy" means a place licensed as a pharmacy under chapter 18.64 RCW.

(19) "Private label distributor" means a company that has a valid labeler code under 21 C.F.R. Sec. 207.17 and markets a drug product under its own name, but does not perform any manufacturing.

(20) "Program operator" means a drug take-back organization, covered manufacturer, or group of covered manufacturers that implements or intends to implement a drug take-back program approved by the department.

(21) "Repackager" means a person who owns or operates an establishment that repacks and relabels a product or package containing a covered drug for further sale, or for distribution without further transaction.

(22) "Retail pharmacy" means a place licensed as a pharmacy under chapter 18.64 RCW for the retail sale and dispensing of drugs.

(23) "Secretary" means the secretary of health.

NEW SECTION. **Sec. 3.** REQUIREMENT TO PARTICIPATE IN A DRUG TAKE-BACK PROGRAM. A covered manufacturer must establish and implement a drug take-back program that complies with the requirements of this chapter. A manufacturer that becomes a covered manufacturer after the effective date of this section must, no later than six months after the date on which the

manufacturer became a covered manufacturer, participate in an approved drug take-back program or establish and implement a drug take-back program that complies with the requirements of this chapter. A covered manufacturer may establish and implement a drug take-back program independently, as part of a group of covered manufacturers, or through membership in a drug take-back organization.

NEW SECTION. Sec. 4. IDENTIFICATION OF COVERED MANUFACTURERS. (1) No later than ninety days after the effective date of this section, a drug wholesaler that sells a drug in or into Washington must provide a list of drug manufacturers to the department in a form agreed upon with the department. A drug wholesaler must provide an updated list to the department on January 15th of each year.

(2) No later than ninety days after the effective date of this section, a retail pharmacy, private label distributor, or repackager must provide written notification to the department identifying the drug manufacturer from which the retail pharmacy, private label distributor, or repackager obtains a drug that it sells under its own label.

(3) A person or entity that receives a letter of inquiry from the department regarding whether or not it is a covered manufacturer under this chapter shall respond in writing no later than sixty days after receipt of the letter. If the person or entity does not believe it is a covered manufacturer for purposes of this chapter, it shall: (a) State the basis for the belief; (b) provide a list of any drugs it sells, distributes, repackages, or otherwise offers for sale within the state; and (c) identify the name and contact information of the manufacturer of the drugs identified under (b) of this subsection.

NEW SECTION. Sec. 5. DRUG TAKE-BACK PROGRAM APPROVAL. (1) By July 1, 2019, a program operator must submit a proposal for the establishment and implementation of a drug take-back program to the department for approval. The department shall approve a proposed program if the applicant submits a completed application, the proposed program meets the requirements of subsection (2) of this section, and the applicant pays the

appropriate fee established by the department under section 12 of this act.

(2) To be approved by the department, a proposed drug take-back program must:

(a) Identify and provide contact information for the program operator and each participating covered manufacturer;

(b) Identify and provide contact information for the authorized collectors for the proposed program, as well as the reasons for excluding any potential authorized collectors from participation in the program;

(c) Provide for a collection system that complies with section 6 of this act;

(d) Provide for a handling and disposal system that complies with section 8 of this act;

(e) Identify any transporters and waste disposal facilities that the program will use;

(f) Adopt policies and procedures to be followed by persons handling covered drugs collected under the program to ensure safety, security, and compliance with regulations adopted by the United States drug enforcement administration, as well as any applicable laws;

(g) Ensure the security of patient information on drug packaging during collection, transportation, recycling, and disposal;

(h) Promote the program by providing consumers, pharmacies, and other entities with educational and informational materials as required by section 7 of this act;

(i) Demonstrate adequate funding for all administrative and operational costs of the drug take-back program, with costs apportioned among participating covered manufacturers;

(j) Set long-term and short-term goals with respect to collection amounts and public awareness; and

(k) Consider: (i) The use of existing providers of pharmaceutical waste transportation and disposal services; (ii) separation of covered drugs from packaging to reduce transportation and disposal costs; and (iii) recycling of drug packaging.

(3)(a) No later than one hundred twenty days after receipt of a drug take-back program proposal, the department

shall either approve or reject the proposal in writing to the applicant. The department may extend the deadline for approval or rejection of a proposal for good cause. If the department rejects the proposal, it shall provide the reason for rejection.

(b) No later than ninety days after receipt of a notice of rejection under (a) of this subsection, the applicant shall submit a revised proposal to the department. The department shall either approve or reject the revised proposal in writing to the applicant within ninety days after receipt of the revised proposal, including the reason for rejection, if applicable.

(c) If the department rejects a revised proposal, the department may:

(i) Require the program operator to submit a further revised proposal;

(ii) Develop and impose changes to some or all of the revised proposal to address deficiencies;

(iii) Require the covered manufacturer or covered manufacturers that proposed the rejected revised proposal to participate in a previously approved drug take-back program; or

(iv) Find the covered manufacturer out of compliance with the requirements of this chapter and take enforcement action as provided in section 11 of this act.

(4) The program operator must initiate operation of an approved drug take-back program no later than one hundred eighty days after approval of the proposal by the department.

(5) (a) Proposed changes to an approved drug take-back program that substantially alter program operations must have prior written approval of the department. A program operator must submit to the department such a proposed change in writing at least fifteen days before the change is scheduled to occur. Changes requiring prior approval of the department include changes to participating covered manufacturers, collection methods, achievement of the service convenience goal described in section 6 of this act, policies and procedures for handling covered drugs, education and promotion methods, and selection of disposal facilities.

(b) For changes to a drug take-back program that do not substantially alter program operations, a program operator

must notify the department at least seven days before implementing the change. Changes that do not substantially alter program operations include changes to collection site locations, methods for scheduling and locating periodic collection events, and methods for distributing prepaid, preaddressed mailers.

(c) A program operator must notify the department of any changes to the official point of contact for the program no later than fifteen days after the change. A program operator must notify the department of any changes in ownership or contact information for participating covered manufacturers no later than ninety days after such change.

(6) No later than four years after a drug take-back program initiates operations, and every four years thereafter, the program operator must submit an updated proposal to the department describing any substantive changes to program elements described in subsection (2) of this section. The department shall approve or reject the updated proposal using the process described in subsection (3) of this section.

(7) The department shall make all proposals submitted under this section available to the public and shall provide an opportunity for written public comment on each proposal.

NEW SECTION. **Sec. 6.** COLLECTION SYSTEM. (1)(a) At least one hundred twenty days prior to submitting a proposal under section 5 of this act, a program operator must notify potential authorized collectors of the opportunity to serve as an authorized collector for the proposed drug take-back program. A program operator must commence good faith negotiations with a potential authorized collector no later than thirty days after the potential authorized collector expresses interest in participating in a proposed program.

(b) A person or entity may serve as an authorized collector for a drug take-back program voluntarily or in exchange for compensation, but nothing in this chapter requires a person or entity to serve as an authorized collector.

(c) A drug take-back program must include as an authorized collector any retail pharmacy, hospital or clinic with

an on-site pharmacy, or law enforcement agency that offers to participate in the program without compensation and meets the requirements of subsection (2) of this section. Such a pharmacy, hospital, clinic, or law enforcement agency must be included as an authorized collector in the program no later than ninety days after receiving the offer to participate.

(d) A drug take-back program may also locate collection sites at:

(i) A long-term care facility where a pharmacy, or a hospital or clinic with an on-site pharmacy, operates a secure collection receptacle;

(ii) A substance use disorder treatment program, as defined in RCW 71.24.025; or

(iii) Any other authorized collector willing to participate as a collection site and able to meet the requirements of subsection (2) of this section.

(2)(a) A collection site must accept all covered drugs from covered entities during the hours that the authorized collector is normally open for business with the public.

(b) A collection site located at a long-term care facility may only accept covered drugs that are in the possession of individuals who reside or have resided at the facility.

(c) A collection site must use secure collection receptacles in compliance with state and federal law, including any applicable on-site storage and collection standards adopted by rule pursuant to chapter 70.95 or 70.105 RCW and United States drug enforcement administration regulations. The program operator must provide a service schedule that meets the needs of each collection site to ensure that each secure collection receptacle is serviced as often as necessary to avoid reaching capacity and that collected covered drugs are transported to final disposal in a timely manner, including a process for additional prompt collection service upon notification from the collection site. Secure collection receptacle signage must prominently display a toll-free telephone number and web site for the program so that members of the public may provide feedback on collection activities.

(d) An authorized collector must comply with applicable provisions of

chapters 70.95 and 70.105 RCW, including rules adopted pursuant to those chapters that establish collection and transportation standards, and federal laws and regulations governing the handling of covered drugs, including United States drug enforcement administration regulations.

(3)(a) A drug take-back program's collection system must be safe, secure, and convenient on an ongoing, year-round basis and must provide equitable and reasonably convenient access for residents across the state.

(b) In establishing and operating a collection system, a program operator must give preference to locating collection sites at retail pharmacies, hospitals or clinics with on-site pharmacies, and law enforcement agencies.

(c)(i) Each population center must have a minimum of one collection site, plus one additional collection site for every fifty thousand residents of the city or town located within the population center. Collection sites must be geographically distributed to provide reasonably convenient and equitable access to all residents of the population center.

(ii) On islands and in areas outside of population centers, a collection site must be located at the site of each potential authorized collector that is regularly open to the public, unless the program operator demonstrates to the satisfaction of the department that a potential authorized collector is unqualified or unwilling to participate in the drug take-back program, in accordance with the requirements of subsection (1) of this section.

(iii) For purposes of this section, "population center" means a city or town and the unincorporated area within a ten-mile radius from the center of the city or town.

(d) A program operator must establish mail-back distribution locations or hold periodic collection events to supplement service to any area of the state that is underserved by collection sites, as determined by the department, in consultation with the local health jurisdiction. The program operator, in consultation with the department, local law enforcement, the local health jurisdiction, and the local community, must determine the number and locations

of mail-back distribution locations or the frequency and location of these collections events, to be held at least twice a year, unless otherwise determined through consultation with the local community. The program must arrange any periodic collection events in advance with local law enforcement agencies and conduct periodic collection events in compliance with United States drug enforcement administration regulations and protocols and applicable state laws.

(e) Upon request, a drug take-back program must provide a mail-back program free of charge to covered entities and to retail pharmacies that offer to distribute prepaid, preaddressed mailing envelopes for the drug take-back program. A drug take-back program must permit covered entities to request prepaid, preaddressed mailing envelopes through the program's web site, the program's toll-free telephone number, and a request to a pharmacist at a retail pharmacy distributing the program's mailing envelopes.

(f) The program operator must provide alternative collection methods for any covered drugs, other than controlled substances, that cannot be accepted or commingled with other covered drugs in secure collection receptacles, through a mail-back program, or at periodic collection events, to the extent permissible under applicable state and federal laws. The department shall review and approve of any alternative collection methods prior to their implementation.

NEW SECTION. **Sec. 7.** DRUG TAKE-BACK PROGRAM PROMOTION. (1) A drug take-back program must develop and provide a system of promotion, education, and public outreach about the safe storage and secure collection of covered drugs. This system may include signage, written materials to be provided at the time of purchase or delivery of covered drugs, and advertising or other promotional materials. At a minimum, each program must:

(a) Promote the safe storage of legend drugs and nonlegend drugs by residents before secure disposal through a drug take-back program;

(b) Discourage residents from disposing of covered drugs in solid waste collection, sewer, or septic systems;

(c) Promote the use of the drug take-back program so that where and how to return covered drugs is widely understood by residents, pharmacists, retail pharmacies, health care facilities and providers, veterinarians, and veterinary hospitals;

(d) Establish a toll-free telephone number and web site publicizing collection options and collection sites and discouraging improper disposal practices for covered drugs, such as flushing them or placing them in the garbage;

(e) Prepare educational and outreach materials that: Promote safe storage of covered drugs; discourage the disposal of covered drugs in solid waste collection, sewer, or septic systems; and describe how to return covered drugs to the drug take-back program. The materials must use plain language and explanatory images to make collection services and discouraged disposal practices readily understandable to all residents, including residents with limited English proficiency;

(f) Disseminate the educational and outreach materials described in (e) of this subsection to pharmacies, health care facilities, and other interested parties for dissemination to covered entities;

(g) Work with authorized collectors to develop a readily recognizable, consistent design of collection receptacles, as well as clear, standardized instructions for covered entities on the use of collection receptacles. The department may provide guidance to program operators on the development of the instructions and design; and

(h) Annually report on its promotion, outreach, and public education activities in its annual report required by section 10 of this act.

(2) If more than one drug take-back program is approved by the department, the programs must coordinate their promotional activities to ensure that all state residents can easily identify, understand, and access the collection services provided by any drug take-back program. Coordination efforts must include providing residents with a single toll-free telephone number and single web site to access information about collection services for every approved program.

(3) Pharmacies and other entities that sell medication in the state are encouraged to promote secure disposal of covered drugs through the use of one or more approved drug take-back programs. Upon request, a pharmacy must provide materials explaining the use of approved drug take-back programs to its customers. The program operator must provide pharmacies with these materials upon request and at no cost to the pharmacy.

(4) The department, the health care authority, the department of social and health services, the department of ecology, and any other state agency that is responsible for health, solid waste management, and wastewater treatment shall, through their standard educational methods, promote safe storage of prescription and nonprescription drugs by covered entities, secure disposal of covered drugs through a drug take-back program, and the toll-free telephone number and web site for approved drug take-back programs. Local health jurisdictions and local government agencies are encouraged to promote approved drug take-back programs.

(5) The department:

(a) Shall conduct a survey of covered entities and a survey of pharmacists, health care providers, and veterinarians who interact with covered entities on the use of medicines after the first full year of operation of the drug take-back program, and again every two years thereafter. Survey questions must: Measure consumer awareness of the drug take-back program; assess the extent to which collection sites and other collection methods are convenient and easy to use; assess knowledge and attitudes about risks of abuse, poisonings, and overdoses from drugs used in the home; and assess covered entities' practices with respect to unused, unwanted, or expired drugs, both currently and prior to implementation of the drug take-back program; and

(b) May, upon review of results of public awareness surveys, direct a program operator for an approved drug take-back program to modify the program's promotion and outreach activities to better achieve widespread awareness among Washington state residents and health care professionals about where and how to return covered drugs to the drug take-back program.

NEW SECTION. **Sec. 8.** DISPOSAL AND HANDLING OF COVERED DRUGS. (1) Covered drugs collected under a drug take-back program must be disposed of at a permitted hazardous waste disposal facility that meets the requirements of 40 C.F.R. parts 264 and 265, as they exist on the effective date of this section.

(2) If use of a hazardous waste disposal facility described in subsection (1) of this section is unfeasible based on cost, logistics, or other considerations, the department, in consultation with the department of ecology, may grant approval for a program operator to dispose of some or all collected covered drugs at a permitted large municipal waste combustor facility that meets the requirements of 40 C.F.R. parts 60 and 62, as they exist on the effective date of this section.

(3) A program operator may petition the department for approval to use final disposal technologies or processes that provide superior environmental and human health protection than that provided by the technologies described in subsections (1) and (2) of this section, or equivalent protection at less cost. In reviewing a petition under this subsection, the department shall take into consideration regulations or guidance issued by the United States environmental protection agency on the disposal of pharmaceutical waste. The department, in consultation with the department of ecology, shall approve a disposal petition under this section if the disposal technology or processes described in the petition provides equivalent or superior protection in each of the following areas:

(a) Monitoring of any emissions or waste;

(b) Worker health and safety;

(c) Air, water, or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and

(d) Overall impact to the environment and human health.

(4) If a drug take-back program encounters a safety or security problem during collection, transportation, or disposal of covered drugs, the program operator must notify the department as soon as practicable after encountering the problem.

NEW SECTION. Sec. 9. PROGRAM FUNDING.

(1) A covered manufacturer or group of covered manufacturers must pay all administrative and operational costs associated with establishing and implementing the drug take-back program in which they participate. Such administrative and operational costs include, but are not limited to: Collection and transportation supplies for each collection site; purchase of secure collection receptacles for each collection site; ongoing maintenance or replacement of secure collection receptacles when requested by authorized collectors; prepaid, preaddressed mailers; compensation of authorized collectors, if applicable; operation of periodic collection events, including the cost of law enforcement staff time; transportation of all collected covered drugs to final disposal; environmentally sound disposal of all collected covered drugs in compliance with section 8 of this act; and program promotion and outreach.

(2) A program operator, covered manufacturer, authorized collector, or other person may not charge:

(a) A specific point-of-sale fee to consumers to recoup the costs of a drug take-back program; or

(b) A specific point-of-collection fee at the time covered drugs are collected from covered entities.

NEW SECTION. Sec. 10. ANNUAL PROGRAM REPORT. (1) By July 1st after the first full year of implementation, and each July 1st thereafter, a program operator must submit to the department a report describing implementation of the drug take-back program during the previous calendar year. The report must include:

(a) A list of covered manufacturers participating in the drug take-back program;

(b) The amount, by weight, of covered drugs collected, including the amount by weight from each collection method used;

(c) The following details regarding the program's collection system: A list of collection sites with addresses; the number of mailers provided; locations where mailers were provided, if applicable; dates and locations of collection events held, if applicable; and the transporters and disposal facility or facilities used;

(d) Whether any safety or security problems occurred during collection, transportation, or disposal of covered drugs, and if so, completed and anticipated changes to policies, procedures, or tracking mechanisms to address the problem and improve safety and security;

(e) A description of the public education, outreach, and evaluation activities implemented;

(f) A description of how collected packaging was recycled to the extent feasible;

(g) A summary of the program's goals for collection amounts and public awareness, the degree of success in meeting those goals, and if any goals have not been met, what effort will be made to achieve those goals the following year; and

(h) The program's annual expenditures, itemized by program category.

(2) Within thirty days after each annual period of operation of an approved drug take-back program, the program operator shall submit an annual collection amount report to the department that provides the total amount, by weight, of covered drugs collected from each collection site during the prior year.

(3) The department shall make reports submitted under this section available to the public through the internet.

NEW SECTION. Sec. 11. ENFORCEMENT AND PENALTIES. (1) The department may audit or inspect the activities and records of a drug take-back program to determine compliance with this chapter or investigate a complaint.

(2)(a) The department shall send a written notice to a covered manufacturer that fails to participate in a drug take-back program as required by this chapter. The notice must provide a warning regarding the penalties for violation of this chapter.

(b) A covered manufacturer that receives a notice under this subsection (2) may be assessed a penalty if, sixty days after receipt of the notice, the covered manufacturer continues to sell a covered drug in or into the state without participating in a drug take-back program approved under this chapter.

(3)(a) The department may send a program operator a written notice warning of the penalties for noncompliance with this chapter if it determines that the program operator's drug take-back program is in violation of this chapter or does not conform to the proposal approved by the department. The department may assess a penalty on the program operator and participating covered manufacturers if the program does not come into compliance by thirty days after receipt of the notice.

(b) The department may immediately suspend operation of a drug take-back program and assess a penalty if it determines that the program is in violation of this chapter and the violation creates a condition that, in the judgment of the department, constitutes an immediate hazard to the public or the environment.

(4)(a) The department shall send a written notice to a drug wholesaler or a retail pharmacy that fails to provide a list of drug manufacturers to the department as required by section 4 of this act. The notice must provide a warning regarding the penalties for violation of this chapter.

(b) A drug wholesaler or retail pharmacy that receives a notice under this subsection may be assessed a penalty if, sixty days after receipt of the notice, the drug wholesaler or retail pharmacy fails to provide a list of drug manufacturers.

(5) In enforcing the requirements of this chapter, the department:

(a) May require an informal administrative conference;

(b) May require a person or entity to engage in or refrain from engaging in certain activities pertaining to this chapter;

(c) May, in accordance with RCW 43.70.095, assess a civil fine of up to two thousand dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation. In determining the appropriate amount of the fine, the department shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the entity in violation; and

(d) May not prohibit a covered manufacturer from selling a drug in or into the state of Washington.

NEW SECTION. Sec. 12. DEPARTMENT FEE.

(1)(a) By July 1, 2019, the department shall: Determine its costs for the administration, oversight, and enforcement of the requirements of this chapter, including the survey required under section 20 of this act; pursuant to RCW 43.70.250, set fees at a level sufficient to recover the costs associated with administration, oversight, and enforcement; and adopt rules establishing requirements for program operator proposals.

(b) The department shall not impose any fees in excess of its actual administrative, oversight, and enforcement costs. The fees collected from each program operator in calendar year 2020 and any subsequent year may not exceed ten percent of the program's annual expenditures as reported to the department in the annual report required by section 10 of this act and determined by the department.

(c) Adjustments to the department's fees may be made annually and shall not exceed actual administration, oversight, and enforcement costs. Adjustments for inflation may not exceed the percentage change in the consumer price index for all urban consumers in the United States as calculated by the United States department of labor as averaged by city for the twelve-month period ending with June of the previous year.

(d) The department shall collect fees from each program operator by October 1, 2019, and annually thereafter.

(2) All fees collected under this section must be deposited in the secure drug take-back program account established in section 13 of this act.

NEW SECTION. Sec. 13. SECURE DRUG

TAKE-BACK PROGRAM ACCOUNT. The secure drug take-back program account is created in the state treasury. All receipts received by the department under this chapter must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department only for administering and enforcing this chapter.

NEW SECTION. **Sec. 14.** ANTITRUST IMMUNITY. The activities authorized by this chapter require collaboration among covered manufacturers. These activities will enable safe and secure collection and disposal of covered drugs in Washington state and are therefore in the best interest of the public. The benefits of collaboration, together with active state supervision, outweigh potential adverse impacts. Therefore, the legislature intends to exempt from state antitrust laws, and provide immunity through the state action doctrine from federal antitrust laws, activities that are undertaken, reviewed, and approved by the department pursuant to this chapter that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities not provided for by this chapter, and the legislature neither exempts nor provides immunity for such activities.

NEW SECTION. **Sec. 15.** FEDERAL LAW. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection of covered drugs that substantially meets the intent of this chapter, including the creation of a funding mechanism for collection, transportation, and proper disposal of all covered drugs in the United States.

NEW SECTION. **Sec. 16.** LOCAL LAWS. (1)(a) For a period of twelve months after a drug take-back program approved under section 5 of this act begins operating, a county may enforce a grandfathered ordinance. During that twelve-month period, if a county determines that a covered manufacturer is in compliance with its grandfathered ordinance, the department shall find the covered manufacturer in compliance with the requirements of this chapter with respect to that county.

(b) In any county enforcing a grandfathered ordinance as described in (a) of this subsection, the program operator of an approved drug take-back program must work with the county and the department to incorporate the local program into the approved drug take-back program on or before the end of the twelve-month period.

(2) After the effective date of this section, a political subdivision may not

enact or enforce a local ordinance that requires a retail pharmacy, clinic, hospital, or local law enforcement agency to provide for collection and disposal of covered drugs from covered entities.

(3) At the end of the twelve-month period provided in subsection (1) of this section, this chapter preempts all existing or future laws enacted by a county, city, town, or other political subdivision of the state regarding a drug take-back program or other program for the collection, transportation, and disposal of covered drugs, or promotion, education, and public outreach relating to such a program.

(4) For purposes of this section, "grandfathered ordinance" means a pharmaceutical product stewardship or drug take-back ordinance that: (a) Is in effect on the effective date of this section; and (b) the department determines meets or exceeds the requirements of this chapter with respect to safe and secure collection and disposal of unwanted medicines from residents, including the types of drugs covered by the program, the convenience of the collection system for residents, and required promotion of the program.

NEW SECTION. **Sec. 17.** PUBLIC DISCLOSURE. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270. The department may use and disclose such information in summary or aggregated form that does not directly or indirectly identify financial, production, or sales data of an individual covered manufacturer or drug take-back organization.

NEW SECTION. **Sec. 18.** RULE MAKING. The department shall adopt any rules necessary to implement and enforce this chapter.

NEW SECTION. **Sec. 19.** REPORT TO LEGISLATURE. (1) No later than thirty days after the department first approves a drug take-back program under section 5 of this act, the department shall submit an update to the legislature describing rules adopted under this chapter and the approved drug take-back program.

(2) By November 15th after the first full year of operation of an approved

drug take-back program and biennially thereafter, the department shall submit a report to the legislature. The report must:

(a) Describe the status of approved drug take-back programs;

(b) Evaluate the secure medicine collection and disposal system and the program promotion, education, and public outreach requirements established by this chapter;

(c) Evaluate, in conjunction with an academic institution that is not an agency of the state and is qualified to conduct and evaluate research relating to prescription and nonprescription drug use and abuse and environmental impact, to the extent feasible, the impact of approved drug take-back programs on: Awareness and compliance of residents with safe storage of medicines in the home and secure disposal of covered drugs; rates of misuse, abuse, overdoses, and poisonings from prescription and nonprescription drugs; and diversions of covered drugs from sewer, solid waste, and septic systems. To conduct this evaluation, the department and the academic institution may rely on available data sources, including the public awareness surveys required under this chapter, and the prescription drug monitoring program and public health surveys such as the Washington state healthy youth survey. The department and the academic institution may also consult with other state and local agencies and interested stakeholders; and

(d) Provide any recommendations for legislation.

NEW SECTION. **Sec. 20.** (1) (a) The department shall contract with the statewide program of poison and drug information services identified in RCW 18.76.030 to conduct a survey of residents to measure whether the secure medicine collection and disposal system and the program promotion, education, and public outreach requirements established in this chapter have led to statistically significant changes in: (i) Resident attitudes and behavior on safe storage and secure disposal of prescription and nonprescription medications used in the home; and (ii) the rates of abuse or misuse of or accidental exposure to prescription and nonprescription drugs.

(b) The survey of residents must include telephone follow-up with users of the program's emergency telephone service. The survey must be conducted before the secure medicine collection and disposal system is implemented and again no earlier than four years after the system is implemented.

(2) The statewide program of poison and drug information services shall report the survey results to the legislature and the department of health within six months of completion of the survey.

(3) This section expires July 1, 2026.

Sec. 21. RCW 42.56.270 and 2017 c 317 s 17 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation

organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification

of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor

for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data

submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372; (~~and~~)

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board; and

(29) Proprietary information filed with the department of health under chapter 69.--- RCW (the new chapter created in section 25 of this act).

Sec. 22. RCW 69.41.030 and 2016 c 148 s 11 are each amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, or any of the following professionals in any province

of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.--- RCW (the new chapter created in section 25 of this act).

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor.

NEW SECTION. Sec. 23. A new section is added to chapter 69.50 RCW to read as follows:

It is not a violation of this chapter to possess or deliver a controlled substance in compliance with chapter 69.-- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 24.** A new section is added to chapter 70.95 RCW to read as follows:

An authorized collector regulated under chapter 69.--- RCW (the new chapter created in section 25 of this act) is not required to obtain a permit under RCW 70.95.170 unless the authorized collector is required to obtain a permit under RCW 70.95.170 as a consequence of activities that are not directly associated with the collection facility's activities under chapter 69.-- RCW (the new chapter created in section 25 of this act).

NEW SECTION. **Sec. 25.** Sections 2 through 20 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 26.** A new section is added to chapter 43.131 RCW to read as follows:

The authorization for drug take-back programs created in this act shall be terminated on January 1, 2029, as provided in section 27 of this act.

NEW SECTION. **Sec. 27.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2030:

- (1)RCW 69.---.--- and 2018 c ... s 2 (section 2 of this act);
- (2)RCW 69.---.--- and 2018 c ... s 3 (section 3 of this act);
- (3)RCW 69.---.--- and 2018 c ... s 4 (section 4 of this act);
- (4)RCW 69.---.--- and 2018 c ... s 5 (section 5 of this act);
- (5)RCW 69.---.--- and 2018 c ... s 6 (section 6 of this act);
- (6)RCW 69.---.--- and 2018 c ... s 7 (section 7 of this act);
- (7)RCW 69.---.--- and 2018 c ... s 8 (section 8 of this act);
- (8)RCW 69.---.--- and 2018 c ... s 9 (section 9 of this act);
- (9)RCW 69.---.--- and 2018 c ... s 10 (section 10 of this act);

(10)RCW 69.---.--- and 2018 c ... s 11 (section 11 of this act);

(11)RCW 69.---.--- and 2018 c ... s 12 (section 12 of this act);

(12)RCW 69.---.--- and 2018 c ... s 13 (section 13 of this act);

(13)RCW 69.---.--- and 2018 c ... s 14 (section 14 of this act);

(14)RCW 69.---.--- and 2018 c ... s 15 (section 15 of this act);

(15)RCW 69.---.--- and 2018 c ... s 16 (section 16 of this act);

(16)RCW 69.---.--- and 2018 c ... s 17(section 17 of this act);

(17)RCW 69.---.--- and 2018 c ... s 18 (section 18 of this act);

(18)RCW 69.---.--- and 2018 c ... s 19 (section 19 of this act); and

(19)RCW 69.---.--- and 2018 c ... s 20 (section 20 of this act)."

On page 1, line 3 of the title, after "medications;" strike the remainder of the title and insert "amending RCW 42.56.270 and 69.41.030; adding a new section to chapter 69.50 RCW; adding a new section to chapter 70.95 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 69 RCW; creating a new section; prescribing penalties; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hayes, Representatives Pike and Rodne were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Substitute House Bill No. 1047, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1047, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Jenkin, Klippert, Kraft, MacEwen, Manweller, McCaslin, Shea and Taylor.

Excused: Representatives Pike and Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1169 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that an educated workforce is essential for the state's economic development. By 2020 seventy percent of available jobs in Washington will require at least a postsecondary credential. According to the 2015 A Skilled and Educated Workforce report, bachelor degree production in high-demand fields, such as science, technology, engineering, mathematics, and health, does not meet the demand of Washington's employers. The state has also set educational attainment goals to recognize the need and benefits of an educated workforce. College degree

holders have higher incomes, better financial health, and are more likely to be homeowners than those who do not have college degrees. In fact, young adults aged twenty-two to thirty-five with a college degree are fifty percent more likely to own a home than those without a degree.

However, the legislature finds that the cost of higher education has risen dramatically in recent years. Between 2003 and 2013, the price index of tuition rose eighty percent, three times the increase in the consumer price index and nearly double the increase in the medical price index over the same period. The legislature also finds that students are financing their education with more student loan debt. According to the institute for college access and success' project on student debt, in 2014 fifty-eight percent of recent graduates in Washington had debt, and the average federal student loan debt load for a student graduating from a four-year public or private institution of higher education was twenty-four thousand eight hundred dollars. This is an increase of forty-two percent since 2004, when the average debt load was seventeen thousand four hundred dollars. These averages do not take into account additional private loans that many students take out to supplement their federal loans.

Student loan debt can greatly impact the economic benefits of earning a college degree. Surveys indicate that people burdened by student loan debt are less likely to buy a home; get married and start a family; start a small business; pursue lower paying professions such as teaching, nonprofit work, or social work; or even continue their education. The legislature finds that these decisions create a chain reaction of economic and social impact to the state.

The legislature recognizes that student loan debt is very different from other forms of debt, such as auto loans and home mortgages, for a variety of reasons. With most debt, borrowers know beforehand how much their monthly payment will be. However, student loans are more complicated because a student may borrow different amounts term to term and make decisions on an incremental basis as their financial aid packages, work, and living situations change. In addition, student loans may have origination fees, accumulated and capitalized interest,

grace and forbearance periods, and income-based repayment options that all change the monthly payment amount. The legislature recognizes that another major difference with student loan debt is the unknown factor: Students take out the debt without having a clear idea of their future income and other financial obligations. Lastly, if a student has trouble repaying a student loan, the loans are not secured with physical property that can be sold, and in the event of bankruptcy, are nearly impossible to discharge.

According to the United States department of education, Washington students are defaulting on their federal student loans at roughly the same rate as the national average. For the cohort that entered into repayment on their federal student loans in 2013, ten percent, or seven thousand seven hundred forty-six students, fell into default during the fiscal year ending September 30, 2016, just under the national average of eleven percent.

The consequences of default can haunt student loan borrowers for years unless they are able to rehabilitate their loans. These consequences may include suspension of the borrower's professional license; excessive contact from collection agencies; garnishment of wages and bank accounts; as well as seizing of the borrower's tax refund and other federal payments, such as social security retirement, and disability benefits. Defaulting on a student loan damages a borrower's credit, making it difficult to qualify for a mortgage or auto loan, rent an apartment, and even find employment, closing people off from the resources they need for financial stability.

The legislature acknowledges that the state currently allows regulators of twenty-six professions to suspend the professional licenses or certificates of student loan borrowers who have defaulted on their loans. In 2015 the department of licensing reported one hundred ten license suspensions for student loan default within the eleven professions it regulates, most of which were in the field of cosmetology. Twenty-one states have similar laws, but recently some states have repealed their laws or introduced legislation to do so, recognizing that license suspension hinders a borrower's ability to repay. It is the legislature's intent to repeal the

statutes regarding professional license or certificate suspension and intends for those who had their license or certificate suspended to be eligible to have their license or certificate reinstated.

The legislature also finds that Washington state has high postjudgment interest rates and generous wage and bank account garnishment rates that negatively impact private student loan borrowers who default. Studies indicate that wage and bank account garnishment contributes to financial and employment instability, unemployment, bankruptcy, homelessness, and chronic stress. Washington's high interest and garnishment rates also increase the courts' caseload by making it more attractive for lenders of private student loans to sue a borrower in court and obtain a judgment than to negotiate an agreement or settlement with the borrower.

Washington state's postjudgment interest rate was set at twelve percent in 1980 when the prime interest rate was fifteen percent. The current prime interest rate stands at three and one-half percent. In addition, the state's current postjudgment rate on torts is around three percent.

Regarding wage garnishment, many states, such as Texas, Pennsylvania, and South Carolina do not allow for wage garnishment for consumer debt. For federal student loans, the department of education can garnish up to fifteen percent of a borrower's disposable income, but not more than thirty times the minimum wage. In Washington, a borrower can have twenty-five percent of his or her disposable earnings garnished, or thirty-five times the federal minimum wage. As for bank account exemptions, Massachusetts protects two thousand five hundred dollars from garnishment compared to Washington's current exemption of five hundred dollars. To put this figure into perspective, the average rent in the Seattle metropolitan area is two thousand eighty-seven dollars.

Therefore, it is the legislature's intent to help student loan borrowers in default avoid loss of professional license or certification, which hinders repayment. It is also the legislature's intent to help student loan borrowers in default to maintain financial stability and to avoid the hardships of bank account and wage garnishment by making

the postjudgment interest rate for private student loan debt more comparable to the market rate and by increasing the exemptions for bank account and wage garnishments.

PART I

PROFESSIONAL LICENSE SUSPENSIONS

NEW SECTION. **Sec. 101.** The following acts or parts of acts are each repealed:

(1)RCW 2.48.165 (Disbarment or license suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 1;

(2)RCW 18.04.420 (License or certificate suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 2;

(3)RCW 18.08.470 (Certificate or registration suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 3;

(4)RCW 18.11.270 (License, certificate, or registration suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 4;

(5)RCW 18.16.230 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 5;

(6)RCW 18.20.200 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 6;

(7)RCW 18.27.360 (Certificate of registration suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 7;

(8)RCW 18.39.465 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 9;

(9)RCW 18.43.160 (Certificate of registration or license suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 10;

(10)RCW 18.46.055 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 12;

(11)RCW 18.76.100 (Certificate suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 13;

(12)RCW 18.85.341 (License suspension–Nonpayment or default on educational loan

or scholarship) and 2008 c 23 s 30 & 1996 c 293 s 14;

(13)RCW 18.96.190 (Certificate of licensure suspension–Nonpayment or default on educational loan or scholarship) and 2009 c 370 s 16 & 1996 c 293 s 15;

(14)RCW 18.104.115 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 16;

(15)RCW 18.106.290 (Certificate or permit suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 17;

(16)RCW 18.130.125 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 18;

(17)RCW 18.140.200 (Certificate, license, or registration suspension–Nonpayment or default on educational loan or scholarship) and 2005 c 339 s 16 & 1996 c 293 s 19;

(18)RCW 18.145.125 (Certificate suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 20;

(19)RCW 18.160.085 (Certificate suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 21;

(20)RCW 18.165.280 (License or certificate suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 22;

(21)RCW 18.170.163 (License or certificate suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 23;

(22)RCW 18.180.050 (Registration suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 25;

(23)RCW 18.185.055 (License suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 26; and

(24)RCW 28A.410.105 (Certificate or permit suspension–Nonpayment or default on educational loan or scholarship) and 1996 c 293 s 27.

Sec. 102. RCW 67.08.100 and 2017 c 46 s 3 are each amended to read as follows:

(1) The department upon receipt of a properly completed application and payment of a nonrefundable fee, may grant an annual license to an applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d) second; (e) wrestling participant; (f) inspector; (g) judge; (h) timekeeper; (i) announcer; (j) event physician; (k) event chiropractor; (l) referee; (m) matchmaker; (n) kickboxer; (o) martial arts participant; (p) training facility; (q) amateur sanctioning organization; and (r) theatrical wrestling school.

(2) The application for the following types of licenses includes a physical performed by a physician, as defined in RCW 67.08.002, which was performed by the physician with a time period preceding the application as specified by rule: (a) Boxer; (b) wrestling participant; (c) kickboxer; (d) martial arts participant; and (e) referee.

(3) An applicant for the following types of licenses for the sports of boxing, kickboxing, and martial arts must provide annual proof of certification as having adequate experience, skill, and training from an organization approved by the department, including, but not limited to, the association of boxing commissions, the international boxing federation, the international boxing organization, the Washington state association of professional ring officials, the world boxing association, the world boxing council, or the world boxing organization for boxing officials, and the united full contact federation for kickboxing and martial arts officials: (a) Judge; (b) referee; (c) inspector; (d) timekeeper; or (e) other officials deemed necessary by the department.

(4) No person may participate or serve in any of the above capacities unless licensed as provided in this chapter.

(5) The referees, judges, timekeepers, event physicians, chiropractors, and inspectors for any boxing, kickboxing, or martial arts event must be designated by the department from among licensed officials.

(6) The referee for any wrestling event must be provided by the promoter and must be licensed as a wrestling participant.

(7) The department must immediately suspend the license or certificate of a person who has been certified pursuant to

RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate is automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

~~(8) ((The director must suspend the license of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license may not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure during the suspension, reinstatement is automatic upon receipt of the notice and payment of any reinstatement fee the director may impose.~~

~~(9))~~ A person may not be issued a license if the person has an unpaid fine outstanding to the department.

~~((10))~~ (9) A person may not be issued a license unless they are at least eighteen years of age.

~~((11))~~ (10) (a) This section does not apply to:

(i) Contestants or participants in events at which only amateurs are engaged in contests;

(ii) Wrestling participants engaged in training or a wrestling show at a theatrical wrestling school; and

(iii) Fraternal organizations and/or veterans' organizations chartered by congress or the defense department, excluding any recognized amateur sanctioning body recognized by the department.

(b) Upon request of the department, a promoter, contestant, or participant must provide sufficient information to reasonably determine whether this chapter applies.

PART II

PRIVATE STUDENT LOAN DEFAULT

Sec. 201. RCW 4.56.110 and 2010 c 149 s 1 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3)(a) Judgments founded on the tortious conduct of a "public agency" as defined in RCW 42.30.020 shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(b) Except as provided in (a) of this subsection, judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of

entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsection (1) of this section, judgments for unpaid private student loan debt, as defined in RCW 6.01.060, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry.

(5) Except as provided under subsections (1), (2), (~~and~~) (3), and (4) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

Sec. 202. RCW 6.01.060 and 1988 c 231 s 1 are each amended to read as follows:

(~~The term "certified mail," as used in this title,~~) The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Certified mail" includes, for mailings to a foreign country, any form of mail that requires or permits a return receipt.

(2) "Private student loan" means any loan not guaranteed by the federal or state government that is used solely for personal use to finance postsecondary education and costs of attendance at an educational institution. A private student loan includes a loan made solely to refinance a private student loan. A private student loan does not include an

extension of credit made under an open-end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

Sec. 203. RCW 6.15.010 and 2012 c 117 s 2 are each amended to read as follows:

(1) Except as provided in RCW 6.15.050, the following personal property is exempt from execution, attachment, and garnishment:

(a) All wearing apparel of every individual and family, but not to exceed three thousand five hundred dollars in value in furs, jewelry, and personal ornaments for any individual.

(b) All private libraries including electronic media, which includes audiovisual, entertainment, or reference media in digital or analogue format, of every individual, but not to exceed three thousand five hundred dollars in value, and all family pictures and keepsakes.

(c) A cell phone, personal computer, and printer.

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community:

(i) The individual's or community's household goods, appliances, furniture, and home and yard equipment, not to exceed six thousand five hundred dollars in value for the individual or thirteen thousand dollars for the community, no single item to exceed seven hundred fifty dollars, said amount to include provisions and fuel for the comfortable maintenance of the individual or community;

(ii) Other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed three thousand dollars in value, of which not more than one thousand five hundred dollars in value may consist of cash, and of which not more than:

(A) ~~((Until January 1, 2018+)~~

~~(I) For debts owed to state agencies, two hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under (c)(ii)(A) of this subsection may not~~

~~exceed two hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.~~

~~(II) For all other debts, five hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under (c)(ii)(B) of this subsection may not exceed five hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.~~

~~(B) After January 1, 2018+)) For all debts except private student loan debt, five hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)((e+)) (d)(ii)((B+)) (A) may not exceed five hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.~~

(B) For all private student loan debt, two thousand five hundred dollars in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d)(ii)(B) may not exceed two thousand five hundred dollars, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities;

(iii) For an individual, a motor vehicle used for personal transportation, not to exceed three thousand two hundred fifty dollars or for a community two motor vehicles used for personal transportation, not to exceed six thousand five hundred dollars in aggregate value;

(iv) Any past due, current, or future child support paid or owed to the debtor, which can be traced;

(v) All professionally prescribed health aids for the debtor or a dependent of the debtor; and

(vi) To any individual, the right to or proceeds of a payment not to exceed twenty thousand dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of

a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor. The exemption under this subsection (1) ~~((e))~~ (d) (vi) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW 43.20B.060.

~~((d))~~ (e) To each qualified individual, one of the following exemptions:

(i) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ten thousand dollars in value;

(ii) To a physician, surgeon, attorney, member of the clergy, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed ten thousand dollars in value;

(iii) To any other individual, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed ten thousand dollars in value.

~~((e))~~ (f) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment, and contributions to any other qualified tuition program under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and to a Coverdell education savings account, also known as an education individual retirement account, under 26 U.S.C. Sec. 530 of the internal revenue code of 1986, as amended, contributed more than two years prior to the date of a bankruptcy filing or court judgment.

(2) For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

Sec. 204. RCW 6.27.100 and 2012 c 159 s 3 are each amended to read as follows:

(1) A writ issued for a continuing lien on earnings shall be substantially in the form provided in RCW 6.27.105. All other

writs of garnishment shall be substantially in the following form, but:

(a) If the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt"; and

(c) If the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE COURT
OF THE STATE OF WASHINGTON IN AND
FOR
THE COUNTY OF
. ,
Plaintiff, No.
.
vs.
. , WRIT OF
Defendant, GARNISHMENT
. ,
Garnishee
THE STATE OF WASHINGTON TO:
Garnishee
AND TO:
Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$, consisting of:

Balance on Judgment \$. . .
or Amount of Claim . . .
Interest under \$. . .
Judgment from
to
Per Day Rate of \$. . .
Estimated Interest . . . per
day

Taxable Costs and \$. . .
 Attorneys' Fees . . .
 Estimated Garnishment Costs:
 Filing and Ex \$. . .
 Parte Fees . . .
 Service and \$. . .
 Affidavit Fees . . .
 Postage and \$. . .
 Costs of . . .
 Certified Mail
 Answer Fee or \$. . .
 Fees . . .
 Garnishment \$. . .
 Attorney Fee . . .
 Other \$. . .
 . . .

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES,

AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, ((20)). (year)

[Seal]

Attorney Clerk
 for of the
 Plaintiff Court
 (or
 Plaintiff,
 if no
 attorney)

Address By
 Name of Address"
 Defendant
 Address of
 Defendant

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscripted attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this day
 of, ((20))
 (year)

Attorney for
 Plaintiff

.....
 Address Address of the
 Clerk of the
 Court"

 Name of
 Defendant

 Address of
 Defendant

Sec. 205. RCW 6.27.105 and 2012 c 159 s 4 are each amended to read as follows:

(1) A writ that is issued for a continuing lien on earnings shall be substantially in the following form, but:

(a) If the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support(+)";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt"; and

(c) If the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE COURT
 OF THE STATE OF WASHINGTON IN AND
 FOR
 THE COUNTY OF
 ,
 Plaintiff, No.
 vs.
 , WRIT OF
 Defendant GARNISHMENT
 FOR
 CONTINUING
 LIEN ON
 , EARNINGS
 Garnishee
 THE STATE OF WASHINGTON TO:

Garnishee

AND TO:.....
 Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$, consisting of:

Balance on Judgment or Amount of Claim	on	\$. . .
Interest under Judgment from to	under	\$. . .
Per Day Rate of Estimated Interest		\$. . . per day
Taxable Costs and Attorneys' Fees		\$. . .
Estimated Garnishment Costs:		
Filing and Ex Parte Fees		\$. . .
Service and Affidavit Fees		\$. . .
Postage and Costs of Certified Mail		\$. . .
Answer Fee or Fees		\$. . .
Garnishment Attorney Fee		\$. . .
Other		\$. . .

THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ

or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT.

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, tips, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading (~~that~~) of either: "This garnishment is based on a judgment or order for child support," the basic exempt amount is fifty percent of disposable earnings; or "This garnishment is based on a judgment or order for private student loan debt," the basic exempt amount is the greater of eighty-five percent of disposable earnings or fifty times the minimum

hourly wage of the highest minimum wage law in the state at the time the earnings are payable.

YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, ((20)). . . . (year)

[Seal]

.....

Attorney Clerk
for of the
Plaintiff Court
(or
Plaintiff,
if no
attorney)

.....
Address By

.....
Name of Address"
Defendant

.....

Address of Defendant

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscribed attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated thisday of, ((20)) (year)

..... Attorney for Plaintiff

..... Address Address of the Clerk of the Court"

..... Name of Defendant

..... Address of Defendant

Sec. 206. RCW 6.27.140 and 2012 c 159 s 8 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the

garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be a percent of your disposable earnings, which is fifty percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld. If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty-five percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the

account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including up to \$2,500.00 in a bank account if you owe on private student loan debts or up to \$500.00 in a bank account for all other debts) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) (a) If the writ is to garnish funds or property held by a financial institution, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

[Caption to be filled in by judgment creditor

or plaintiff before mailing.]

.....

Name of Court

..... No

Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,

.....

Garnishee Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

[] The account contains payments from:

[Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.

[Social Security. I receive \$ monthly.

[Veterans' Benefits. I receive \$ monthly.

[Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ monthly.

[Unemployment Compensation. I receive \$ monthly.

[Child support. I receive \$ monthly.

[Other. Explain
.....

[\$2,500 exemption for private student loan debts.

[\$500 exemption for all other debts.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

[No money other than from above payments are in the account.

[Moneys in addition to the above payments have been deposited in the account. Explain
.....

OTHER PROPERTY:

[Describe property
.....

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

.....

Print: If married or Your name in a state registered domestic partnership,

name of husband/wife/state registered domestic partner

.....

Your Signature of signature husband, wife, or state registered domestic partner

.....

.....

Address Address

(if different from yours)

.....

Telephone Telephone number number

(if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(b) If the writ is directed to an employer to garnish earnings, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, subject to (c) of this subsection, printed or typed in no smaller than size twelve point font type:

[Caption to be filled in by judgment creditor

or plaintiff before mailing.]

.....
 Name of Court
 No
 Plaintiff,
 vs.
 EXEMPTION
 CLAIM
 Defendant,

 Garnishee
 Defendant

IF EARNINGS ARE GARNISHED FOR
 PRIVATE STUDENT LOAN DEBT:

[I claim maximum exemption.
]

.....
 Print: If married or
 Your name in a state
 registered
 domestic
 partnership,
 name of
 husband/wife/sta
 te registered
 domestic partner

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

.....
 Your Signature of
 signature husband,
 wife, or state
 registered
 domestic partner

 Address Address
 (if different
 from yours)

 Telephone Telephone
 number number
 (if different
 from yours)

I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

[Name and address of employer who is paying the benefits:
]

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

[I claim maximum exemption.
]

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(c) If the writ under (b) of this subsection is not a writ for the collection of child support, the exemption language pertaining to child support may be omitted.

(d) If the writ under (b) of this subsection is not a writ for the collection of private student loan debt, the exemption language pertaining to private student loan debt may be omitted.

Sec. 207. RCW 6.27.150 and 2012 c 159 s 9 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, if the garnishee is an employer owing the defendant earnings, then for each week of such earnings, an amount shall be exempt from garnishment which is the greatest of the following:

(a) Thirty-five times the federal minimum hourly wage in effect at the time the earnings are payable; or

(b) Seventy-five percent of the disposable earnings of the defendant.

(2) In the case of a garnishment based on a judgment or other order for child support or court order for spousal maintenance, other than a mandatory wage assignment order pursuant to chapter 26.18 RCW, or a mandatory assignment of retirement benefits pursuant to chapter 41.50 RCW, the exemption shall be fifty percent of the disposable earnings of the defendant.

(3) In the case of a garnishment based on a judgment or other order for the collection of private student loan debt, for each week of such earnings, an amount shall be exempt from garnishment which is the greater of the following:

(a) Fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable; or

(b) Eighty-five percent of the disposable earnings of the defendant.

(4) The exemptions stated in this section shall apply whether such earnings are paid, or are to be paid, weekly, monthly, or at other intervals, and whether earnings are due the defendant for one week, a portion thereof, or for a longer period.

~~((+4))~~ (5) Unless directed otherwise by the court, the garnishee shall determine and deduct exempt amounts under this section as directed in the writ of garnishment and answer, and shall pay these amounts to the defendant.

~~((+5))~~ (6) No money due or earned as earnings as defined in RCW 6.27.010 shall be exempt from garnishment under the provisions of RCW 6.15.010, as now or hereafter amended.

PART III

NAME OF THE ACT

NEW SECTION. **Sec. 301.** This act may be known and cited as the student opportunity, assistance, and relief act."

On page 1, line 2 of the title, after "loans;" strike the remainder of the title and insert "amending RCW 67.08.100, 4.56.110, 6.01.060, 6.15.010, 6.27.100, 6.27.105, 6.27.140, and 6.27.150; creating new sections; and repealing RCW 2.48.165, 18.04.420, 18.08.470, 18.11.270, 18.16.230, 18.20.200, 18.27.360, 18.39.465, 18.43.160, 18.46.055, 18.76.100, 18.85.341, 18.96.190, 18.104.115, 18.106.290, 18.130.125, 18.140.200, 18.145.125, 18.160.085, 18.165.280, 18.170.163, 18.180.050, 18.185.055, and 28A.410.105."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1169 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1169, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1169, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins,

Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Orcutt, Shea, Taylor, Vick and Volz.

Excused: Representatives Pike and Rodne.

THIRD SUBSTITUTE HOUSE BILL NO. 1169, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.02.030 and 2014 c 220 s 15 are each amended to read as follows:

(1) A patient may authorize a health care provider or health care facility to disclose the patient's health care information. A health care provider or health care facility shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider or health care facility denies the patient access to health care information under RCW 70.02.090.

(2)(a) Except as provided in (b) of this subsection, a health care provider or health care facility may charge a reasonable fee for providing the health care information and is not required to honor an authorization until the fee is paid.

(b) Upon request of a patient or a patient's personal representative, a health care facility or health care provider shall provide the patient or representative with one copy of the patient's health care information free of charge if the patient is appealing the denial of federal supplemental security income or social security disability

benefits. The patient or representative may complete a disclosure authorization specifying the health care information requested and provide it to the health care facility or health care provider. The health care facility or health care provider may provide the health care information in either paper or electronic format. A health care facility or health care provider is not required to provide a patient or a patient's personal representative with a free copy of health care information that has previously been provided free of charge pursuant to a request within the preceding two years.

(3) To be valid, a disclosure authorization to a health care provider or health care facility shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;

(d) Identify the provider or class of providers who are to make the disclosure;

(e) Identify the patient; and

(f) Contain an expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure.

(4) Unless disclosure without authorization is otherwise permitted under RCW 70.02.050 or the federal health insurance portability and accountability act of 1996 and its implementing regulations, an authorization may permit the disclosure of health care information to a class of persons that includes:

(a) Researchers if the health care provider or health care facility obtains the informed consent for the use of the patient's health care information for research purposes; or

(b) Third-party payors if the information is only disclosed for payment purposes.

(5) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(6) When an authorization permits the disclosure of health care information to

a financial institution or an employer of the patient for purposes other than payment, the authorization as it pertains to those disclosures shall expire one year after the signing of the authorization, unless the authorization is renewed by the patient.

(7) A health care provider or health care facility shall retain the original or a copy of each authorization or revocation in conjunction with any health care information from which disclosures are made.

(8) Where the patient is under the supervision of the department of corrections, an authorization signed pursuant to this section for health care information related to mental health or drug or alcohol treatment expires at the end of the term of supervision, unless the patient is part of a treatment program that requires the continued exchange of information until the end of the period of treatment.

Sec. 2. RCW 70.02.045 and 2015 c 289 s 1 are each amended to read as follows:

Third-party payors shall not release health care information disclosed under this chapter, except as required by chapter 43.371 RCW and section 4 of this act and to the extent that health care providers are authorized to do so under RCW 70.02.050, 70.02.200, and 70.02.210.

Sec. 3. RCW 70.02.080 and 1993 c 448 s 5 are each amended to read as follows:

(1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under RCW 70.02.090 and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care information available in the requested form. Except as provided in RCW 70.02.030, the health care provider may charge a reasonable fee for providing the health care information and is not required to permit examination or copying until the fee is paid.

NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43 RCW to read as follows:

Upon request of a covered person or a covered person's personal representative, an issuer shall provide the covered person or representative with one copy of the covered person's health care information free of charge if the covered person is appealing the denial of federal supplemental security income or social security disability benefits. The issuer may provide the health care information in either paper or electronic format. An issuer is not required to provide a covered person or a covered person's personal representative with a free copy of health care information that has previously been provided free of charge pursuant to a request within the preceding two years. For purposes of this section, "health care information" has the same meaning as in RCW 70.02.010."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 70.02.030, 70.02.045, and 70.02.080; and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1239, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1239, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Dent, McCaslin and Shea.

Excused: Representatives Pike and Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1298 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Criminal record" includes any record about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(2) "Employer" includes public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies.

(3) "Otherwise qualified" means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without consideration of a criminal record.

NEW SECTION. Sec. 2. (1) An employer may not include any question on any application for employment, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. Once the employer has initially determined that the applicant is otherwise qualified, the employer may inquire into or obtain information about a criminal record.

(2) An employer may not advertise employment openings in a way that excludes people with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

(3) An employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration prior to an initial determination that the applicant is otherwise qualified for the position. Prohibited policies and practices include rejecting an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

(4) This section does not apply to:

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;

(b) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;

(c) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030 (5) (b);

(d) An employer seeking a nonemployee volunteer; or

(e) Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26).

NEW SECTION. Sec. 3. (1) This chapter may not be construed to interfere with, impede, or in any way diminish any provision in a collective bargaining agreement or the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages, standards, and conditions of employment.

(2) This chapter may not be interpreted or applied to diminish or conflict with any requirements of state or federal law, including Title VII of the civil rights act of 1964; the federal fair credit reporting act, 15 U.S.C. Sec. 1681; the Washington state fair credit reporting act, chapter 19.182 RCW; and state laws regarding unsupervised access to children or vulnerable persons, RCW 43.43.830 through 43.43.845.

(3) This chapter may not be interpreted or applied as imposing an obligation on the part of an employer to provide accommodations or job modifications in order to facilitate the employment or continued employment of an applicant or employee with a criminal record or who is facing pending criminal charges.

(4) This chapter may not be construed to discourage or prohibit an employer from adopting employment policies that are more protective of employees and job applicants than the requirements of this chapter.

(5) This chapter may not be construed to interfere with local government laws that provide additional protections to applicants or employees with criminal records, nor does it prohibit local governments from enacting greater protections for such applicants or employees in the future. Local government laws that provide lesser protections to job applicants with criminal records than this chapter conflict with this chapter and may not be enforced.

(6) This chapter may not be construed to create a private right of action to seek damages or remedies of any kind. The exclusive remedy available under this chapter is enforcement described in section 4 of this act. This chapter does not create any additional liability for employers beyond that enumerated in this chapter.

NEW SECTION. Sec. 4. (1) The state attorney general's office shall enforce this chapter. Its powers to enforce this chapter include the authority to:

(a) Investigate violations of this chapter on its own initiative;

(b) Investigate violations of this chapter in response to complaints and seek remedial relief for the complainant;

(c) Educate the public about how to comply with this chapter;

(d) Issue written civil investigative demands for pertinent documents, answers to written interrogatories, or oral testimony as required to enforce this chapter;

(e) Adopt rules implementing this chapter including rules specifying applicable penalties; and

(f) Pursue administrative sanctions or a lawsuit in the courts for penalties, costs, and attorneys' fees.

(2) In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action. Maximum penalties are as follows: A notice of

violation and offer of agency assistance for the first violation; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 7.** Sections 1 through 4, 6, and 8 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 8.** This act may be known and cited as the Washington fair chance act.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "position;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1298 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ortiz-Self and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1298, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1298, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Pike and Rodne.

SECOND SUBSTITUTE HOUSE BILL NO. 1298, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.118.010 and 2017 3rd sp.s. c 20 s 11 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3) (a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by

mail or electronically, as indicated on the form.

(4) (a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b) (i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through ~~((d))~~ (e). A student who is eligible to receive the Washington college bound scholarship because the student is a resident student under RCW 28B.15.012(2) (e) must provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through ~~((d))~~ (e).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 2. RCW 28B.145.030 and 2014 c 208 s 3 are each amended to read as follows:

(1) The program administrator, under contract with the council, shall staff the board and shall have the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fundraising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage two separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into one or both of the two accounts created in this subsection (2) (b) in accordance with this subsection (2) (b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an

annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "endowment account," from which scholarship moneys may be disbursed from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account;

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; and

(C) The state has demonstrated progress toward the goal of total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per-student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited to, the data provided in a uniform dashboard format under RCW 28B.77.090 as the statewide public four-year dashboard and academic year reports prepared by the state board for community and technical colleges;

(iii) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the

account, after which time the private donors may designate whether their contributions must be deposited to the scholarship or the endowment account. The board and the program administrator must work to maximize private sector contributions to both the scholarship account and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the two accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the two accounts in equal proportion to the private funds deposited in each account; and

(iv) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account or endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each

selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in baccalaureate degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first~~(, and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit))~~; and

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 3. RCW 28B.15.012 and 2017 c 191 s 1 are each amended to read as follows:

Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an

institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than educational, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state;

(i) A student who is the spouse or a dependent of a person who is on active military duty or a member of the national guard who entered service as a Washington resident and who has maintained Washington as his or her domicile but is not stationed in the state. If the person on active military duty is reassigned out-of-state, the student maintains the status as a resident student so long as the student is continuously enrolled in a degree program;

(j) A student who is entitled to transferred federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.) benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services;

(k) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

(l) A student who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service; is eligible for benefits under the federal all-volunteer force educational assistance program (38 U.S.C. Sec. 3001 et seq.), the federal post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law authorizing educational assistance benefits for veterans; and enters an institution of higher education in Washington within three years of the date of separation;

(m) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation;

(n) A student who is entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who died in the line of duty;

(o) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;

(p) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(q) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow,

Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(r) A student who resides in Washington and is the spouse or a dependent of a person who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington. If the person on active military duty moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is continuously enrolled in a degree program.

(3)(a) A student who qualifies under subsection (2)(j), (l), (m), or (n) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2)(j), (l), (m), or (n) of this section applies to students who have a dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has had a dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2)(e) or (o) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America (~~who does not have permanent or temporary resident~~

~~status or does not hold "Refugee Parolee" or "Conditional Entrant" status with the United States citizenship immigration services or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in this section and RCW 28B.15.013-)), unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:~~

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after the effective date of this section, regardless of whether the person is no longer or will no longer be granted deferred action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include,

but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "and amending RCW 28B.118.010, 28B.145.030, and 28B.15.012."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hansen spoke in favor of the passage of the bill.

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1488, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1488, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kristiansen, Lovick, Lytton, Macri, McBride, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Orcutt, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representatives Pike and Rodne.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that all of the people of the state should have the opportunity to live in a safe, healthy, and affordable home.

The legislature further recognizes that homelessness in Washington is unacceptable and that action needs to be taken to protect vulnerable households including families with children, youth and young adults, veterans, seniors, and people at high risk of homelessness, including survivors of domestic violence and people living with mental illness and other disabilities.

The legislature recognizes that homelessness has immediate and often times long-term consequences on the educational achievement of public school children and disproportionately impacts students of color. Additionally, the legislature recognizes that the health and safety of people experiencing homelessness is immediately and oftentimes significantly compromised, and that homelessness exacerbates physical and behavioral health disabilities. The legislature further recognizes that homelessness is disproportionately experienced by people of color and LGBTQ youth and young adults. The legislature recognizes that homelessness is also disproportionately experienced by people living with mental illness and that homelessness is an impediment to treatment. The legislature further recognizes that homelessness is disproportionately experienced by Native Americans.

In 2005, the Washington state legislature passed the homeless housing and assistance act that outlined several bold policies to address homelessness. That act also required a strategic plan by the department of commerce, which was first submitted in 2006 and subsequently updated. Since the first statewide plan, the state has succeeded in housing over five hundred fifty-six thousand people experiencing homelessness. These people were previously living in places not meant for human habitation, living in emergency shelters, or at imminent risk of becoming homeless. Although the overall prevalence of homelessness is down more than seventeen percent, the recent increase in homelessness, due in large part to surging housing costs, remains a crisis and more must be done.

Therefore, the legislature intends to improve resources available to aid with increasing access and removing barriers to housing for individuals and families in Washington.

Sec. 2. RCW 36.22.179 and 2017 3rd sp.s. c 16 s 5 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection ~~((2))~~ (3) of this section, an additional surcharge of ~~((ten))~~ sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. ~~((From September 1, 2012, through June 30, 2023, the surcharge shall be forty dollars.))~~ Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account ~~(())~~ to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local

governments, and managing the homeless housing grant program. (~~0F~~)

(ii) The remaining eighty-seven and one-half percent (~~7~~) of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments (~~7~~); and (~~the remainder is~~)

(B) All remaining funds are to be used by the department to:

~~((i))~~ (I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

~~((ii))~~ (II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a state, county, or city lien or satisfaction of lien (~~, or (f) documents recording a water sewer district lien or satisfaction of a lien for delinquent utility payments~~).

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

Sec. 3. RCW 43.185C.030 and 2013 c 200 s 25 are each amended to read as follows:

(1) The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW 43.185C.180. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected. Data on subpopulations and other characteristics of the homeless must, at a minimum, be consistent with the United States department of housing and urban development's point-in-time requirements.

(2) All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

(3) The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.02.220. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

(4) The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

(5) Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

(6) By the end of year four, the department shall implement an organizational quality management system.

Sec. 4. RCW 43.185C.040 and 2017 3rd sp.s. c 15 s 2 are each amended to read as follows:

(1) ~~((Six months after the first Washington homeless census,))~~ The department shall, in consultation with the interagency council on homelessness ~~((and)),~~ the affordable housing advisory board, and the state advisory council on homelessness, prepare and publish a ~~((ten))~~ five-year homeless housing strategic plan which ~~((shall))~~ must outline statewide goals and performance measures ~~((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650)).~~ The state homeless housing strategic plan must be submitted to the legislature by July 1, 2019, and every five years thereafter. The plan must include:

(a) Performance measures and goals to reduce homelessness, including long-term and short-term goals;

(b) An analysis of the services and programs being offered at the state and county level and an identification of those representing best practices and outcomes;

(c) Recognition of services and programs targeted to certain homeless populations or geographic areas in recognition of the diverse needs across the state;

(d) New or innovative funding, program, or service strategies to pursue;

(e) An analysis of either current drivers of homelessness or improvements to housing security, or both, such as increases and reductions to employment opportunities, housing scarcity and affordability, health and behavioral health services, chemical dependency treatment, and incarceration rates; and

(f) An implementation strategy outlining the roles and responsibilities at the state and local level and timelines to achieve a reduction in homelessness at the statewide level during periods of the five-year homeless housing strategic plan.

(2) The department must coordinate its efforts on the state homeless housing strategic plan with the office of homeless youth prevention and protection programs advisory committee under RCW 43.330.705. The state homeless housing strategic plan must not conflict with the strategies, planning, data collection, and performance and outcome measures developed under RCW 43.330.705 and 43.330.706 to reduce the state's homeless youth population.

(3) To guide local governments in preparation of ~~((their first))~~ local homeless housing plans due December ~~((31, 2005))~~ 1, 2019, the department shall issue by ~~((October 15, 2005, temporary))~~ December 1, 2018, guidelines consistent with this chapter and including the best available data on each community's homeless population. ~~((Local governments' ten year homeless housing plans shall not be substantially inconsistent with the goals and program recommendations of the temporary guidelines and, when amended after 2005, the state strategic plan.~~

~~(2))~~ Program outcomes ~~((and)),~~ performance measures, and goals ~~((shall))~~ must be created by the department ~~((and reflected in the department's homeless housing strategic plan as well as interim goals))~~ in collaboration with local governments against which state and local governments' performance ~~((may))~~ will be measured ~~((, including:~~

~~(a) By the end of year one, completion of the first census as described in RCW 43.185C.030;~~

~~(b) By the end of each subsequent year, goals common to all local programs which~~

~~are measurable and the achievement of which would move that community toward housing its homeless population; and~~

~~(c) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent).~~

~~((3)(a) The department shall work in consultation with the interagency council on homelessness, the affordable housing advisory board, and the state advisory council on homelessness to develop performance measures that address the limitations of the annual point-in-time count on measuring the effectiveness of the document recording fee surcharge funds in supporting homeless programs. The department must report its findings and recommendations regarding the new performance measures to the appropriate committees of the legislature by December 1, 2017.~~

~~(b) The department must implement at least three performance metrics, in addition to the point-in-time measurement, that measure the impact of surcharge funding on reducing homelessness by July 1, 2018.~~

~~(c) The joint legislative audit and review committee must review how the surcharge fees are expended to address homelessness, including a review of the related program performance measures and targets. The joint legislative audit and review committee must report its review findings by December 1, 2022, and update the review every five years thereafter.)~~

(4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving grants in order to determine compliance with the terms and conditions set forth in the grant application or required by the department.

The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, report biennially to the governor and the appropriate committees of the legislature an assessment of the state's performance in furthering the goals of the state ~~((ten-year))~~ five-year homeless housing strategic plan and the performance of each participating local government in creating and executing a local homeless housing plan which meets the requirements of this chapter. To increase the effectiveness of the report, the department must develop a process to ensure consistent presentation,

analysis, and explanation in the report, including year-to-year comparisons, highlights of program successes and challenges, and information that supports recommended strategy or operational changes. The ~~((annual))~~ report may include performance measures such as:

(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

(b) The reduction in the number of unaccompanied homeless youth. "Unaccompanied homeless youth" has the same meaning as in RCW 43.330.702;

(c) The number of new units available and affordable for homeless families by housing type;

(d) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

(e) The number of households at risk of losing housing who maintain it due to a preventive intervention;

(f) The transition time from homelessness to permanent housing;

(g) The cost per person housed at each level of the housing continuum;

(h) The ability to successfully collect data and report performance;

(i) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

(j) The quality and safety of housing provided; and

(k) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

~~((5) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the annual census, the department may revise the performance measures and goals of the state homeless housing strategic plan, set goals for years following the initial ten-year period, and recommend changes in local governments' plans.)~~

Sec. 5. RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ~~((tea))~~ five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide ~~((temporary))~~ guidelines ~~((for the))~~ issued by December ~~((31, 2005, plan))~~ 1, 2018, and thereafter the department's ~~((tea))~~ five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness ~~((with a minimum goal of reducing homelessness by fifty percent by July 1, 2015))~~. The local government may amend the proposed local plan and shall adopt a plan by December ~~((31, 2005))~~ 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

Sec. 6. RCW 43.185C.060 and 2014 c 200 s 2 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. ((If an independent audit finds that the department has failed to set aside at least forty five percent of funds received under RCW 36.22.179(1)(b) after June 12, 2014, for the use of private rental housing payments, the department must submit a corrective action plan to the office of financial management within thirty days of receipt of the independent audit. The office of financial management must monitor the department's corrective action plan and expenditures from this account for the remainder of the fiscal year. If the department is not in compliance with RCW 36.22.179(1)(b) in any month of the fiscal year following submission of the corrective action plan, the office of financial management must reduce the department's allotments from this account and hold in reserve status a portion of the department's appropriation equal to the expenditures made during the month not in compliance with RCW 36.22.179(1)(b)-))

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The

independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

Sec. 7. RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ~~((ten))~~ five-year homeless housing plan addressing short-term and long-term housing for homeless persons.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, real estate professionals, at large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body which substantially conforms to this section and which includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department

shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.

(2) In addition to developing a ~~((ten))~~ five-year homeless housing plan, each task force shall establish guidelines consistent with the statewide homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Supportive housing for chronically homeless persons; and
- (e) Long-term housing.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county, including counties exempted from creating a new task force under subsection (1) of this section, shall report to the department ~~((of community, trade, and economic development))~~ such information as may be needed to ensure compliance with this chapter, including the annual report required in section 9 of this act.

Sec. 8. RCW 43.185C.010 and 2017 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center.

(2) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department of social and health services seeking adjudication of placement of the child.

(3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(4) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

(5) "Department" means the department of commerce.

(6) "Director" means the director of the department of commerce.

(7) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179(~~(7-RCW)~~) and 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) "Homeless housing plan" means the (~~ten~~) five-year plan developed by the county or other local government to address housing for homeless persons.

(10) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) "Homeless housing strategic plan" means the (~~ten~~) five-year plan developed by the department, in consultation with the interagency council on homelessness (~~and~~), the affordable housing advisory board, and the state advisory council on homelessness.

(12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(13) "HOPE center" means an agency licensed by the secretary of the department of social and health services to provide temporary residential placement and other services to street

youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(21) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) "Semi-secure facility" means any facility including, but not limited to, crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of social and health services with a ratio of at least one adult staff member to every two children.

(24) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(25) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to

coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

NEW SECTION. **Sec. 9.** A new section is added to chapter 43.185C RCW to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

(i) Emergency shelter;

(ii) Homelessness prevention and rapid rehousing;

(iii) Permanent housing;

(iv) Permanent supportive housing;

(v) Transitional housing;

(vi) Services only; and

(vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, number of people served by major assistance type, and amount of expenditures for private

rental housing payments required in RCW 36.22.179;

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220; and

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311.

(2) The report required in subsection (1) of this section must be posted to the department's web site and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual report on the current condition of homelessness in its jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's web site. Along with each local government annual report, the department must produce and post information on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

Sec. 10. RCW 43.185C.240 and 2015 c 69 s 26 are each amended to read as follows:

(1) As a means of efficiently and cost-effectively providing housing assistance to very-low income and homeless households:

(a) Any local government that has the authority to issue housing vouchers, directly or through a contractor, using document recording surcharge funds

collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 must:

(i) (A) Maintain an interested landlord list, which at a minimum, includes information on rental properties in buildings with fewer than fifty units;

(B) Update the list at least once per quarter;

(C) Distribute the list to agencies providing services to individuals and households receiving housing vouchers;

(D) Ensure that a copy of the list or information for accessing the list online is provided with voucher paperwork; and

(E) Communicate and interact with landlord and tenant associations located within its jurisdiction to facilitate development, maintenance, and distribution of the list to private rental housing landlords. The department must make reasonable efforts to ensure that local providers conduct outreach to private rental housing landlords each calendar quarter regarding opportunities to provide rental housing to the homeless and the availability of funds;

(ii) Using cost-effective methods of communication, convene, on a semiannual or more frequent basis, landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The local government is not required to reimburse any participants for expenses related to attendance;

(iii) Produce data, limited to document recording fee uses and expenditures, on a ~~((calendar))~~ fiscal year basis in consultation with landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers, that include the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; amount expended on and number of other tenant-based rent assistance services

provided in the private market; and amount expended on and number of services provided to unaccompanied homeless youth. If these data elements are not readily available, the reporting government may request the department to use the sampling methodology established pursuant to (c)(iii) of this subsection to obtain the data; and

(iv) Annually submit the ~~((calendar))~~ fiscal year data to the department ~~((by October 1st, with preliminary data submitted by October 1, 2012, and full calendar year data submitted beginning October 1, 2013))~~.

(b) Any local government receiving more than three million five hundred thousand dollars during the previous ~~((calendar))~~ fiscal year from document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington state quality award program, or similar Baldrige assessment organization, for an independent assessment of its quality management, accountability, and performance system. The first assessment may be a lite assessment. After submitting an application, a local government is required to reapply at least every two years.

(c) The department must:

(i) Require contractors that provide housing vouchers to distribute the interested landlord list created by the appropriate local government to individuals and households receiving the housing vouchers;

(ii) Convene a stakeholder group by March 1, 2017, consisting of landlords, homeless housing advocates, real estate industry representatives, cities, counties, and the department to meet to discuss long-term funding strategies for homeless housing programs that do not include a surcharge on document recording fees. The stakeholder group must provide a report of its findings to the legislature by December 1, 2017;

(iii) Develop a sampling methodology to obtain data required under this section when a local government or contractor does not have such information readily available. The process for developing the sampling methodology must include providing notification to and the opportunity for public comment by local governments issuing housing vouchers, landlord association representatives, and agencies providing services to

individuals and households receiving housing vouchers;

(iv) Develop a report, limited to document recording fee uses and expenditures, on a ~~((calendar))~~ fiscal year basis that may include consultation with local governments, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers, that includes the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; the total amount of funds set aside for private rental housing payments as required in RCW 36.22.179(1)(b); and amount expended on and number of other tenant-based rent assistance services provided in the private market. The information in the report must include data submitted by local governments and data on all additional document recording fee activities for which the department contracted that were not otherwise reported. The data, samples, and sampling methodology used to develop the report must be made available upon request and for the audits required in this section;

(v) Annually submit the ~~((calendar))~~ fiscal year report to the legislature by December ~~((15th, with a preliminary report submitted by December 15, 2012, and full calendar year reports submitted beginning December 15, 2013))~~ 1st of each year; and

(vi) Work with the Washington state quality award program, local governments, and any other organizations to ensure the appropriate scheduling of assessments for all local governments meeting the criteria described in subsection (1)(b) of this section.

(d) The office of financial management must secure an independent audit of the department's data and expenditures of state funds received under RCW 36.22.179(1)(b) on an annual basis. The independent audit must review a random sample of local governments, contractors, and housing providers that is geographically and demographically

diverse. The independent auditor must meet with the department and a landlord representative to review the preliminary audit and provide the department and the landlord representative with the opportunity to include written comments regarding the findings that must be included with the audit. The first audit of the department's data and expenditures will be for calendar year 2014 and is due July 1, 2015. Each audit thereafter will be due July 1st following the department's submission of the report to the legislature. If the independent audit finds that the department has failed to set aside at least forty-five percent of the funds received under RCW 36.22.179(1)(b) after June 12, 2014, for private rental housing payments, the independent auditor must notify the department and the office of financial management of its finding. In addition, the independent auditor must make recommendations to the office of financial management and the legislature on alternative means of distributing the funds to meet the requirements of RCW 36.22.179(1)(b).

(e) The office of financial management must contract with an independent auditor to conduct a performance audit of the programs funded by document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide findings to determine if the funds are being used effectively, efficiently, and for their intended purpose. The audit must review the department's performance in meeting all statutory requirements related to document recording surcharge funds including, but not limited to, the data the department collects, the timeliness and quality of required reports, and whether the data and required reports provide adequate information and accountability for the use of the document recording surcharge funds. The audit must include recommendations for policy and operational improvements to the use of document recording surcharges by counties and the department. The performance audit must be submitted to the legislature by December 1, 2016.

(2) For purposes of this section:

(a) "Housing placement payments" means one-time payments, such as first and last month's rent and move-in costs, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or

36.22.1791 that are made to secure a unit on behalf of a tenant.

(b) "Housing vouchers" means payments, including private rental housing payments, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by a local government or contractor to secure: (i) A rental unit on behalf of an individual tenant; or (ii) a block of units on behalf of multiple tenants.

(c) "Interested landlord list" means a list of landlords who have indicated to a local government or contractor interest in renting to individuals or households receiving a housing voucher funded by document recording surcharges.

(d) "Private rental housing" means housing owned by a private landlord and (~~does not~~) includes housing owned by a nonprofit housing entity (~~(or government entity)~~).

(3) This section expires June 30, 2019.

NEW SECTION. **Sec. 11.** This act may be known and cited as the Washington housing opportunities act."

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.160, 43.185C.010, and 43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Macri and Barkis spoke in favor of the passage of the bill.

Representatives Taylor, Nealey, Manweller and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1570, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1570, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representatives Pike and Rodne.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.010 and 2001 c 211 s 2 are each amended to read as follows:

(1) All wires and equipment, and installations thereof, that convey electric current and installations of equipment to be operated by electric current, in, on, or about buildings or structures, except for telephone, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with this chapter, the statutes of the state of Washington, and

the rules issued by the department, and shall be in conformity with approved methods of construction for safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt from the requirements of this chapter. The regulations and articles in the National Electrical Code, the national electrical safety code, and other installation and safety regulations approved by the national fire protection association, as modified or supplemented by rules issued by the department in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of the approved methods of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type that conforms to applicable standards or be indicated as acceptable by the established standards of any electrical product testing laboratory which is accredited by the department. Industrial control panels, utilization equipment, and their components do not need to be listed, labeled, or otherwise indicated as acceptable by an accredited electrical product testing laboratory unless specifically required by the National Electrical Code, 1993 edition.

(2) Residential buildings or structures moved into or within a county, city, or town are not required to comply with all of the requirements of this chapter, if the original occupancy classification of the building or structure is not changed as a result of the move. This subsection shall not apply to residential buildings or structures that are substantially remodeled or rehabilitated.

(3) This chapter shall not limit the authority or power of any city or town to enact and enforce under authority given by law, any ordinance, rule, or regulation requiring an equal, higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter. A city or town shall require that its electrical inspectors meet the qualifications provided for state electrical inspectors in accordance with RCW 19.28.321. In a city or town having an equal, higher, or better standard the installations, materials, devices, appliances, and equipment shall be in

accordance with the ordinance, rule, or regulation of the city or town.

(4) Incorporated cities and towns where electrical inspections are required by local ordinances may enforce the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), and applicable licensing and certification rules within their respective jurisdictions. Nothing in this subsection diminishes the authority of the department to enforce the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), and applicable licensing and certification rules within any city or town.

(5) Electrical equipment associated with spas, hot tubs, swimming pools, and hydromassage bathtubs shall not be offered for sale or exchange unless the electrical equipment is certified as being in compliance with the applicable product safety standard by bearing the certification mark of an approved electrical products testing laboratory.

~~((4))~~ (6) Nothing in this chapter may be construed as permitting the connection of any conductor of any electric circuit with a pipe that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of the waterworks piping system.

NEW SECTION. Sec. 2. A new section is added to chapter 19.28 RCW to read as follows:

This chapter shall not limit the authority or power of any city or town where electrical inspections are required by local ordinances to enact and enforce under authority given by law, any ordinance, rule, or regulation enforcing the same requirements of this chapter for having or possessing or displaying a license or a certificate, employing certified individuals, supervision of trainees, or duties of an administrator in their respective jurisdictions. Penalties are to be established within the limits provided in this chapter. No person, firm, partnership, corporation, or other entity may be penalized by both a city or town and the department for the same violation. Each day that a person, firm, partnership, corporation, or other entity violates this chapter is a

separate violation. Penalties upheld through an appellate process of a city or town may be appealed to the board by filing a written notice of appeal to the secretary of the board. All costs of an appeal under this section payable from the electrical license fund shall be reimbursed by the city or town that is party to the matter. The process for service and hearings before the board shall be conducted according to the rules enacted by the department."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 19.28.010; adding a new section to chapter 19.28 RCW; and prescribing penalties."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Blake and McCabe spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1952, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1952, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger,

Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 61.24.030 and 2012 c 185 s 9 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled

to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the (~~owner~~) holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the (~~actual~~) holder of (~~the~~) any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR

LOSING YOUR HOME.

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone:
Web site:

The United States Department of Housing and Urban Development

Telephone:
Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Web site:"

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; ~~((and))~~

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the ~~((owner))~~ holder of any promissory note~~((s))~~ or other obligation~~((s))~~ secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust; ~~((and))~~

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process,

necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 2. RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in ((~~f~~) of this) subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ((~~f~~) of this) subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) (A) The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in ~~((f) of this)~~ subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property(~~+~~

~~+~~)) (2) (a) If foreclosing on a commercial loan under RCW 61.24.005(4), the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";

(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:

(i) The document number or numbers given to the deed of trust upon recording;

(ii) The parcel number(s);

(iii) The grantor;

(iv) The current beneficiary of the deed of trust;

(v) The current trustee of the deed of trust; and

(vi) The current loan mortgage servicer of the deed of trust;

(c) Nothing in this section:

(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;

(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or

(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW.

(d) The notice (~~shall~~) must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

Grantor:

Current beneficiary of the deed of trust:

Current trustee of the deed of trust:

Current mortgage servicer of the deed of trust:

Reference number of the deed of trust:

Parcel number(s):

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of,, at the hour of o'clock M. at [street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated, recorded, under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of,, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale

and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of,, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

.
.
.

by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(~~(9)~~) (11)]

.....
..... , Trustee
.....
.....
.....
.....
.....
..... Address
.....
..... } Phone

[Acknowledgment]

(~~(9)~~) (3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection (~~(1)~~(f)) (2)(d) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and

opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:"

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

(~~(2)~~) (4) In addition to providing the borrower and grantor the notice of sale described in subsection (~~(1)~~(f)) (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,

Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and (~~owner~~) holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, [11 days before the sale date]. To date, these arrears and costs are as follows:

Estimate
ed amount

Current ly due to reinstate on
 that will be due to reinstate on
 (11 days before the date set for sale)

expense \$ \$
 Publication \$ \$
 Telephone charges \$ \$
 Inspection fees \$ \$
 \$ \$
 \$ \$
 \$ \$
 TOTALS \$ \$

Delinquent payments from
, in the amount of \$ / mo.: \$ \$
 Late charges in the total amount of: \$ \$
 Estimated Amounts
 Attorneys' fees: \$ \$
 Trustee's fee: \$ \$
 Trustee's expenses:
 (Itemization)
 Title report \$ \$
 Recording fees \$ \$
 Service/Posting of Notices \$ \$
 Postage/Copying

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
.....
.....
.....
.....

You may reinstate your Deed of Trust and the obligation secured thereby at any

time up to and including the day of, . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone ()

AFTER THE DAY OF, . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a

trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAM
 E:
 ADDRESS:

 TELEPHONE
 NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

~~((3))~~ (5) In addition, the trustee shall cause a copy of the notice of sale described in subsection ~~((1)-(f))~~ (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

~~((4))~~ (6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than thirty days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7) (a) If a servicer or trustee receives notification by someone

claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest.

(b) Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than forty-five days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than twenty days prior to the sale.

(c) (b) of this subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

((5)) (9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

((6)) (10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i)

not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection ~~((3))~~ (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

~~((7))~~ (11) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

~~((8))~~ (12) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

~~((9))~~ (13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on

the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

((10)) (14) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 3. RCW 61.24.045 and 2008 c 153 s 4 are each amended to read as follows:

Any person desiring a copy of any notice of sale described in RCW 61.24.040((1)(f)) (2) under any deed of trust, other than a person entitled to receive such a notice under RCW 61.24.040(1) (b) or (c), must, after the recordation of such deed of trust and before the recordation of the notice of sale, cause to be filed for record, in the office of the auditor of any county in which the deed of trust is recorded, a duly acknowledged request for a copy of any notice of sale. The request shall be signed and acknowledged by the person to be notified or such person's agent, attorney, or representative; shall set forth the name, mailing address, and telephone number, if any, of the person or persons to be notified; shall identify the deed of trust by stating the names of the parties thereto, the date the deed of trust was recorded, the legal description of the property encumbered by the deed of trust, and the auditor's file number under which the deed of trust is recorded; and shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of sale described in RCW 61.24.040((1)(f)) (2) under that certain Deed of Trust dated, ((20.)) (year), recorded on, ((20.)) (year), under auditor's file No., records of County, Washington, from, as

Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, and affecting the following described real property:

(Legal Description)

be sent by both first-class and either registered or certified mail, return receipt requested, to at

Dated this day of, ((20.)) (year)

.....
Signature

(Acknowledgment)

A request for notice under this section shall not affect title to, or be deemed notice to any person that any person has any right, title, interest in, lien or charge upon, the property described in the request for notice.

Sec. 4. RCW 61.24.050 and 2012 c 185 s 14 are each amended to read as follows:

(1) Upon physical delivery of the trustee's deed to the purchaser, or a different grantee as designated by the purchaser following the trustee's sale, the trustee's deed shall convey all of the right, title, and interest in the real and personal property sold at the trustee's sale which the grantor had or had the power to convey at the time of the execution of the deed of trust, and such as the grantor may have thereafter acquired. Except as provided in subsection (2) of this section, if the trustee accepts a bid, then the trustee's sale is final as of the date and time of such acceptance if the trustee's deed is recorded within fifteen days thereafter. After a trustee's sale, no person shall have any right, by statute or otherwise, to redeem the property sold at the trustee's sale.

(2) (a) Up to the eleventh day following the trustee's sale, the trustee, beneficiary, or authorized agent for the beneficiary may declare the trustee's sale and trustee's deed void for the following reasons:

(i) The trustee, beneficiary, or authorized agent for the beneficiary assert that there was an error with the trustee foreclosure sale process

including, but not limited to, an erroneous opening bid amount made by or on behalf of the foreclosing beneficiary at the trustee's sale;

(ii) The borrower and beneficiary, or authorized agent for the beneficiary, had agreed prior to the trustee's sale to a loan modification agreement, forbearance plan, shared appreciation mortgage, or other loss mitigation agreement to postpone or discontinue the trustee's sale; or

(iii) The beneficiary or authorized agent for the beneficiary had accepted funds that fully reinstated or satisfied the loan even if the beneficiary or authorized agent for the beneficiary had no legal duty to do so.

(b) This subsection does not impose a duty upon the trustee any different than the obligations set forth under RCW 61.24.010 (3) and (4).

(3) The trustee must refund the bid amount to the purchaser no later than the third day following the postmarked mailing of the rescission notice described under subsection (4) of this section.

(4) No later than fifteen days following the voided trustee's sale date, the trustee shall send a notice in substantially the following form by first-class mail and certified mail, return receipt requested, to all parties entitled to notice under RCW 61.24.040 (1) (b) through (e):

NOTICE OF RESCISSION OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that the trustee's sale that occurred on (trustee's sale date) is rescinded and declared void because (insert the applicable reason(s) permitted under RCW 61.24.050(2) (a)).

The trustee's sale occurred pursuant to that certain Notice of Trustee's Sale dated,, recorded,, under Auditor's File No., records of County, Washington, and that certain Deed of Trust dated,, recorded,, under Auditor's File No., records of County, Washington, from, as Grantor, to, as, as original Beneficiary, concerning the following described property, situated in the County(ies) of, State of Washington, to wit:

(Legal description)

Commonly known as (common property address)

(5) If the reason for the rescission stems from subsection (2)(a)(i) or (ii) of this section, the trustee may set a new sale date not less than forty-five days following the mailing of the notice of rescission of trustee's sale. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~(f)~~) (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~(1) (f)~~) (2) to be published in a legal newspaper in each county in which the property or any part of the property is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

Sec. 5. RCW 61.24.130 and 2008 c 153 s 5 are each amended to read as follows:

(1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed:

(a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

(b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days.

In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just.

In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security.

(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

(3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(~~((1)-(f))~~) (2), the court granting such restraining order or injunction, or before whom the order or injunction is returnable, shall, at the request of the trustee, set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~((f))~~) (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)-(f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and an order is entered in federal bankruptcy court

granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~((f))~~) (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)-(f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(5) Subsections (3) and (4) of this section are permissive only and do not prohibit the trustee from proceeding with a trustee's sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040(~~((6))~~) (10).

(6) The issuance of a restraining order or injunction shall not prohibit the trustee from continuing the sale as provided in RCW 61.24.040(~~((6))~~) (10).

Sec. 6. RCW 61.24.163 and 2014 c 164 s 3 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded. If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within twenty-three days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial ~~((Making Home Affordable Application (HAMP) package or such other equivalent))~~ homeowner financial information worksheet as required by the department. ~~((In the event the department is required to create a worksheet,))~~ The worksheet must include, at a minimum, the following information:

(a) The borrower's current and future income;

(b) Debts and obligations;

(c) Assets;

(d) Expenses;

(e) Tax returns for the previous two years;

(f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within twenty days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

(a) An accurate statement containing the balance of the loan within thirty days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ninety days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within seventy days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on

another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7) (a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least thirty days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(8) (a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution,

including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program (~~including the home affordable modification program (HAMP) as applicable to government sponsored enterprise and nongovernment sponsored enterprise loans~~) and any (~~HAMP-related~~) modification program (~~applicable~~) related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16)(a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16)(a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed four hundred dollars for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within thirty calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

Sec. 7. RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

(1) Except as provided in subsections ~~((4) and)~~ (5) and (6) of this section,

beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ~~((two))~~ three hundred ((fifty)) twenty-five dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The ~~((two))~~ three hundred ((fifty)) twenty-five dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ~~((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section.))~~ No later than January 1, 2020, the department may from time to time adjust the amount of the fee, not to exceed three hundred twenty-five dollars, at a sufficient level to defray the costs of the program. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

~~((4))~~ (5) This section does not apply to any beneficiary or loan servicer

that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.

~~((5))~~ (6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

~~((6))~~ (7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

NEW SECTION. Sec. 8. A new section is added to chapter 61.24 RCW to read as follows:

(1) If a trustee under a deed of trust is named as a defendant in an action or proceeding in which that deed of trust is the subject, and if there are no substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee, including causes of action where the trustee is a codefendant alleged to be jointly or derivatively liable with respect to the trustee's conduct as to the borrower or the trustee's statutory obligations, not less than thirty-five days after service of the summons and complaint on the trustee, the trustee may file a declaration of nonmonetary status. The declaration must be served on the parties in the manner set forth in superior court civil rule (CR) 5.

(2) The declaration of nonmonetary status must set forth:

(a) The status of the trustee as trustee under the deed of trust that is the subject of the action or proceeding;

(b) That the complaint or pleading does not assert any substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee;

(c) That it has been named as a defendant in the proceeding solely in its capacity as a trustee under the deed of trust and that the trustee agrees to be bound by whatever order or judgment is

issued by the court regarding the subject deed of trust;

(d) A statement printed in no less than twelve-point font and bolded that reads:

"You have 30 days from service of this declaration to file and serve an objection with the court in compliance with RCW 61.24.--- (this section). If you do not timely object, the trustee will be deemed a nominal party to this action and you may not seek monetary relief against it. Your case may also be removed to federal court if the trustee was the only defendant domiciled in Washington."

(3) The parties who have appeared in the action or proceeding have thirty days from the service of the declaration by the trustee in which to object to the nonmonetary status of the trustee. Any objection must set forth the allegations against the trustee in a manner sufficient to satisfy the pleading standard of superior court civil rule (CR) 8(a).

(4) The objection must:

(a) Conform to superior court civil rule (CR) 10 and the caption must include the following identification: "Objection to Declaration of Nonmonetary Status of Defendant [trustee]";

(b) Contain a short and plain statement of the claim against defendant trustee as described in the complaint, showing that the plaintiff is entitled to relief. Allegations against the trustee may not be raised for the first time in the objection;

(c) Be filed with the court within thirty days of service of the trustee's declaration of nonmonetary status described in subsection (1) of this section;

(d) Be served on the trustee in the manner set forth in superior court civil rule (CR) 5.

(5) Upon filing of a timely objection with the court and timely service of the objection, the trustee must thereafter be required to participate in the action or proceeding.

(6) If an objection is not filed and served within the thirty-day objection period, the trustee: Is not required to participate any further in the action or proceeding; is not subject to any

monetary awards as and for damages, attorneys' fees, or costs; and is bound by any court order relating to the subject deed of trust that is the subject of the action or proceeding. The trustee's nonmonetary status is not established until the thirty-day objection period has passed without filing and service of an objection pursuant to subsection (5) of this section.

(7) In the event a party or parties elect not to or fail to timely object to the declaration of nonmonetary status, but later through discovery or otherwise determine that the trustee should participate in the action, the parties may file and serve on all parties and the trustee a motion pursuant to superior court civil rule (CR) 15. Upon the court's granting of the motion, the trustee must thereafter be required to participate in the action or proceeding, and the court must provide sufficient time before trial for the trustee to be able to respond to the complaint, to conduct discovery, and to bring other pretrial motions in accordance with Washington superior court civil rules.

(8) Upon the filing of the declaration of nonmonetary status, the time within which the trustee is required to file an answer or other responsive pleading is tolled for the period of time within which the opposing parties may object to the declaration. Upon the timely service of an objection to the declaration of nonmonetary status, the trustee has thirty days from the date of service within which to file an answer or other responsive pleading to the complaint or cross-complaint.

(9) For purposes of this section, "trustee" includes any agent or employee of the trustee who performs some or all the duties of a trustee under this chapter and includes substituted trustees and agents of the trustee.

(10) If upon objection to the trustee's declaration of nonmonetary status the court finds that the declaration was filed without sufficient support based upon the allegations made in the complaint, the court may award the plaintiff attorneys' fees and costs associated with the objection together with any actual damages demonstrated. Any award may be made after notice and hearing with submission of evidence of the attorneys' fees and damages.

NEW SECTION. **Sec. 9.** A new section is added to chapter 61.12 RCW to read as follows:

(1) Before any mortgagee of residential real property commences any legal action under RCW 61.12.040 to foreclose any reverse residential mortgage, such person shall give the mortgagor notice of such intention at least thirty-three days in advance. For the purposes of this section "residential real property" means property consisting solely of a single-family residence, a two-to-four-unit owner occupied dwelling, a residential condominium unit, a manufactured home, or a residential cooperative unit.

(2) Notice of intention to take action as specified in subsection (1) of this section must be in writing and sent to the resident mortgagor or, in case of the death of the last surviving mortgagor, addressed to any known surviving spouse or to "unknown heirs" of the residential mortgagor, by first-class and either certified or registered mail, return receipt requested, at his or her last known address and, if different, at the residence which is the subject of the residential mortgage.

(3) The written notice must be in English and Spanish, in a form to be published by the department of commerce, and must clearly and conspicuously state:

(a) The particular obligation or real estate security interest;

(b) The nature of the default claimed or the reason for acceleration of the mortgage;

(c) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the right, if any, of the mortgagor to cure the default and exactly what performance, including what sum of money, if any, must be tendered to cure the default;

(d) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the applicable time within which the mortgagor must cure the default;

(e) A statement printed in no less than twelve-point font and bolded that reads:

"If you do nothing to cure the default, if any, we intend to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed, your mortgaged property will be sold to pay off the

mortgage debt. You should contact a housing counselor or attorney as soon as possible."; and

(f) The toll-free telephone number to find a department-approved home equity conversion mortgage counseling agency from the United States department of housing and urban development, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals.

(4) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, affecting the public interest, for any person or entity to:

(a) Fail to send the notice as required in this section at least thirty-three days before accelerating the maturity of any reverse residential mortgage obligation or commencing any legal action under RCW 61.12.040;

(b) Fail to state the nature of the default, the correct amount or action that is required to cure the default, if any, or the time and manner in which to cure if cure is possible; or

(c) To send the notice required in this section without the advisory language and information about foreclosure assistance.

NEW SECTION. **Sec. 10.** (1) This chapter applies only to residential real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit.

(2) For purposes of this chapter:

(a) Property is "abandoned" when there are no signs of occupancy and at least three of the following indications of abandonment are visible from the exterior:

(i) The absence of furnishings and personal items consistent with residential habitation;

(ii) The gas, electric, or water utility services have been disconnected;

(iii) Statements by neighbors, passersby, delivery agents, or government employees that the property is vacant;

(iv) Multiple windows on the property are boarded up or closed off or are smashed through, broken, or unhinged, or multiple window panes are broken and unrepaired;

(v) Doors on the residence are substantially damaged, broken off, unhinged, or conspicuously open;

(vi) The property has been stripped of copper or other materials, or interior fixtures have been removed;

(vii) Law enforcement officials have received at least one report within the immediately preceding six months of trespassing or vandalism or other illegal activities by persons who enter unlawfully on the property;

(viii) The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied pursuant to an order issued by a municipal or county authority or a court of competent jurisdiction;

(ix) Construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupancy, and construction has not taken place for at least six months;

(x) Newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property;

(xi) Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;

(xii) Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;

(xiii) Other credible evidence exists indicating the intent to vacate and abandon the property.

(b) Property is in "mid-foreclosure" when, pursuant to chapter 61.24 RCW, a notice of default or notice of preforeclosure options has been issued or a notice of trustee's sale has been recorded in the office of the county auditor.

(c) Property is a "nuisance" when so determined by a county, city, or town pursuant to its authority under chapter 7.48 RCW or RCW 35.22.280, 35.23.440, 35.27.410, or 36.32.120.

NEW SECTION. **Sec. 11.** (1) A county, city, or town may notify a mortgage servicer that a property has been determined to be abandoned, in mid-foreclosure, and a nuisance.

(2) A notice issued pursuant to this section must:

(a) Be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, in mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default, notice of preforeclosure options, or notice of trustee's sale; and

(b) Be sent to the mortgage servicer by certified mail.

NEW SECTION. **Sec. 12.** (1) A mortgage servicer may contact a county, city, or town regarding a property it believes to be abandoned, and a nuisance and request that a county, city, or town official visit the property and make a determination as to whether the residential real property is abandoned and a nuisance. When making such a request, the mortgage servicer must furnish a copy of a notice of default, notice of preforeclosure options, or notice of trustee's sale applicable to the property.

(2) A county, city, or town shall respond to such a request within fifteen calendar days of receipt and notify the mortgage servicer:

(a) That a county, city, or town official has visited the property and determined that the property is not abandoned, or not a nuisance;

(b) That a county, city, or town official has visited the property and determined that the property is abandoned, in mid-foreclosure, and a nuisance. In this case, the notification shall be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, in mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice

of default or notice of trustee's sale supplied by the mortgage servicer; or

(c) That the county, city, or town does not have adequate resources or is otherwise unable to make the requested determination.

NEW SECTION. **Sec. 13.** (1) Upon receipt from a county, city, or town of an affidavit or declaration under penalty of perjury that a property is abandoned, in mid-foreclosure, and a nuisance, a mortgage servicer or its designee may enter the property for the purposes of abating the identified nuisance, preserving property, or preventing waste and may take steps to secure the property, including but not limited to:

(a) Installing missing locks on exterior doors. If any locks are changed the mortgage servicer must provide a lock box. Working locks may not be removed or replaced unless all doors are secured and there is no means of entry, and in such cases only one working lock may be removed and replaced;

(b) Replacing or boarding broken or missing windows;

(c) Winterizing, including draining pipes and disconnecting or turning on utilities;

(d) Eliminating building code or other code violations;

(e) Securing exterior pools and spas;

(f) Performing routine yard maintenance on the exterior of the residence; and

(g) Performing pest and insect control services.

(2) The mortgage servicer or its designee must make a record of entry by means of dated and time-stamped photographs showing the manner of entry and personal items visible within the residence upon entry.

(3) Neither the mortgage servicer nor its designee may remove personal items from the property unless the items are hazardous or perishable, and in case of such removal must inventory the items removed.

(4) Prior to each entry, a mortgage servicer or its designee must ensure that a notice is posted on the front door that includes the following:

(a) A statement that, pursuant to RCW 7.28.230, until foreclosure and sale is complete the property owner or occupant authorized by the owner has the right to possession;

(b) A statement that the property owner or occupant authorized by the owner has the right to request that any locks installed by the mortgage servicer or its designee be removed within twenty-four hours and replaced with new locks accessible by the property owner or occupant authorized by the owner only;

(c) A toll-free, twenty-four hour number that the property owner or occupant authorized by the owner may call in order to gain timely entry, which entry must be provided no later than the next business day; and

(d) The phone number of the statewide foreclosure hotline recommended by the housing finance commission and the statewide civil legal aid hotline, together with a statement that the property owner may have the right to participate in foreclosure mediation pursuant to RCW 61.24.163.

(5) Records of entry onto property pursuant to this section must be maintained by the mortgage servicer or its designee for at least four years from the date of entry.

(6) If, upon entry, the property is found to be occupied, the mortgage servicer or its designee must leave the property immediately, notify the county, city, or town, and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(7) In the event a mortgage servicer is contacted by the borrower and notified that the property is not abandoned, the mortgage servicer must so notify the county, city, or town and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(8) A county, city, or town is not liable for any damages caused by any act or omission of the mortgage servicer or its designee.

NEW SECTION. **Sec. 14.** Except in circumstances governed by section 13 (6) and (7) of this act, if a mortgage servicer receives notice from a county, city, or town pursuant to section 11 or 12(2)(b) of this act that a property is abandoned, in mid-foreclosure, and a nuisance, and the mortgage servicer does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. **Sec. 15.** (1) When a property has been the subject of foreclosure, a county, city or town may notify the grantee of the trustee's deed or sheriff's deed, via certified mail, that a property is a nuisance. Upon receipt of such a notice, the grantee of the trustee's deed or sheriff's deed shall respond within fifteen calendar days and provide one of the following responses:

(a) That the grantee of the trustee's deed or sheriff's deed will abate the nuisance within the time prescribed by local ordinance; or

(b) That the grantee of the trustee's deed or sheriff's deed does not have adequate resources to abate the nuisance within the time limits required by local ordinance.

(2) If the grantee of the trustee's deed or sheriff's deed is notified and does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. **Sec. 16.** Except in circumstances governed by section 13 (6) and (7) of this act, if, after issuance of a notice pursuant to section 11, 12(2)(b), or 15 of this act, a nuisance has not been abated within the time prescribed by local ordinance and the county, city, or town has exercised its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410,

36.32.120, or any other applicable law to abate the nuisance, the county, city, or town may recover its costs by levying an assessment on the real property on which the nuisance is situated to reimburse the county, city, or town for the costs of abatement, excluding any associated fines or penalties. This assessment constitutes a lien against the property, and is binding upon successors in title only from the date the lien is recorded in the county in which the real property is located. This assessment is of equal rank with state, county, and municipal taxes and is assessed against the real property upon which cost was incurred unless such amount is previously paid.

NEW SECTION. **Sec. 17.** The authority provided pursuant to this chapter is in addition to, and not in limitation of, any other authority provided by law.

NEW SECTION. **Sec. 18.** Sections 10 through 17 of this act constitute a new chapter in Title 7 RCW."

On page 1, line 2 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 61.24.030, 61.24.040, 61.24.045, 61.24.050, 61.24.130, 61.24.163, and 61.24.173; adding a new section to chapter 61.24 RCW; adding a new section to chapter 61.12 RCW; and adding a new chapter to Title 7 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2057, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2057, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2229 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.32.675 and 2017 c 320 s 2 are each amended to read as follows:

(1) No corporation shall practice dentistry or shall solicit through itself, or its agent, officers, employees, directors or trustees, dental patronage for any dentists or dental surgeon employed by any corporation: PROVIDED, That nothing contained in this chapter shall prohibit a corporation from employing a dentist or dentists to render dental services to its employees: PROVIDED, FURTHER, That such dental services shall be rendered at no cost or charge to the employees; nor shall it apply to corporations or associations in which the dental services were originated and are being conducted upon a purely charitable basis for the worthy poor.

(2) Nothing in this chapter precludes a person or entity not licensed by the commission from:

(a) Ownership or leasehold of any assets used by a dental practice, including real property, furnishings, equipment, instruments, materials, supplies, and inventory, excluding dental records of patients;

(b)(i) Employing or contracting for the services of personnel other than licensed dentists, licensed dental hygienists, licensed expanded function dental auxiliaries, certified dental anesthesia assistants, and registered dental assistants;

(ii) Contracting for the services of a licensed dentist or employing or contracting for the services of licensed dental hygienists, licensed expanded function dental auxiliaries, certified dental anesthesia assistants, and registered dental assistants if the entity is a health service contractor that is licensed under chapter 48.44 RCW and is organized as a nonprofit integrated care delivery system, if all of the following conditions are met:

(A) The arrangement between the parties meets the personal services and management contracts safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(d); and

(B) The arrangement between the parties meets either of the following safe harbors:

(I) The managed care organization safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(t); or

(II) The space rental safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(b) and the equipment rental safe harbor requirements as provided by 42 C.F.R. Sec. 1001.952(c);

(c) Providing business support and management services to a dental practice, including as a sole provider of such services; and

(d) Receiving fees for the services in (a) through (c) of this subsection provided to a dental practice calculated as agreed to by the dental practice owner or owners.

(3) Nothing in this chapter shall prohibit a health carrier as defined in RCW 48.43.005, while acting in its capacity as a health carrier and in no other capacity, from entering into provider contracts or provider compensation agreements, as defined in

RCW 48.43.730, with a dentist or dental practice.

(4) Any corporation violating this section is guilty of a gross misdemeanor, and each day that this chapter is violated shall be considered a separate offense."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 18.32.675."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2229 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Macri and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2229, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2229, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

SUBSTITUTE HOUSE BILL NO. 2229, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2435 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.39A.076 and 2017 c 267 s 1 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days after becoming an individual provider.

(b) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works three hundred hours or less in any calendar year, must complete fourteen hours of training within the first one hundred twenty days after becoming an individual provider. Five of the fourteen hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least twelve of the fourteen hours online, and five of those online hours must be individually selected from elective courses.

(c) Individual providers identified in (c)(i) or (ii) of this subsection must complete thirty-five hours of training within the first one hundred twenty days after becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual

provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by (a) of this subsection; and

(ii) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month (~~and~~

~~(iii) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year, unless covered by subsection (1)(b) of this section).~~

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules to implement this section."

On page 1, line 3 of the title, after "year;" strike the remainder of the title and insert "and amending RCW 74.39A.076."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2435 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Kilduff and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2435, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2435, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

HOUSE BILL NO. 2435, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2612 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that efficiency and public safety is served by consolidating the multiple license plates currently required on the vehicles of registered tow truck operators. These registered tow truck operators currently have up to four separate license plates that are required to be displayed on the vehicle at all times. The operators have the highest training and qualifications of any towing operators in Washington state.

(2) The legislature further finds that a single unified license plate with separate endorsement tabs prevents confusion and allows for easy identification and review of tow trucks

by law enforcement and the motoring public. The unified license plate also saves resources by reducing the need for license plate production and reduces fraud by limiting access to these commercial license plates.

(3) A unified license plate for registered tow truck operators serves the purposes of Washington residents, the motoring public, and law enforcement, and saves money as well.

NEW SECTION. Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

(1) If a tow truck, the registered owner of which is a registered tow truck operator, is to conduct transporter business under chapter 46.76 RCW, the license plate that is required to be displayed under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform transporter services. The fee for an original transporter's license plate indicator tab for a tow truck, the registered owner of which is a registered tow truck operator, is twenty-five dollars. Vehicles that are used to conduct transporter business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.76 RCW.

(2) If a tow truck, the registered owner of which is a registered tow truck operator, is used for a hulk hauler or scrap processor business under chapter 46.79 RCW, the license plate that is required under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform hulk hauler or scrap processor purposes under the laws of the state of Washington. The fee for a hulk hauler or scrap processor business license plate indicator tab is five dollars for the original tab and two dollars for each additional tab. Vehicles that are used to conduct hulk hauler or scrap processor business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.79 RCW.

(3) If a tow truck, the registered owner of which is a registered tow truck operator, is used for a wrecker business under chapter 46.80 RCW, the license plate displayed that is required under RCW 46.16A.030 must contain an indicator tab that the vehicle is licensed to perform wrecker services. The fee for a

wrecker license plate indicator tab is five dollars for the original tab and two dollars for each additional tab. Vehicles that are used to conduct wrecker business and are not owned by a registered tow truck operator must follow the requirements of chapter 46.80 RCW.

(4)(a) The license plate indicator tabs must:

(i) Affix to the license plate required to be displayed under RCW 46.16A.030;

(ii) Clearly identify the business purpose of the licensed vehicle;

(iii) Use some combination of letters and numbers to indicate a vehicle is licensed to conduct transporter business under chapter 46.76 RCW, hulk hauler or scrap processor business under chapter 46.79 RCW, or wrecker business under chapter 46.80 RCW; and

(iv) Be approved by the department.

(b) All other requirements concerning registration and display of plates as required under chapter 46.16A RCW may not conflict with this section.

(5) This act does not allow for the use of indicator tabs, authorized in this section, on a special or personalized license plate authorized in chapter 46.18 RCW.

Sec. 3. RCW 46.76.030 and 1967 c 32 s 92 are each amended to read as follows:

Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates or an indicator tab pursuant to section 2 of this act and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates or indicator tab issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

Sec. 4. RCW 46.76.060 and 2010 c 8 s 9093 are each amended to read as follows:

Transporter's license plates or indicator tabs pursuant to section 2 of

this act shall be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods. These plates or indicator tabs shall not be loaned to or used by any person other than the holder of the license or his or her employees.

Sec. 5. RCW 46.76.065 and 1977 ex.s. c 254 s 1 are each amended to read as follows:

The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates or indicator tabs pursuant to section 2 of this act for driveaway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates or indicator tabs;

(4) Using transporter plates or indicator tabs for any purpose other than as provided under RCW 46.76.010; or

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

Sec. 6. RCW 46.76.067 and 1988 c 239 s 4 are each amended to read as follows:

(1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates or an indicator tab pursuant to section 2 of this act to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates or indicator tabs and do not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that

are licensed and delivering the mobile home under chapter 46.70 RCW.

Sec. 7. RCW 46.76.080 and 1979 ex.s. c 136 s 96 are each amended to read as follows:

The violation of any provision of this chapter is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates or indicator tabs used in connection with such violation.

Sec. 8. RCW 46.79.060 and 2010 c 8 s 9096 are each amended to read as follows:

The hulk hauler or scrap processor shall obtain a special set of license plates or an indicator tab pursuant to section 2 of this act in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him or her and used in the conduct of his or her business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

Sec. 9. RCW 46.80.060 and 1995 c 256 s 8 are each amended to read as follows:

The vehicle wrecker shall obtain a special set of license plates or an indicator tab pursuant to section 2 of this act in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the wrecker and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A wrecker with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

NEW SECTION. **Sec. 10.** This act takes effect June 1, 2019."

On page 1, line 1 of the title, after "operators;" strike the remainder of the title and insert "amending RCW 46.76.030, 46.76.060, 46.76.065, 46.76.067, 46.76.080, 46.79.060, and 46.80.060; adding a new section to chapter 46.55 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2612 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2612, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2612, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

SUBSTITUTE HOUSE BILL NO. 2612, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.44 RCW to read as follows:

The legislature recognizes an inherent privacy interest that a child has with respect to the child's recorded voice and image when describing the highly sensitive details of abuse or neglect upon the child as defined in RCW 26.44.020. The legislature further finds that reasonable restrictions on the dissemination of these recordings can accommodate both privacy interests and due process. To that end, the legislature intends to exempt these recordings from dissemination under the public records act and provide additional sanction authority for violations of protective orders that set forth such terms and conditions as are necessary to protect the privacy of the child.

Sec. 2. RCW 26.44.020 and 2012 c 259 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location

of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW

9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

(27) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

Sec. 3. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected

to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the department of children, youth, and families.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done

in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or

agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

(27) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

NEW SECTION. **Sec. 4.** A new section is added to chapter 26.44 RCW to read as follows:

Any and all audio and video recordings of child forensic interviews as defined in this chapter are exempt from disclosure under the public records act, chapter 42.56 RCW. Such recordings are confidential under chapter 13.50 RCW and federal law and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in this chapter is not grounds for penalties or other sanctions available under chapter 42.56 RCW or RCW 13.50.100(10). Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law.

Sec. 5. RCW 26.44.185 and 2010 c 176 s 3 are each amended to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, children's advocacy centers, where available, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol shall include the handling of child forensic interview audio and video recordings in accordance with section 6 of this act. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

NEW SECTION. **Sec. 6.** A new section is added to chapter 26.44 RCW to read as follows:

(1) Any and all audio and video recordings of child forensic interviews disclosed in a criminal or civil proceeding must be subject to a protective order, or other such order, unless the court finds good cause that the interview should not be subject to such an order. The protective order shall include the following: (a) That the recording be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court; (b) that the recording not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that does not reveal the identity of the child; (c) that the recording not be given, displayed, or in any way provided to a third party, except as permitted in (d) or (e) of this subsection or as necessary at trial; (d) that the recording remain in the exclusive custody of the attorneys, their employees, or agents, including expert witnesses retained by either party, who shall be provided a copy of the protective order; (e) that, if the party is not represented by an attorney, the party, their employees, and agents, including expert witnesses, shall not be given a copy of the recording but shall be given reasonable access to view the recording by the custodian of the recording; and (f) that upon termination of representation or upon disposition of the matter at the trial court level, attorneys and other custodians of recordings promptly return all copies of the recording.

(2) A violation of a court order pursuant to this section is subject to a civil penalty of up to ten thousand dollars, in addition to any other appropriate sanction by the court.

(3) Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law.

Sec. 7. RCW 42.56.240 and 2017 c 261 s 7 and 2017 c 72 s 3 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the

relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn

cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; (~~and~~)

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030; (~~and~~)

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

NEW SECTION. Sec. 8. Section 7 of this act applies retroactively to all outstanding public records requests submitted prior to the effective date of this section.

NEW SECTION. Sec. 9. Section 2 of this act expires July 1, 2018.

NEW SECTION. Sec. 10. Section 3 of this act takes effect July 1, 2018.

NEW SECTION. Sec. 11. Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "recordings;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Valdez and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2700, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2700, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2887 with the following amendment:

On page 3, line 6, after "wholly" insert "or partially"

On page 3, line 10, after "wholly" insert "or partially"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2887 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Riccelli and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2887, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2887, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCaslin, McDonald, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Dent, Dye, Hargrove, Jenkin, Klippert, Manweller, Maycumber, McCabe, Orcutt, Schmick, Steele, Taylor and Vick.

Excused: Representatives Pike and Rodne.

SUBSTITUTE HOUSE BILL NO. 2887, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that state campaign finance laws are intended to provide maximum transparency to the public and voters so they may know who is funding political campaigns and how those campaigns spend

their money. Additionally, our campaign finance laws should not be so complex and complicated that volunteers and newcomers to the political process cannot understand the rules or have difficulty following them. The legislature believes that our campaign finance laws should not be a barrier to participating in the political process, but instead encourage people to participate in the process by ensuring a level playing field and a predictable enforcement mechanism. The legislature intends to simplify the political reporting and enforcement process without sacrificing transparency and the public's right to know who funds political campaigns. The legislature also intends to expedite the public disclosure commission's enforcement procedures so that remedial campaign finance violations can be dealt with administratively.

The intent of the law is not to trap or embarrass people when they make honest remediable errors. A majority of smaller campaigns are volunteer-driven and most treasurers are not professional accountants. The public disclosure commission should be guided to review and address major violations, intentional violations, and violations that could change the outcome of an election or materially affect the public interest.

Sec. 2. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Actual violation" means a violation of this chapter that is not a remedial violation or technical correction.

(3) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((4))~~ (4) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((4))~~ (5) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

~~((5))~~ (6) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((6))~~ (7) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((7))~~ (8) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services

rendered and the total cost and the manner of payment for the services.

(9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((8))~~ (10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((9))~~ (11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((10))~~ (12) "Commission" means the agency established under RCW 42.17A.100.

~~((11))~~ (13) "Committee" unless the context indicates otherwise, includes any candidate, ballot measure, recall, political, or continuing committee.

(14) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((12))~~ (15) "Continuing political committee" means a political committee that is an organization of continuing

existence not established in anticipation of any particular election campaign.

~~((13))~~ (16) (a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) ~~((Standard))~~ Legally accrued interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within ~~((five))~~ ten business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political

committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b) (vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any

information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (~~((13))~~) (16) (b) (ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((14))~~ (17) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

~~((15))~~ (18) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (19) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (20) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((18))~~ (21) "Election cycle" means the period beginning on the first day of January after the date of the last

previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

~~((19))~~ (22) (a) "Electioneering communication" means any broadcast, cable, or satellite television ~~((or))~~, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) ~~((A—mailed))~~ An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

~~((20))~~ (23) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((21))~~ (24) "Final report" means the report described as a final report in RCW 42.17A.235(2).

~~((22))~~ (25) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((23))~~ (26) "Gift" has the definition in RCW 42.52.010.

~~((24))~~ (27) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((25))~~ (28) "Incumbent" means a person who is in present possession of an elected office.

~~((26))~~ (29) (a) "Independent expenditure" means an expenditure that has each of the following elements:

~~((a))~~ (i) It is made in support of or in opposition to a candidate for office by a person who is not ~~((i))~~:

(A) A candidate for that office ~~((i))~~;

(B) An authorized committee of that candidate for that office ~~((i))~~; and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office ~~((i))~~;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

~~((b))~~ (iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

~~((c))~~ (iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of ~~((eight hundred dollars))~~ one-half the contribution limit from an individual per election or more. A series of expenditures, each of which is under ~~((eight hundred dollars))~~ one-half the contribution limit from an individual per election, constitutes one independent expenditure if their cumulative value is ~~((eight hundred dollars))~~ one-half the contribution limit from an individual per election or more.

~~((27))~~ (b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

(30) (a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((28))~~ (31) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (32) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (33) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((31))~~ (34) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (35) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (36) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (37) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (38) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (39) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((37))~~ (40) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (41) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter

29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (42) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (43) "Public record" has the definition in RCW 42.56.010.

~~((41))~~ (44) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (45) "Remedial violation" means any violation of this chapter that:

(a) Involved expenditures totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially affect the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

(46)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (49) "State official" means a person who holds a state office.

~~((46))~~ (50) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when

it makes its final report under RCW 42.17A.255.

~~((47))~~ (51) "Technical correction" means a minor or ministerial error in a required report that does not materially impact the public interest and needs to be corrected for the report to be in full compliance with the requirements of this chapter.

(52) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

Sec. 3. RCW 42.17A.055 and 2013 c 166 s 2 are each amended to read as follows:

(1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge.

(5) If the electronic filing system provided by the commission is inoperable for any period of time, the commission must keep a record of the date and time of each instance and post outages on its web site. If a report is due on a day the electronic filing system is inoperable, it is not late if filed the first business day the system is back in operation. The commission must provide notice to all reporting entities when the system is back in operation.

(6) All persons required to file reports under this chapter shall, at the time of initial filing, provide the

commission an email address that shall constitute the official address for purposes of all communications from the commission. The person required to file one or more reports must provide any new email address to the commission within ten days, if the address has changed from that listed on the most recent report. The executive director may waive the email requirement and allow use of a postal address, on the basis of hardship.

(7) The commission must publish a calendar of significant reporting dates on its web site.

Sec. 4. RCW 42.17A.110 and 2015 c 225 s 55 are each amended to read as follows:

The commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine ~~((whether))~~ that an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the

question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with the election campaign provisions of this chapter, if they have not received contributions nor made expenditures in connection with any election campaign of more than five thousand dollars; and

(9) ~~((Adopt rules prescribing reasonable requirements for keeping accounts of, and reporting on a quarterly basis, costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. For the purposes of this subsection, "legislative information" means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations concerning those agencies; and~~

~~(10))~~ Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 5. RCW 42.17A.220 and 2010 c 205 s 3 and 2010 c 204 s 405 are each reenacted and amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by ~~((the treasurer or deputy treasurer))~~ candidates, political committee members, paid staff, or treasurers in a depository in an account established and designated

for that purpose. Such deposits shall be made within five business days of receipt of the contribution. For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a candidate or political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 42.17A.560, but transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(2) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose only if:

(a) Each such account bears the same name;

(b) Each such account is followed by an appropriate designation that accurately identifies its separate purpose; and

(c) Transfers of funds that must be reported under RCW ~~((42.17A.240(1)(e)))~~ 42.17A.240(5) are not made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository but only if:

(a) The commission ~~((are [is]))~~ is notified in writing of the initiation and the termination of the investment; and

(b) The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment, is deposited in the depository in the account from which the investment was made and properly reported to the commission before any further disposition or expenditure.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW ~~((42.17A.240(1)(b)))~~

42.17A.240(2), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 6. RCW 42.17A.225 and 2011 c 60 s 22 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17A.240;

(b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;

(c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235.

(4) (a) A continuing political committee shall file reports as required by this chapter until ~~((it is dissolved))~~ the committee has ceased to function and intends to dissolve, at which time, when there is no outstanding debt or obligation and the committee is concluded in all respects, a final report shall be filed. Upon submitting a final report,

the continuing political committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) The continuing political committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The continuing political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action, pursuant to this chapter, is pending against the continuing political committee; and

(iii) All penalties assessed by the commission or court order are paid by the continuing political committee.

(c) The continuing political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the continuing political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations ~~((to make any further reports))~~ under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures. During the ~~((eight))~~ ten calendar days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235 ~~((+))~~ (6).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.

(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 7. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, ~~((on the day the treasurer is designated,))~~ each candidate or political committee must file with the commission a report of all contributions received and expenditures made ~~((prior to that date, if any))~~ as a political committee on the next reporting date pursuant to the timeline established in this section.

(2) Each treasurer shall file with the commission a report, for each election in which a candidate or political committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first full month after the election ~~((and))~~.

~~((c))~~ (3) Each treasurer shall file with the commission a report on the tenth day of each month ((in)) during which ((no other reports are required to be filed under this section)) the candidate or political committee is not participating in an election campaign, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

(4) The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions

received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

~~((4))~~ (5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by ~~((a deputy treasurer))~~ candidates, political committee members, or paid staff other than the treasurer, the copy shall be ~~((forwarded))~~ immediately provided to the treasurer for his or her records. Each report shall be certified as correct by the treasurer ~~((or deputy treasurer making the deposit))~~.

~~((4))~~ (6)(a) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the ~~((eight))~~ ten calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at ~~((the designated))~~ a place agreed upon by both the treasurer and the requestor, for inspections between ~~((9:00))~~ 9:00 a.m. and ~~((5:00))~~ 5:00 p.m. on any day from the ~~((eighth))~~ tenth calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within ~~((twenty-four))~~ forty-eight hours of the time and

day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

~~((5))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection ~~((4))~~ (6) of this section ~~((, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission)).~~

~~((6))~~ (8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than ~~((five))~~ two calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

~~((7))~~ (9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((8))~~ (10) It is not a violation of this section to submit an amended report within twenty-one days of filing an underlying report if:

- (a) The report is accurately amended;
- (b) The corrected report is filed more than thirty days before an election;

(c) The total aggregate dollar amount of the adjustment for the individual report is within three times the contribution limit per election or two hundred dollars, whichever is greater; and

(d) The committee reported all information that was available to it at the time of filing, or made a good-faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11) (a) When there is no outstanding debt or obligation, the campaign fund is closed, ~~((and))~~ the campaign is concluded in all respects ~~((or in the case of a political committee)), and the committee has ceased to function and ~~((has dissolved))~~ intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.~~

(b) Any committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action under this chapter is pending against the political committee; and

(iii) All penalties assessed by the commission or court order are paid by the political committee.

(c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there ~~((is))~~ shall be no further obligations ~~((to make any further reports))~~ under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

Sec. 8. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) ~~((Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;~~

~~(b))~~ Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

~~((c))~~ (b) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor; and

~~((d))~~ (c) The money value of contributions of postage shall be the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the

aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures;

(7) The name and address of each person directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8) (a) The name and address of any person and the amount owed for any debt ((, obligation, note, unpaid loan, or other liability in the amount)) with a value of more than ((two)) seven hundred fifty dollars ((or in the amount of more than fifty dollars that has been outstanding for over thirty days)) that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include:

(i) Regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding; or

(ii) Any obligations already reported to pay for goods and services made by a third party on behalf of a candidate or political committee after the original payment or debt to that party has been reported;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 9. RCW 42.17A.255 and 2011 c 60 s 24 are each amended to read as follows:

(1) ~~((For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or~~

~~ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.220, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization, or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.~~

~~(2))~~ Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals ~~((one hundred dollars or more))~~ the contribution limit from an individual per election found in RCW 42.17A.405 for that office, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date. For purposes of this section, in addition to the meaning of "independent expenditure" under RCW 42.17A.005, any expenditure in excess of one-half the contribution limit per election for a local measure or in excess of the contribution limit per election for a statewide measure in support of or opposition to a ballot measure, must be reported as an in-kind contribution to a political committee associated with support or opposition to that ballot measure or, in the event no such committee exists, reported as an independent expenditure.

~~((3))~~ (2) At the following intervals each person who is required to file an initial report pursuant to subsection ~~((2))~~ (1) of this section shall file with the commission a further report of

the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection ~~((3))~~ (2) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~((The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and))~~ If the reporting person has not made any independent expenditures since the date of the last report on file, there shall be no obligation to make any further reports.

~~((4))~~ (3) All reports filed pursuant to this section shall be certified as correct by the reporting person.

~~((5))~~ (4) Each report required by subsections ~~((2))~~ (1) and ~~((3))~~ (2) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 10. RCW 42.17A.265 and 2010 c 204 s 414 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions (~~((totals one thousand dollars or more, is))~~) exceeds three times the contribution limit per election from a single person or entity, and is received during a special reporting period.

(2) A political committee treasurer shall prepare and deliver to the commission a special report when ~~((it))~~ the political committee makes a contribution or an aggregate of contributions to a single entity that ~~((totals one thousand dollars or more))~~ exceeds three times the contribution limit from an individual per election during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for

each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically or in written form ~~((including but not limited to mailgram, telegram, or night letter))~~. The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The qualifying contribution ~~((of one thousand dollars or more))~~ amount is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals ~~((one thousand dollars))~~ the qualifying amount or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals ~~((one thousand dollars))~~ the qualifying amount or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall (~~prepare daily a summary of~~) make the special reports made under this section and RCW 42.17A.625 available on its web site within one business day.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

Sec. 11. RCW 42.17A.450 and 1993 c 2 s 5 are each amended to read as follows:

(1) Contributions by (~~a husband and wife~~) spouses are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

Sec. 12. RCW 42.17A.750 and 2013 c 166 s 1 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty days of the finding. Any action to void an election shall be commenced within one year of the

date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this chapter.

(c) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 42.17A.405 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, resulted from a knowing or intentional effort to conceal, deceive or mislead, or from collusive behavior, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of his or her immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

~~((e))~~ (f) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

~~((f))~~ (g) A person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

~~((g))~~ (h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (2) or (3) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

~~((h))~~ (i) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this chapter is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this chapter is guilty of a class C felony under chapter 9.94A RCW.

Sec. 13. RCW 42.17A.755 and 2011 c 145 s 7 are each amended to read as follows:

~~((a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such a determination.))~~ initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this chapter, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether an actual violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2) ~~((The commission))~~ (a) For complaints of remedial violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the matter is then considered resolved and no further action or review is allowed.

(3) If the commission initiates an investigation, an initial hearing must be held within ninety days of the complaint being filed. Following an investigation, in cases where it chooses to determine whether an actual violation has occurred, the commission shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW ~~((, to make a determination))~~. Any order that the commission issues under this section shall be pursuant to such a hearing.

~~((3) In lieu of holding a hearing or issuing an order under this section,))~~

(a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (h), or other requirements as the commission determines appropriate to effectuate the purposes of this chapter.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate otherwise. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a

hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time actual violation. A second actual violation of the same requirement by the same person, regardless if the person or individual committed the actual violation for a different political committee, shall result in a penalty. Successive actual violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this chapter. The commission must create a schedule to enhance penalties based on repeat actual violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.

(4) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general ~~((or other enforcement agency as provided in RCW 42.17A.105))~~ consistent with this section, when the commission believes:

(a) Additional authority is needed to ensure full compliance with this chapter;

(b) An actual violation potentially warrants a penalty greater than the commission's penalty authority; or

(c) The maximum penalty the commission is able to levy is not enough to address the severity of the violation.

~~((4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (e). The commission may assess a penalty in an~~

~~amount not to exceed ten thousand dollars.~~

~~(5) The commission has the authority to waive a fine for a first-time violation. A second violation of the same rule by the same person or individual, regardless if the person or individual committed the violation for a different political committee, shall result in a fine. Succeeding violations of the same rule shall result in successively increased fines.~~

~~(6) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.)~~

Sec. 14. RCW 42.17A.765 and 2010 c 204 s 1004 are each amended to read as follows:

(1) (a) Only after a matter is referred by the commission, under RCW 42.17A.755, the attorney general ((and the prosecuting authorities of political subdivisions of this state)) may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17A.750. The attorney general must provide notice of his or her decision whether to commence an action on the attorney general's office web site within forty-five days of receiving the referral, which constitutes state action for purposes of this chapter.

(b) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this chapter to candidates, political committees, or other individuals subject to the regulations of this chapter.

(2) The attorney general ((and the prosecuting authorities of political subdivisions of this state)) may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting

in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general ((or the prosecuting authority of any political subdivision of this state)) requires the attendance of any person to obtain such information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this chapter, he or she shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general ((or the prosecuting authority)), obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

~~((4) A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.~~

~~(a) This citizen action may be brought only if:~~

~~(i) The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after the notice;~~

~~(ii) The person has thereafter further notified the attorney general and prosecuting attorney that the person will commence a citizen's action within ten days upon their failure to do so;~~

~~(iii) The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice; and~~

~~(iv) The citizen's action is filed within two years after the date when the alleged violation occurred.~~

~~(b) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees he or she has incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.~~

~~(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded reasonable attorneys' fees to be fixed by the court to be paid by the state of Washington.)~~

Sec. 15. RCW 42.17A.770 and 2011 c 60 s 26 are each amended to read as follows:

Except as provided in ((RCW 42.17A.765(4)(a)(iv))) section 16(4) of this act, any action brought under the provisions of this chapter must be commenced within five years after the date when the violation occurred.

NEW SECTION. **Sec. 16.** A new section is added to chapter 42.17A RCW to read as follows:

(1) A person who has reason to believe that a provision of this chapter is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 42.17A.755(1) within ninety days of the complaint being filed with the commission; and

(b) For matters referred to the attorney general within ninety days of the commission receiving the complaint, the attorney general has not commenced an action within forty-five days of receiving referral from the commission.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) of this section, a person must notify the attorney general and the commission that he or she will commence a citizen's action within ten days if the commission does not take action or, if applicable, the attorney general does not commence an action.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee before the end of such period if the committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant.

NEW SECTION. **Sec. 17.** A new section is added to chapter 42.17A RCW to read as follows:

In any action brought under this chapter, the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial and may be awarded reasonable attorneys' fees to be fixed by the court and paid by the state of Washington.

NEW SECTION. **Sec. 18.** A new section is added to chapter 42.17A RCW to read as follows:

The public disclosure transparency account is created in the state treasury. All receipts from penalties collected pursuant to enforcement actions or settlements under this chapter, including any fees or costs, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of this act and duties under this chapter, and may not be used to supplant general fund appropriations to the commission.

NEW SECTION. **Sec. 19.** (1) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2018, from the general fund-state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

(2) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund-state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the

application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 42.17A.055, 42.17A.110, 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, 42.17A.265, 42.17A.450, 42.17A.750, 42.17A.755, 42.17A.765, and 42.17A.770; reenacting and amending RCW 42.17A.005 and 42.17A.220; adding new sections to chapter 42.17A RCW; creating a new section; and making appropriations."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins, Shea and Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2938, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2938, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Pellicciotti, Reeves, Sawyer and Stambaugh.

Excused: Representatives Pike and Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2951 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Native American women experience violence at much higher rates than other populations. A recent federal study reported that Native American women face murder rates over ten times the national average. However, many of these crimes often are unsolved and even unreported because there are also very high rates of disappearances among Native American women. Furthermore, there is no comprehensive data collection system for reporting or tracking missing Native American women. This gap in reporting and investigation places Native American women even more vulnerable to violence.

The legislature further finds that although violence against Native American women has been a neglected issue in society, there is a growing awareness of this crisis of violence against Native American women, and a recognition of the need for the criminal justice system to better serve and protect Native American women. The legislature intends to find ways to connect state, tribal, and federal resources to create partnerships in finding ways to solve this crisis facing Native American women in our state.

NEW SECTION. Sec. 2. (1) The Washington state patrol must conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state. The state patrol must work with the governor's office of Indian affairs to convene meetings with tribal and local law enforcement partners, federally recognized tribes, and urban Indian organizations to determine the scope of the problem, identify barriers,

and find ways to create partnerships to increase reporting and investigation of missing Native American women. Consultation and collaboration with federally recognized tribes must be conducted in respect for government-to-government relations. The state patrol also must work with the federal department of justice to increase information sharing and coordinating resources that can focus on reporting and investigating missing Native American women in the state.

(2) By June 1, 2019, the state patrol must report to the legislature on the results of the study, including data and analysis of the number of missing Native American women in the state, identification of barriers in providing state resources to address the issue, and recommendations, including any proposed legislation that may be needed to address the problem.

(3) This section expires December 31, 2019."

On page 1, line 2 of the title, after "women;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2951 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives McCabe and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2951, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2951, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan,

Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representatives Pike and Rodne.

SUBSTITUTE HOUSE BILL NO. 2951, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2970 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.01 RCW to read as follows:

The commission must convene an executive and legislative work group to develop policy recommendations to address the operation of autonomous vehicles on public roadways in the state, subject to the availability of amounts appropriated for this specific purpose.

(1) (a) (i) Executive branch membership of the work group must include, but is not limited to: The governor or his or her designee or designees, the insurance commissioner or his or her designee or designees, the director of the department of licensing or his or her designee or designees, the secretary or his or her designee or designees, the chief of the Washington state patrol or his or her designee or designees, and the director of the traffic safety commission or his or her designee or designees.

(ii) Executive branch membership of the work group may also include: The assistant secretary of the department of social and health services aging and long-term support administration or his or her designee or designees and the

deputy director of the department of enterprise services who oversees fleet operations or his or her designee or designees.

(b) The president of the senate shall appoint two interested members from each of the two largest caucuses of the senate. The speaker of the house of representatives shall appoint two interested members from each of the two largest caucuses of the house of representatives.

(c) The commission may invite additional participation on an ongoing, recurring, or one-time basis from individuals representing additional state agencies, local and regional governments, local law enforcement agencies, transit authorities, state colleges and universities, autonomous vehicle technology developers, motor vehicle manufacturers, insurance associations, network providers, software development companies, and other relevant stakeholders as appropriate.

(2) To prepare for the use of autonomous vehicle technology in the state, the work group, while taking into account the transportation system policy goals established in RCW 47.04.280(1), must:

(a) Follow developments in autonomous vehicle technology, autonomous vehicle deployment, and federal, state, and local policies that relate to the operation of autonomous vehicles, including the federal government's recommendations related to vehicle performance guidance for autonomous vehicles, model state policy, and current and possible federal regulatory tools for the regulation of autonomous vehicles. The scope of the work must include autonomous commercial vehicles, in addition to autonomous passenger vehicles;

(b) Explore approaches to the modification of state policy, rules, and laws to further public safety and prepare the state for the emergence and deployment of autonomous vehicle technology. Areas for consideration may include, but are not limited to, manufacturer vehicle testing, vehicle registration and titling requirements, driver's license requirements, rules of the road, criminal law, roadway infrastructure, traffic management, transit, vehicle insurance, tort liability, cybersecurity, privacy,

advertising, impacts to social services, and impacts to labor and small businesses;

(c) Disseminate information, as appropriate, to all interested stakeholders; and

(d) At the direction of the legislature, engage the public through surveys, focus groups, and other such means, in order to inform policymakers for the purposes of policy development.

(3) (a) The commission must develop and update recommendations annually based on the input provided by the work group. By November 15th of each year, the commission must provide a report to the governor and the relevant committees of the legislature that describes the progress made by the work group and the commission's recommendations.

(b) The recommendations made by the commission may include proposed modifications to state law and rules to address the emergence and deployment of autonomous vehicle technology in the state.

NEW SECTION. Sec. 2. Sections 1 and 3 of this act expire December 31, 2023.

NEW SECTION. Sec. 3. The legislature finds that autonomous vehicle technology is rapidly evolving and that the testing and deployment of this technology is advancing at a rapid pace. Washington state's policies, laws, and rules predate autonomous vehicle technology and largely have not been developed in consideration of the operation of this technology on roadways in the state. At both the federal and state level, efforts are underway to begin to establish a framework of policy guidance, laws, and rules that will organize and govern the use of autonomous vehicle technology in the United States. The legislature finds that establishing an autonomous vehicle work group, to be convened by the transportation commission, will facilitate state efforts to address the emergence of autonomous vehicle technology. It is the intent of the legislature for the transportation commission to develop recommendations for policy, laws, and rules for the operation of autonomous vehicles, with input from the autonomous vehicle work group, that enable Washington state to address the public policy changes

necessitated by the emergence of this technology in an informed, thorough, and deliberate manner. This effort is required because robot cars are coming, but robot policy makers are not."

On page 1, line 2 of the title, after "group;" strike the remainder of the title and insert "adding a new section to chapter 47.01 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2970 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins, Shea and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2970, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2970, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Graves, Kraft, Stokesbary and Taylor.

Excused: Representatives Pike and Rodne.

SUBSTITUTE HOUSE BILL NO. 2970, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Wilcox: “Thank you Mr. Speaker, and I hope that you will indulge me once or twice because I’m going to say this person’s name. Several years ago we heard that there was a young lady, and I say this because she was a very young lady at that time, who was interested in coming and joining us. Anyone that saw this person speak, understood that she was a very special and talented person. She ran a successful campaign and was elected here. Because of her youth and poise and skill, I would say that she quickly became the person who had the biggest spotlight in this body. And as all of us know, having a spotlight is a mixed blessing. And she handled that, I think, with great grace and the spotlight became so intense that to many people, she was the one person who was known, sort of like a rock star in some cases, by her first name only. And when you talk to young people, those who are politically aware around the state of Washington, and say the word Melanie, they know exactly who we’re talking about. She has achieved rock star status in many ways. Now, not only has she become a celebrity, but she also has become a consequential member and anyone who’s been here over the last four years understands how she’s moved the House Republican Caucus, as well as this body in some areas that are very important to her. In terms of woman’s issues, she’s brought a new and influential perspective here. In understanding how the world of millennial people are different, she has brought a new perspective here, and she’s combined both those issues in many ways that I think has made a difference here, not only in people’s attitudes, but in concrete achievements in terms of bills passed. I just have one very quick story to share about the gracious lady from the 25th and that’s this: As floor leader, it’s part of my job to ask people to make their first speech, and I had forgotten what an awesome power this chamber has when people are not as used to it and I didn’t spend two seconds thinking about how nervous the gracious lady from the 25th might end up being for her first speech because I had taken for granted that there is no one more poised in this building, but my esteem was increased by a couple of notches when I watched her stand up at her desk, she was at the same desk then, and her hands were shaking, just like almost everybody’s do when they give their first speech, and I thought, ‘oh my gosh, I should have spent a little more time with her.’ I watched her put her hand down on the desk to stop it and then she gave the kind of poised, gracious speech that we’ve all become familiar with. So even though she could feel that in her heart and in her fingertips, she knew how to deal with the stress that you get here. I’m sad that she’s leaving. I can only imagine how proud her parents must be, and I appreciate this opportunity to speak about her. Thank you.”

POINT OF PERSONAL PRIVILEGE

Representative Smith: “Thank you Mr. Speaker, and I too just want to acknowledge the impact, influence, and friendship of the good woman, our colleague from the 25th. And to thank her parents for the extraordinary young woman that they gave so much to in terms of the investment of love and guidance in her life. But as we think about our

colleague, you know, yes, woman of grace comes to mind, but I just want to say, she has intellectual horsepower. And what is amazing to me, having worked with Melanie, oh, sorry, forgive me Mr. Speaker, the good woman from the 25th, is that the combination of having someone with sheer intellectual horsepower and that capacity being harnessed with an integrity born out of her very personal faith, love of god, love of country and her commitment to excellence as a servant leader is something that not only we can admire, but we can aspire to. And so on behalf of everyone on this floor, again I just want to thank her, the good woman of the 25th, for her extraordinary public service. We look forward to seeing her again. We look forward to seeing what the future holds as she continues to invest the extraordinary capacity and capabilities that she has been given for the public good, for her family, for her community, and for her country. Thank you Mr. Speaker.”

POINT OF PERSONAL PRIVILEGE

Representative Frame: “Thank you Mr. Speaker. It’s a little impromptu but I too rise to thank the good lady from the 25th District for her service. I’m relatively new to this body and it has been a great pleasure to work with the good lady from the 25th. When I came in, well today, the good lady is the youngest woman in the entire legislature, and when I came in, I was the youngest woman on the Democratic side and I kind of thought, Democrats, we need to get our act together because Melanie is, pardon me, the good lady is nine years younger than I am, so come on Democrats. And I made it my mission to replace myself as the youngest on the Democratic side and the next year we were able to elect the young lady from the 30th District who, when you leave will be our youngest. So first and foremost, I just want to say thank you for being a model to young women. To step up and to run when so many are told to stay back and wait their turn. Thank you for not waiting your turn. I also want to congratulate the good lady from the 25th District for a bill that we are concurring in, I hope we will concur with today, that she played an incredible role, one of the first pieces of legislation that she worked on and that is on open educational resources. And Mr. Speaker, it may have my name on it, but I know, and the students who have worked on this for many years know, and all of our colleagues know, that the good lady from the 25th District played a very important part in helping to make that access to the American dream, access to a college degree, more accessible, more affordable, through making course instructional materials free. I also just want to thank the good lady from the 25th, as a millennial, I’ll say technically I’m also a millennial, right on the cusp, barely, I also want to thank the good lady for elevating the conversation in this body about technology and how technology is changing and how we must also change in how we use technology to interact with our constituents. It’s been a tough and frustrating conversation. I know the good lady has taken some incredible heat for raising that conversation but I want to thank her for bringing a very different point of view to this body. I am grateful for it, the fight continues, still not resolved, and we’re really going to miss you. So thank you so much, and thank you to the good gentleman from the 2nd

District for asking for this point of privilege to start the conversation and to thank such an incredible public servant.”

SPEAKER’S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Representative Stambaugh’s parents and asked the members to acknowledge them.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1022
- HOUSE BILL NO. 1056
- HOUSE BILL NO. 1085
- HOUSE BILL NO. 1095
- ENGROSSED HOUSE BILL NO. 1128
- HOUSE BILL NO. 1133
- SECOND SUBSTITUTE HOUSE BILL NO. 1293
- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388
- SECOND SUBSTITUTE HOUSE BILL NO. 1433
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434
- HOUSE BILL NO. 1499
- SECOND SUBSTITUTE HOUSE BILL NO. 1513
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622
- HOUSE BILL NO. 1630
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1673
- HOUSE BILL NO. 1790
- HOUSE BILL NO. 1939
- SUBSTITUTE HOUSE BILL NO. 1953
- SUBSTITUTE HOUSE BILL NO. 2016
- HOUSE BILL NO. 2087
- SUBSTITUTE HOUSE BILL NO. 2101
- HOUSE BILL NO. 2208
- SUBSTITUTE HOUSE BILL NO. 2256
- SUBSTITUTE HOUSE BILL NO. 2282
- SUBSTITUTE HOUSE BILL NO. 2298
- SUBSTITUTE HOUSE BILL NO. 2308
- SUBSTITUTE HOUSE BILL NO. 2342
- HOUSE BILL NO. 2368
- SUBSTITUTE HOUSE BILL NO. 2398
- HOUSE BILL NO. 2443
- HOUSE BILL NO. 2446
- HOUSE BILL NO. 2479
- SUBSTITUTE HOUSE BILL NO. 2514
- SUBSTITUTE HOUSE BILL NO. 2516
- HOUSE BILL NO. 2517
- SUBSTITUTE HOUSE BILL NO. 2528
- SUBSTITUTE HOUSE BILL NO. 2530
- SUBSTITUTE HOUSE BILL NO. 2538
- HOUSE BILL NO. 2539
- SUBSTITUTE HOUSE BILL NO. 2576
- HOUSE BILL NO. 2582

- SUBSTITUTE HOUSE BILL NO. 2597
- HOUSE BILL NO. 2611
- SUBSTITUTE HOUSE BILL NO. 2634
- SUBSTITUTE HOUSE BILL NO. 2639
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658
- HOUSE BILL NO. 2661
- HOUSE BILL NO. 2669
- HOUSE BILL NO. 2682
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684
- SUBSTITUTE HOUSE BILL NO. 2686
- HOUSE BILL NO. 2699
- HOUSE BILL NO. 2702
- SUBSTITUTE HOUSE BILL NO. 2703
- HOUSE BILL NO. 2751
- SUBSTITUTE HOUSE BILL NO. 2752
- SUBSTITUTE HOUSE BILL NO. 2786
- ENGROSSED HOUSE BILL NO. 2808
- HOUSE BILL NO. 2851
- ENGROSSED HOUSE BILL NO. 2861
- ENGROSSED HOUSE BILL NO. 2948
- HOUSE JOINT MEMORIAL NO. 4002
- ENGROSSED SENATE BILL NO. 5450
- SENATE BILL NO. 5912
- SUBSTITUTE SENATE BILL NO. 5996
- ENGROSSED SENATE BILL NO. 6018
- SUBSTITUTE SENATE BILL NO. 6021
- SENATE BILL NO. 6027
- SENATE BILL NO. 6053
- SENATE BILL NO. 6059
- SENATE BILL NO. 6073
- SENATE BILL NO. 6113
- SENATE BILL NO. 6115
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6137
- SENATE BILL NO. 6145

The Speaker called upon Representative Riccelli to preside.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Commerce & Gaming was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 6436, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:00 a.m., March 5, 2018, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 5, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 3, 2018

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aspen Cates-Doglio and Zoha Ahmad. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Ralf Kalms, Christ Lutheran Church, Lakewood, Washington.

MR. SPEAKER:

The Senate has passed:

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SUBSTITUTE SENATE BILL NO. 6317,

and the same is herewith transmitted.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the third order of business.

There being no objection, the House advanced to the fourth order of business.

MESSAGES FROM THE SENATE

INTRODUCTION & FIRST READING

March 3, 2018

SSB 6317 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, King, Rivers, Takko, Hasegawa and Saldaña)

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 6207,
SUBSTITUTE SENATE BILL NO. 6214,
SUBSTITUTE SENATE BILL NO. 6221,
SUBSTITUTE SENATE BILL NO. 6222,
ENGROSSED SENATE BILL NO. 6229,
ENGROSSED SENATE BILL NO. 6230,
SENATE BILL NO. 6278,
SUBSTITUTE SENATE BILL NO. 6309,
SENATE BILL NO. 6319,
SENATE BILL NO. 6369,

AN ACT Relating to increasing commercial fishing license fees for nonresidents; amending RCW 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.480, 77.65.510, and 77.12.453; and providing an effective date.

Referred to Committee on Appropriations.

and the same are herewith transmitted.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

March 3, 2018

THIRD READING

MR. SPEAKER:

MESSAGE FROM THE SENATE

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

March 1, 2018

SENATE BILL NO. 5722,
SUBSTITUTE SENATE BILL NO. 6219,
SENATE BILL NO. 6582,

MR. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1896, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 4. The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a high-quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social

studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework and the six proven instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose,

the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education.

NEW SECTION. **Sec. 8.** RCW 28A.230.093 (Social studies course credits—Civics coursework) and 2009 c 223 s 3 are each repealed."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.093."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1896 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 1, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 28A.235 RCW to read as follows:

(1) (a) Except as provided otherwise in subsection (2) of this section, each school that participates in the national school lunch program, the school breakfast program, or both, shall annually distribute and collect an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance with application materials in a language other than English, the school shall offer appropriate assistance to the parent or guardian.

(b) If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application to determine eligibility, the school shall, in accordance with the authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit the application for the student.

(2) Subsection (1) of this section does not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals.

NEW SECTION. Sec. 10. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Local liaisons for homeless children and youths designated by districts in accordance with the federal McKinney-Vento homeless assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to identify homeless students and coordinate with the applicable school

nutrition program to ensure that each homeless student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(2) Schools and school districts shall improve systems to identify students in foster care, runaway students, and migrant students to ensure that each student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(3) At least monthly, schools and school districts shall directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to the supplemental nutrition assistance program, the temporary assistance for needy families, and medicaid.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.235 RCW to read as follows:

If a student has not paid for five or more previous meals, the school shall:

(1) Determine whether the student is categorically eligible for free meals;

(2) If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit an application; and

(3) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall collect, analyze, and promote to school districts and applicable community-based organizations best practices in local

meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, 2019, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by September 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. Sec. 14. This act may be known and cited as the hunger-free students' bill of rights act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 27, 2018

MR. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2664, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 15. RCW 53.08.005 and 2000 c 81 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) (~~"Rural port district" means a port district formed under chapter 53.04 RCW and located in a county with an average population density of fewer than one hundred persons per square mile.~~

~~(3))~~ "Telecommunications" has the same meaning as contained in RCW 80.04.010.

~~((4))~~ (3) "Telecommunications facilities" means lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property, and routes used, operated, owned, or controlled by any entity to facilitate the provision of telecommunications services.

~~((5))~~ (4) "Wholesale telecommunications services" means the provision of telecommunications services or facilities for resale by an entity authorized to provide telecommunications services to the general public and internet service providers. Wholesale telecommunications services includes the provision of unlit or dark optical fiber for resale, but not the provision of lit optical fiber.

Sec. 16. RCW 53.08.370 and 2000 c 81 s 7 are each amended to read as follows:

(1) A ((~~rural~~)) port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

- (a) For the district's own use; and
- (b) For the provision of wholesale telecommunications services within or without the district's limits. Nothing in this subsection shall be construed to authorize ((~~rural~~)) port districts to provide telecommunications services to end users.

(2) (~~A rural~~) Except as provided in subsection (7) of this section, port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not

unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a ((~~rural~~)) port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a ((~~rural~~)) port district establishes a separate utility function for the provision of wholesale telecommunications services, it shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a ((~~rural~~)) port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A ((~~rural~~)) port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A ((~~rural~~)) port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a ((~~rural~~)) port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any

existing authority of a ((~~rural~~)) port district under this title.

(7) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities. For the purposes of this section, "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users. Nothing in this subsection (7) is intended to limit or otherwise restrict any other authority provided by law.

(8) A port district that has not exercised the authorities provided in this section prior to the effective date of this act must develop a business case plan before exercising the authorities provided in this section. The port district must procure an independent qualified consultant to review the business case plan, including the use of public funds in the provision of wholesale telecommunications services. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the port commission in an open meeting.

(9) A port district exercising authority under this section must prioritize telecommunications services that promote the development of broadband internet access for unserved or underserved areas located within the port district's limits.

(10) A port district with telecommunications facilities for use in the provision of wholesale telecommunications in accordance with subsection (1)(b) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

Sec. 17. RCW 53.08.380 and 2000 c 81 s 9 are each amended to read as follows:

(1) A person or entity that has requested wholesale telecommunications services from a ((~~rural~~)) port district may petition the commission under the procedures set forth in RCW 80.04.110 (1) through (3) if it believes the district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential. The person or entity shall provide the district notice of its intent to petition the commission and an opportunity to review within thirty days

the rates, terms, and conditions as applied to it prior to submitting its petition. In determining whether a district is providing discriminatory or preferential rates, terms, and conditions, the commission may consider such matters as service quality, technical feasibility of connection points on the district's telecommunications facilities, time of response to service requests, system capacity, and other matters reasonably related to the provision of wholesale telecommunications services. If the commission, after notice and hearing, determines that a ((~~rural~~)) port district's rates, terms, and conditions are unduly or unreasonably discriminatory or preferential, it shall issue a final order finding noncompliance with this section and setting forth the specific areas of apparent noncompliance. An order imposed under this section shall be enforceable in any court of competent jurisdiction.

(2) The commission may order a ((~~rural~~)) port district to pay a share of the costs incurred by the commission in adjudicating or enforcing this section.

(3) Without limiting other remedies at law or equity, the commission and prevailing party may also seek injunctive relief to compel compliance with an order.

(4) Nothing in this section shall be construed to affect the commission's authority and jurisdiction with respect to actions, proceedings, or orders permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)."

On page 1, line 4 of the title, after "infrastructure;" strike the remainder of the title and insert "and amending RCW 53.08.005, 53.08.370, and 53.08.380."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2664 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1377 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that students' unmet mental health needs pose barriers to learning and development, and ultimately student success in school. The legislature further finds that the need to identify and assist students struggling with emotional and mental health needs has reached a serious level statewide. In order to prioritize students' needs first, the legislature finds that the persons most qualified in the school setting to lead the effort in addressing this epidemic are the school counselor, school social worker, and school psychologist. The legislature further finds that the knowledge-levels and skill-levels of these nonacademic professionals must be increased in order to enhance mental health-related student support services.

(2) The legislature further finds that in chapter 175, Laws of 2007, appropriate acknowledgment was given to the fact that a professional school counselor is not just a course and career guidance professional, but a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs, and that school counselors serve a vital role in maximizing student achievement by supporting a safe learning environment and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature finds, however, that despite the language in RCW 28A.410.043 that appropriately recognizes that the role of the school counselor is multifaceted, with a focus upon students' mental health needs as well as career guidance needs, the reality in the schools is that counselor staffing levels are well below the national recommendations of one counselor to every two hundred fifty students. As a result, there are not enough counselors in the schools and many school counselors have been tasked primarily with course and career guidance responsibilities at the expense of the mental health side of school counseling. Similarly, school

psychologist staffing levels are below the national recommendations of one psychologist to every five hundred to seven hundred students when providing comprehensive school psychological services, and school social worker staffing levels are below the national recommendations of one school social worker to every two hundred fifty students, or one to every fifty students with intensive needs.

(3) The legislature further finds that school counselors, social workers, and psychologists interact with students on a daily basis, thus putting them in a good position to recognize the signs of emotional or behavioral distress and make appropriate referrals. The legislature finds that individuals entering these professions need proper preparation to respond to the mental health and safety needs of students. The legislature further finds that they need ongoing professional development to address students' mental health needs and get students the help they need. The legislature further finds that Engrossed Substitute House Bill No. 1336, which became chapter 197, Laws of 2013, increased the capacity of school districts and their personnel to recognize and respond to youth in need through comprehensive planning and additional training, but that additional opportunities for collaboration on a regular and ongoing basis are in order. By providing professional collaboration opportunities with local mental health service providers at the school district level to school counselors, social workers, and psychologists, the legislature intends to take the next step toward enabling these professionals to recognize and respond with skill and confidence to the signs of emotional or behavioral distress that they observe in students and make the appropriate referrals to evidence-based behavioral health services.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers promote and

support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the professional educator standards board. Pursuant to the national association of school psychologists' model for comprehensive and integrated school psychological services, school psychologists deliver services across ten domains of practice. Two domains permeate all areas of service delivery: Data-based decision making; and consultation and collaboration. Five domains encompass direct and indirect services to children and their families: Student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level preventive and responsive services; and systems-level family school collaboration services. The three foundational domains include: Knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.

(2) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards

board. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: Mental health and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year, preferably in person, for school counselors, social workers, and psychologists that focuses on the following: Recognizing signs of emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals. Teachers may also participate in this professional collaboration, as deemed appropriate and allowed by their building administrators. School districts that have mental health centers in their area shall collaborate with local licensed mental health service providers under chapter 71.24 RCW. Those districts without a mental health center in their area shall collaborate via telephone or other remote means that allow for

dialogue and discussion. By collaborating with local providers in this manner, educational staff associates get to collaborate in short but regular segments, in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community to whom school personnel may make referrals, in line with the legislative intent expressed throughout Engrossed Substitute House Bill No. 1336, chapter 197, Laws of 2013, to form partnerships with qualified health, mental health, and social services agencies in the community to coordinate and improve support for youth in need and the directive to the department of social and health services with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

(2) Second-class districts are encouraged, but not required, to collaborate and provide the professional collaboration as provided in subsection (1) of this section.

NEW SECTION. Sec. 5. (1) Subject to the availability of amounts appropriated for this specific purpose, the professional collaboration lighthouse grant program is established to assist school districts with early adoption and implementation of mental health professional collaboration time specified under section 4 of this act.

(2) The superintendent of public instruction shall designate at least two school districts as lighthouse school districts to serve as resources and examples of best practices in designing and operating a professional collaboration program for school counselors, school social workers, school psychologists, and local licensed mental health service providers. The program must focus on recognizing signs of emotional or behavioral distress in students, for example indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals.

(3) The superintendent shall award grants to:

(a) Each school district designated as a lighthouse district under subsection (2) of this section; and

(b) At least four school districts wishing to implement mental health professional collaboration time, as specified under section 4 of this act, in the 2018-19 school year. In awarding the grants, the superintendent must prioritize an even mix of rural school districts and urban or suburban school districts.

(4) Grant funds may be used for: Providing technical assistance to school districts implementing a professional collaboration program; designing and implementing a professional collaboration program; developing approaches for accessing resources external to a school district; collaborating with local licensed mental health service providers; identifying successful methods of communicating with students and parents; conducting site visits; and providing supplemental materials.

(5) This section expires August 1, 2020.

NEW SECTION. Sec. 6. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1377 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Ortiz-Self and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1377, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1377, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1377, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1452 with the following amendment:

On page 5, line 28, after "The" strike "pathways scholarship" and insert "student support pathways"

On page 6, at the beginning of line 30, strike "pathways scholarship" and insert "student support pathways"

On page 6, beginning on line 32, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 6, at the beginning of line 36, strike "pathways scholarship" and insert "student support pathways"

On page 7, line 6, after "account," strike "pathways scholarship" and insert "student support pathways"

On page 7, line 9, after "account," strike "pathways scholarship" and insert "student support pathways"

On page 7, line 15, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 9, beginning on line 15, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 9, line 29, after "scholarship," strike "pathways scholarship" and insert "student support pathways"

On page 10, line 4, after "the" strike "pathways scholarship" and insert "student support pathways"

On page 10, line 10, after "the" strike "pathways scholarship" and insert "student support pathways"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1452 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Holy and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1452, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1452, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris,

McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 1452, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1539 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that every child should experience emotional and physical development that is free from abuse and neglect. In 2015, Washington child protective services received reports screened in for investigation that alleged the sexual abuse or sexual exploitation, or both, of two thousand six hundred three children. Further, the legislature finds that most sexual assaults are unreported. The legislature also finds that a clear relationship exists between youth victimization and mental health problems and delinquent behavior.

(2) The legislature finds that thirty-one states have enacted Erin's laws. Erin's laws, named in honor of a childhood sexual assault survivor, are intended to help children, teachers, and parents identify sexual abuse, and to provide assistance, referral, or resource information for children and families who are victims of child sexual abuse. The legislation adopted in these states requires the study or development of age-appropriate child sexual abuse identification and prevention.

(3) The legislature finds that the federal every student succeeds act, P.L. 114-95, as signed into law by President Barack Obama on December 10, 2015, provides federal funding that can be used for the implementation of programs established in accordance with Erin's laws.

(4) The legislature, therefore, intends to incorporate curriculum for the prevention of sexual abuse of students in kindergarten through twelfth grade, such as Erin's law, into an existing statewide coordinated program for the prevention of child abuse and neglect.

Sec. 2. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

(1) The superintendent of public instruction shall collect and disseminate to school districts information on and curricula for the coordinated program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect ((prevention curriculum and)) established in RCW 28A.300.160. The superintendent shall also adopt rules ((dealing with)) addressing the prevention of sexual abuse of students in kindergarten through twelfth grade and child abuse for purposes of ((curriculum use)) curricula used in ((the common)) public schools.

(2) Effective July 1, 2018, the superintendent of public instruction and the ((departments of social and health services and community, trade, and economic development)) department of children, youth, and families shall share relevant information in furtherance of this section.

(3) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2019, the superintendent of public instruction must review any existing curricula related to the prevention of sexual abuse of students in kindergarten through twelfth grade. The review required by this subsection must evaluate the curricula for alignment with the provisions of RCW 28A.300.160(2).

Sec. 3. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall be the lead agency and shall assist the department of ((social and health services, the department of community, trade, and economic development,)) children, youth, and families and school districts in

establishing a coordinated (~~primary prevention~~) program for the prevention of sexual abuse of students in kindergarten through twelfth grade, child abuse, and neglect.

(b) The office of the superintendent of public instruction must, for any curriculum included within a program for the prevention of sexual abuse of students in kindergarten through twelfth grade, seek advice and comments regarding the curriculum from:

(i) The Washington association of sheriffs and police chiefs;

(ii) The Washington association of prosecuting attorneys;

(iii) The Washington state school directors' association;

(iv) The association of Washington school principals;

(v) The center for children and youth justice;

(vi) Youthcare;

(vii) The committee for children;

(viii) The office of crime victim advocacy in the department of commerce; and

(ix) Other relevant organizations.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about the sexual abuse of students in kindergarten through twelfth grade, child abuse victims, and offenders;

(b) Training for school-age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The (~~primary~~) coordinated prevention program established under this section (~~shall be~~) is a voluntary program and (~~shall not be~~) is not part of the state's program of basic (~~program of~~) education.

(4) Parents shall be given notice of the (~~primary~~) coordinated prevention program and may refuse to have their children participate in the program.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.230 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall make the curriculum included under section 3(1)(b), chapter . . ., Laws of 2018 (section 3(1)(b) of this act) available on its web site.

NEW SECTION. **Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28A.300.150 and 28A.300.160; adding a new section to chapter 28A.230 RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1539 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McCabe and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1539, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1539, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves,

Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1539, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to create an independent and impartial office of the corrections ombuds to assist in strengthening procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

NEW SECTION. **Sec. 2.** Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of corrections ombuds within the office of the governor for the purpose of providing information to inmates and their families; promoting public awareness and understanding of the rights and responsibilities of inmates; identifying system issues and responses for the governor and the legislature to act upon; and ensuring compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates under the jurisdiction of the department.

The ombuds reports directly to the governor and exercises his or her powers and duties independently of the secretary.

NEW SECTION. **Sec. 3.** The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Abuse" means any act or failure to act by a department employee, subcontractor, or volunteer which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an inmate.

(2) "Corrections ombuds" or "ombuds" means the corrections ombuds, staff of the corrections ombuds, and volunteers with the office of the corrections ombuds.

(3) "Department" means the department of corrections.

(4) "Inmate" means a person committed to the physical custody of the department, including persons residing in a correctional institution or facility and persons received from another state, another state agency, a county, or the federal government.

(5) "Neglect" means a negligent act or omission by any department employee, subcontractor, or volunteer which caused, or may have caused, injury or death to an inmate.

(6) "Office" means the office of the corrections ombuds.

(7) "Secretary" means the secretary of the department of corrections.

(8) "Statewide family council" means the family council maintained by the department that is comprised of representatives from local family councils.

NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts appropriated for this specific purpose, the governor shall appoint an ombuds who must be a person of recognized judgment, independence, objectivity, and integrity, and be qualified by training or experience in corrections law and policy. Prior to the appointment, the governor shall consult with, and may receive recommendations from, the appropriate committees of the legislature, delegates of the statewide family council as selected by the members of the council, and other relevant stakeholders, regarding the selection of the ombuds.

(2) The person appointed ombuds holds office for a term of three years and continues to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombuds only for neglect of duty, misconduct, or the inability to perform duties. Any vacancy must be filled by similar appointment for the remainder of the unexpired term.

(3) The ombuds may employ technical experts and other employees to complete the purposes of this chapter.

NEW SECTION. **Sec. 5.** (1) The ombuds shall:

(a) Establish priorities for use of the limited resources available to the ombuds;

(b) Maintain a statewide toll-free telephone number, a collect telephone number, a web site, and a mailing address for the receipt of complaints and inquiries;

(c) Provide information, as appropriate, to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates;

(d) Provide technical assistance to support inmate participation in self-advocacy;

(e) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies as related to the health, safety, welfare, and rehabilitation of inmates;

(f) Monitor and participate in legislative and policy developments affecting correctional facilities;

(g) Establish a statewide uniform reporting system to collect and analyze data related to complaints received by the ombuds regarding the department;

(h) Establish procedures to receive, investigate, and resolve complaints;

(i) Establish procedures to gather stakeholder input into the ombuds' activities and priorities, which must include at a minimum quarterly public meetings;

(j) Submit annually to the governor's office, the legislature, and the statewide family council, by November 1st of each year, a report that includes, at a minimum, the following information:

(i) The budget and expenditures of the ombuds;

(ii) The number of complaints received and resolved by the ombuds;

(iii) A description of significant systemic or individual investigations or outcomes achieved by the ombuds during the prior year;

(iv) Any outstanding or unresolved concerns or recommendations of the ombuds; and

(v) Input and comments from stakeholders, including the statewide family council, regarding the ombuds' activities during the prior year; and

(k) Adopt and comply with rules, policies, and procedures necessary to implement this chapter.

(2)(a) The ombuds may initiate and attempt to resolve an investigation upon his or her own initiative, or upon receipt of a complaint from an inmate, a family member, a representative of an inmate, a department employee, or others, regarding any of the following that may adversely affect the health, safety, welfare, and rights of inmates:

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

(v) Alleged violations of law by the department that may adversely affect the health, safety, welfare, and rights of inmates.

(b) Prior to filing a complaint with the ombuds, a person shall have reasonably pursued resolution of the complaint through the internal grievance, administrative, or appellate procedures with the department. However, in no event may an inmate be prevented from filing a complaint more than ninety business days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c) The ombuds may decline to investigate any complaint as provided by the rules adopted under this chapter.

(d) If the ombuds does not investigate a complaint, the ombuds shall notify the complainant of the decision not to investigate and the reasons for the decision.

(e) The ombuds may not investigate any complaints relating to an inmate's underlying criminal conviction.

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department or the administration of the department, unless the complaint is related to the health, safety, welfare, and rehabilitation of inmates.

(g) The ombuds must attempt to resolve any complaint at the lowest possible level.

(h) The ombuds may refer complainants and others to appropriate resources, agencies, or departments.

(i) The ombuds may not levy any fees for the submission or investigation of complaints.

(j) The ombuds must remain neutral and impartial and may not act as an advocate for the complainant or for the department.

(k) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 7 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state its recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

(i) Consider the matter further;

(ii) Modify or cancel any action;

(iii) Alter a rule, practice, or ruling;

(iv) Explain in detail the administrative action in question; or

(v) Rectify an omission.

(l) If the ombuds so requests, the department must, within the time specified, inform the ombuds about any

action taken on the recommendations or the reasons for not complying with the recommendations.

(m) If the ombuds believes, based on the investigation, that there has been or continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the ombuds must report the finding to the governor and the appropriate committees of the legislature.

(n) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

(3) This chapter does not require inmates to file a complaint with the ombuds in order to exhaust available administrative remedies for purposes of the prison litigation reform act of 1995, P.L. 104-134.

NEW SECTION. Sec. 6. (1) The ombuds must have reasonable access to correctional facilities at all times necessary to conduct a full investigation of an incident of abuse or neglect. This authority includes the opportunity to interview any inmate, department employee, or other person, including the person thought to be the victim of such abuse, who might be reasonably believed by the facility to have knowledge of the incident under investigation. Such access must be afforded, upon request by the ombuds, when:

(a) An incident is reported or a complaint is made to the office;

(b) The ombuds determines there is probable cause to believe that an incident has or may have occurred; or

(c) The ombuds determines that there is or may be imminent danger of serious abuse or neglect of an inmate.

(2) The ombuds must have reasonable access to department facilities, including all areas which are used by inmates, all areas which are accessible to inmates, and to programs for inmates at reasonable times, which at a minimum

must include normal working hours and visiting hours. This access is for the purpose of:

(a) Providing information about individual rights and the services available from the office, including the name, address, and telephone number of the office;

(b) Monitoring compliance with respect to the rights and safety of inmates; and

(c) Inspecting, viewing, photographing, and video recording all areas of the facility which are used by inmates or are accessible to inmates.

(3) Access to inmates includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person.

(4) The ombuds has the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombuds considers necessary in an investigation of a complaint filed under this chapter, and the department must assist the ombuds in obtaining the necessary releases for those documents which are specifically restricted or privileged for use by the ombuds.

(5) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must provide the ombuds with access to the requested documentation not later than twenty business days after the ombuds' written request for the records. Where the records requested by the ombuds pertain to an inmate death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the denial of necessary medical treatment, the records shall be provided within five days unless the ombuds consents to an extension of that time frame.

(6) Upon notice and a request by the ombuds, a state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombuds must provide the ombuds with access to such records.

(7) The ombuds must work with the department to minimize disruption to the operations of the department due to ombuds activities and must comply with

the department's security clearance processes, provided those processes do not impede the activities outlined in this section.

NEW SECTION. **Sec. 7.** (1)

Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

(2) The office shall establish confidentiality rules and procedures for all information maintained by the office.

(3) The ombuds shall treat all matters under investigation, including the identities of recipients of ombuds services, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombuds to perform the duties of the office and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombuds shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law or as authorized by subsection (4) of this section. All records exchanged and communications between the office of the corrections ombuds and the department to include the investigative record are confidential and are exempt from public disclosure under chapter 42.56 RCW.

(4) To the extent the ombuds reasonably believes necessary, the ombuds:

(a) Must reveal information obtained in the course of providing ombuds services to prevent reasonably certain death or substantial bodily harm; and

(b) May reveal information obtained in the course of providing ombuds services to prevent the commission of a crime.

(5) If the ombuds believes it is necessary to reveal investigative records for any of the reasons outlined in section 4 of this act, the ombuds shall provide a copy of what they intend to disclose to the department for review and application of legal exemptions prior to releasing to any other persons. If the ombuds receives personally identifying information about individual corrections staff during the course of an

investigation that the ombuds determines is unrelated or unnecessary to the subject of the investigation or recommendation for action, the ombuds will not further disclose such information. If the ombuds determines that such disclosure is necessary to an investigation or recommendation, the ombuds will contact the staff member as well as the bargaining unit representative before any disclosure.

NEW SECTION. **Sec. 8.** (1) A civil

action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 10.** A new section is added to chapter 43.131 RCW to read as follows:

The office of the corrections ombuds is terminated July 1, 2028, as provided in section 11 of this act.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2029:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;

- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act; and
- (8) Section 8 of this act."

On page 1, line 1 of the title, after "ombuds;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 43 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pettigrew and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1889, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1889, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Jenkin, Klippert, Kraft, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2015 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that it is in the public interest that taxation of lodging not distort the market for different types of lodging and that all types of lodging participate in the funding of the public benefits supported with lodging tax revenue.

(2) The legislature further finds that, with respect to the lodging taxes levied under RCW 36.100.040 (4) and (5), the current significant disparity in the taxation of sales of lodging on premises having fewer than sixty lodging units compared to premises having sixty or more units is contrary to the public interest in both equitable taxation and adequately supporting the public benefits funded by lodging tax revenue.

(3) It is the intent of this act to equalize the taxation levied under RCW 36.100.040 (4) and (5) by applying it to all lodging, regardless of the number of lodging units in premises subject to such taxation.

Sec. 2. RCW 36.100.040 and 2015 3rd sp.s. c 24 s 702 are each amended to read as follows:

(1) A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises having fewer than forty lodging units. Except for any tax imposed under subsection (4) or (5) of this section, if a public facilities district has not imposed such an excise tax prior to December 31, 1995, the public facilities district may only impose the excise tax if a ballot proposition authorizing the imposition of the tax has been approved by a simple majority vote of voters of the public facilities district voting on the proposition.

(2) The rate of the tax may not exceed two percent and the proceeds of the tax may only be used for the acquisition, design, construction, remodeling, maintenance, equipping, reequipping, repairing, and operation of its public facilities. This excise tax may not be imposed until the district has approved the proposal to acquire, design, and construct the public facilities.

(3) Except for a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, and operating a convention and trade center, a public facilities district may not impose the tax authorized in this section if, after the tax authorized in this section was imposed, the effective combined rate of state and local excise taxes, including sales and use taxes and excise taxes on lodging, imposed on the sale of or charge made for furnishing of lodging in any jurisdiction in the public facilities district exceeds eleven and one-half percent.

(4)(a) To replace the tax authorized by RCW 67.40.090, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, ~~((and))~~ operating, renovating, and expanding a convention and trade center may impose an excise tax on the sale of or charge made for the furnishing of lodging (including but not limited to any short-term rental) that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on:

(i) Any premises: ~~((a))~~

(A) Having fewer than sixty lodging units if the premises is located in a town with a population less than three hundred; or ~~((b))~~

(B) Classified as a hostel;

(ii) Any lodging that is concurrently subject to a tax on engaging in the business of being a short-term rental operator imposed by a city in which a convention and trade center is located; or

(iii) Any lodging that is operated by a university health care system exclusively for family members of patients.

(b) The rate of the tax may not exceed seven percent within the portion of the

district that corresponds to the boundaries of the largest city within the public facilities district and may not exceed 2.8 percent in the remainder of the district. The tax imposed under this subsection (4) may not be collected prior to the transfer date defined in RCW 36.100.230.

(5) To replace the tax authorized by RCW 67.40.130, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, ~~((and))~~ operating, renovating, and expanding a convention and trade center may impose an additional excise tax on the sale of or charge made for the furnishing of lodging (including but not limited to any short-term rental) that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises: (a) Having fewer than sixty lodging units if the premises is located in a town with a population less than three hundred; or (b) classified as a hostel. The rate of the additional excise tax may not exceed two percent and may be imposed only within the portion of the district that corresponds to the boundaries of the largest city within the public facilities district and may not be imposed in the remainder of the district. The tax imposed under this subsection (5) may not be collected prior to the transfer date specified in RCW 36.100.230. The tax imposed under this subsection (5) must be credited against the amount of the tax otherwise due to the state from those same taxpayers under chapter 82.08 RCW. The tax under this subsection (5) may be imposed only for the purpose of paying or securing the payment of the principal of and interest on obligations issued or incurred by the public facilities district and paying annual payment amounts to the state under subsection (6) (a) of this section. The authority to impose the additional excise tax under this subsection (5) expires on the date that is the earlier of ~~((a) ~~[(iii)]~~)~~ (i) July 1, 2029, or ~~((b) ~~[(iii)]~~)~~ (ii) the date on which all obligations issued or incurred by the public facilities district to implement any redemption, prepayment, or legal defeasance of outstanding obligations under RCW 36.100.230(3) (a) are no longer outstanding.

(6) (a) Commencing with the first full fiscal year of the state after the transfer date defined in RCW 36.100.230

and for so long as a public facilities district imposes a tax under subsection (5) of this section, the public facilities district must transfer to the state of Washington on June 30th of each state fiscal year an annual payment amount.

(b) For the purposes of this subsection (6), "annual payment amount" means an amount equal to revenues received by the public facilities district in the fiscal year from the additional excise tax imposed under subsection (5) of this section plus an interest charge calculated on one-half the annual payment amount times an interest rate equal to the average annual rate of return for the prior calendar year in the Washington state local government investment pool created in chapter 43.250 RCW.

(c)(i) If the public facilities district in any fiscal year is required to apply additional lodging excise tax revenues to the payment of principal and interest on obligations it issues or incurs, and the public facilities district is unable to pay all or any portion of the annual payment amount to the state, the deficiency is deemed to be a loan from the state to the public facilities district for the purpose of assisting the district in paying such principal and interest and must be repaid by the public facilities district to the state after providing for the payment of the principal of and interest on obligations issued or incurred by the public facilities district, all on terms established by an agreement between the state treasurer and the public facilities district executed prior to the transfer date. Any agreement between the state treasurer and the public facilities district must specify the term for the repayment of the deficiency in the annual payment amount with an interest rate equal to the twenty bond general obligation bond buyer index plus one percentage point.

(ii) Outstanding obligations to repay any loans deemed to have been made to the public facilities district as provided in any such agreements between the state treasurer and the public facilities district survive the expiration of the additional excise tax under subsection (5) of this section.

(iii) For the purposes of this subsection (6)(c), "additional lodging excise tax revenues" mean the tax

revenues received by the public facilities district under subsection (5) of this section.

(7) A public facilities district is authorized to pledge any of its revenues, including without limitation revenues from the taxes authorized in this section, to pay or secure the payment of obligations issued or incurred by the public facilities district, subject to the terms established by the board of directors of the public facilities district. So long as a pledge of the taxes authorized under this section is in effect, the legislature may not withdraw or modify the authority to levy and collect the taxes at the rates permitted under this section and may not increase the annual payment amount to be transferred to the state under subsection (6) of this section.

(8) The department of revenue must perform the collection of such taxes on behalf of the public facilities district at no cost to the district, and the state treasurer must distribute those taxes as available on a monthly basis to the district or, upon the direction of the district, to a fiscal agent, paying agent, or trustee for obligations issued or incurred by the district.

(9) Except as expressly provided in this chapter, all of the provisions contained in RCW 82.08.050 and 82.08.060 and chapter 82.32 RCW have full force and application with respect to taxes imposed under the provisions of this section.

(10) In determining the effective combined rate of tax for purposes of the limit in subsection (3) of this section, the tax rate under RCW 82.14.530 is not included.

(11) The taxes imposed in this section do not apply to sales of temporary medical housing exempt under RCW 82.08.997.

(12) ~~((a) For the purposes of this section,)~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Hostel" means a structure or facility where a majority of the rooms for sleeping accommodations are hostel dormitories containing a minimum of four standard beds designed for single-person occupancy within the facility. Hostel accommodations are supervised and must

include at least one common area and at least one common kitchen for guest use.

~~((b))~~ (ii) For the purpose of this subsection (12)(a), "hostel dormitory" means a single room, containing four or more standard beds designed for single-person occupancy, used exclusively as nonprivate communal sleeping quarters, generally for unrelated persons, where such persons independently acquire the right to occupy individual beds, with the operator supervising and determining which bed each person will occupy.

(b) "Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest or guests by a short-term rental operator for a fee for fewer than thirty consecutive nights. The term "short-term rental" does not include:

(i) A dwelling unit, or portion thereof, that is used by the same person for thirty or more consecutive nights; and

(ii) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, and/or is classified by the federal internal revenue service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury, or disease and/or their family members.

(13) Taxes authorized under subsections (4) and (5) of this section are deemed to have been imposed on December 1, 2000, for the purposes of RCW 82.14.410.

(14)(a) Beginning on the date that the condition in (b) of this subsection is satisfied, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, operating, renovating, and expanding a convention and trade center must make quarterly payments from tax revenue collected by a public facilities district as a result of the tax imposed in chapter . . . , Laws of 2018 (this act) to a city in which the convention and trade center is located that has authorized on or before December 31, 2017, a tax on engaging in the business of being a short-term rental operator. Such payments must be made no more than

thirty days after the last day of each fiscal quarter and must equal the portion of the revenues received by the public facilities district during such fiscal quarter from the lodging taxes authorized under subsection (4) of this section that are determined by the department of revenue to be derived from the short-term rental activity within such city.

(b) The public facilities district is not required to make any payments under this subsection (14) unless the city has repealed any ordinance authorizing a tax on engaging in the business of being a short-term rental operator.

(c) The public facilities district is not required to make any payments to a city under this subsection (14), if the city, after satisfying the condition in (b) of this subsection imposes any tax specifically on the act of engaging in the business of being a short-term rental operator.

(d) The proceeds of any payments made by a public facilities district to a city under this subsection (14) must be used by the city to support community-initiated equitable development and affordable housing programs, as determined by the city in its sole discretion.

(15) Fifty percent of any tax revenue collected by a public facilities district as a result of the tax imposed in chapter . . . , Laws of 2018 (this act) must be distributed by the public facilities district to the county in which the convention and trade center is located. However, if a city has satisfied the condition in subsection (14)(b) of this section, payments made under this subsection to the county in which the convention and trade center is located must be calculated after deducting any payments made to a city under subsection (14) of this section from the total tax revenue received by the public facilities district as a result of the enactment of chapter . . . , Laws of 2018 (this act). The proceeds of such payments to a county under this subsection (15) must be used by the county to support affordable housing programs, as determined by the county, in its sole discretion.

NEW SECTION. Sec. 3. This act takes effect October 1, 2018."

On page 1, line 4 of the title, after "dwellings;" strike the remainder of the

title and insert "amending RCW 36.100.040; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2015 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Frame spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2015, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2015, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2015, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2097 with the following amendment:

On page 2, line 26, after "part of a" strike "targeted" and insert "criminal"

On page 2, at the beginning of line 29, strike "clear"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2097 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Stanford, Rodne and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2097, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2097, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2097, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2276 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department must provide notice and hold a public hearing prior to department personnel relocating or introducing any wolves, coyotes, lynx, bobcats, and animals defined as big game in RCW 77.08.030, where the action is intended for population enhancement.

(2)(a) The notice of the public hearing must be made at least thirty days prior to the date of the hearing. The notice must state the public hearing date, time, and location, and provide a brief explanation of the department's proposed action. The brief explanation must include the species of wildlife, the estimated number of animals, the general location where the wildlife will be released, and the potential range the wildlife is likely to roam.

(b) A press release of the notice of the public hearing must be sent to media outlets providing news services to the communities that are likely to be impacted by the wildlife's presence. The notice of the public hearing must be posted on the department's web site, and if possible, posted on a local government or community web site near where the wildlife will be relocated or introduced; and be provided in writing to the town, city, or county legislative members and the mayor or county executive of any location that is likely to be impacted by the presence of the wildlife.

(3) The public hearing must be open to the public and held within the community most likely to be impacted by the presence of the relocated or introduced wildlife. The presiding official or department personnel must present information explaining the department's proposed actions and related management of the wildlife in sufficient detail to provide an understanding of the reasons for the proposed movement and potential impacts of the action in or near the community. The hearing must be conducted

by the presiding official to afford interested persons the opportunity to present comments. Written or electronic submissions will also be accepted and included in the department's hearing record."

On page 1, line 2 of the title, after "location;" strike the remainder of the title and insert "and adding a new section to chapter 77.12 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2276 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Blake, Eslick and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2276, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2276, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2276, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2685 with the following amendment:

On page 1, line 18, after "or both," insert "and employer-based preapprenticeship and youth apprenticeship programs,"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2685 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ortiz-Self and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2685, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2685, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2685, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2692 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.380 and 2016 c 28 s 5 are each amended to read as follows:

(1) The minimum monthly salary paid to state patrol troopers and sergeants (~~on July 1, 2017~~) must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during ((2016)) each biennium. The salary levels (~~on July 1, 2017~~) must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department. Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section (~~as of July 1, 2016~~). Increases in salary levels for captains and lieutenants that are collectively bargained must be proportionate to the increases in salaries for troopers and sergeants as a result of the survey described in this section.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

(3) This section expires June 30, 2025."

On page 1, line 2 of the title, after "sergeants;" strike the remainder of the title and insert "amending RCW 43.43.380; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2692 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fey and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2692, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2692, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Graves, Jenkin, Manweller, McCaslin, Nealey and Taylor.

SUBSTITUTE HOUSE BILL NO. 2692, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the children's mental health work group established in chapter 96, Laws of 2016 reported recommendations in December 2016 related to increasing access to adequate, appropriate, and culturally and linguistically relevant mental health services for children and youth. The legislature further finds that legislation implementing many of the recommendations of the children's mental health work group was enacted in 2017. Despite these gains, barriers to service remain and additional work is required to assist children with securing adequate mental health treatment. The legislature further finds that by January 1, 2020, the community behavioral health program must be fully integrated in a managed care health system that provides behavioral and physical health care services to medicaid clients. Therefore, it is the intent of the legislature to reestablish the children's mental health work group through December 2020 and to implement additional recommendations from the work group in order to improve mental health care access for children and their families.

NEW SECTION. Sec. 2. (1) A children's mental health work group is established to identify barriers to and opportunities for accessing mental health services for children and families and to advise the legislature on statewide mental health services for this population.

(2) The work group shall consist of members and alternates as provided in this subsection. Members must represent the regional, racial, and cultural diversity of all children and families in the state. Members of the children's mental health work group created in chapter 96, Laws of 2016, and serving on the work group as of December 1, 2017, may continue to serve as members of the work group without reappointment.

(a) The president of the senate shall appoint one member and one alternate from each of the two largest caucuses in the senate.

(b) The speaker of the house of representatives shall appoint one member and one alternate from each of the two

largest caucuses in the house of representatives.

(c) The governor shall appoint six members representing the following state agencies and offices: The department of children, youth, and families; the department of social and health services; the health care authority; the department of health; the office of homeless youth prevention and protection programs; and the office of the governor.

(d) The governor shall appoint one member representing each of the following:

- (i) Behavioral health organizations;
- (ii) Community mental health agencies;
- (iii) Medicaid managed care organizations;
- (iv) A regional provider of co-occurring disorder services;
- (v) Pediatricians or primary care providers;
- (vi) Providers specializing in infant or early childhood mental health;
- (vii) Child health advocacy groups;
- (viii) Early learning and child care providers;
- (ix) The evidence-based practice institute;
- (x) Parents or caregivers who have been the recipient of early childhood mental health services;
- (xi) An education or teaching institution that provides training for mental health professionals;
- (xii) Foster parents;
- (xiii) Providers of culturally and linguistically appropriate health services to traditionally underserved communities;
- (xiv) Pediatricians located east of the crest of the Cascade mountains; and
- (xv) Child psychiatrists.

(e) The governor shall request participation by a representative of tribal governments.

(f) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(g) The insurance commissioner shall appoint one representative from the office of the insurance commissioner.

(h) The work group shall choose its cochairs, one from among its legislative members and one from among the executive branch members. The representative from the health care authority shall convene at least two, but not more than four, meetings of the work group each year.

(3) The work group shall:

(a) Monitor the implementation of enacted legislation, programs, and policies related to children's mental health, including provider payment for depression screenings for youth and new mothers, consultation services for child care providers caring for children with symptoms of trauma, home visiting services, and streamlining agency rules for providers of behavioral health services;

(b) Consider system strategies to improve coordination and remove barriers between the early learning, K-12 education, and health care systems; and

(c) Identify opportunities to remove barriers to treatment and strengthen mental health service delivery for children and youth.

(4) Staff support for the work group, including administration of work group meetings and preparation of the updated report required under subsection (6) of this section, must be provided by the health care authority. Additional staff support for legislative members of the work group may be provided by senate committee services and the house of representatives office of program research.

(5) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The work group shall update the findings and recommendations reported to the legislature by the children's mental health work group in December 2016 pursuant to chapter 96, Laws of 2016. The work group must submit the updated report

to the governor and the appropriate committees of the legislature by December 1, 2020.

(7) This section expires December 30, 2020.

Sec. 3. RCW 74.09.495 and 2017 c 226 s 6 are each amended to read as follows:

(1) To better assure and understand issues related to network adequacy and access to services, the authority and the department shall report to the appropriate committees of the legislature by December 1, 2017, and annually thereafter, on the status of access to behavioral health services for children birth through age seventeen using data collected pursuant to RCW 70.320.050.

~~((1))~~ (2) At a minimum, the report must include the following components broken down by age, gender, and race and ethnicity:

(a) The percentage of discharges for patients ages six through seventeen who had a visit to the emergency room with a primary diagnosis of mental health or alcohol or other drug dependence during the measuring year and who had a follow-up visit with any provider with a corresponding primary diagnosis of mental health or alcohol or other drug dependence within thirty days of discharge;

(b) The percentage of health plan members with an identified mental health need who received mental health services during the reporting period; ~~((and))~~

(c) The percentage of children served by behavioral health organizations, including the types of services provided~~((-))~~;

~~((2) The report must also include)~~
(d) The number of children's mental health providers available in the previous year, the languages spoken by those providers, and the overall percentage of children's mental health providers who were actively accepting new patients; and

(e) Data related to mental health and medical services for eating disorder treatment in children and youth by county, including the number of:

(i) Eating disorder diagnoses;

(ii) Patients treated in outpatient, residential, emergency, and inpatient care settings; and

(iii) Contracted providers specializing in eating disorder treatment and the overall percentage of those providers who were actively accepting new patients during the reporting period.

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority shall collaborate with the department of children, youth, and families to identify opportunities to leverage medicaid funding for home visiting services.

(2) The authority must provide a set of recommendations relevant to subsection (1) of this section to the legislature by December 1, 2018, that builds upon the research and strategies developed in the Washington state home visiting and medicaid financing strategies report submitted by the authority to the department of early learning in August 2017.

NEW SECTION. Sec. 5. (1) By November 1, 2018, the department of children, youth, and families must:

(a) Develop a common set of definitions to clarify differences between evidence-based, research-based, and promising practices home visiting programs and discrete services provided in the home;

(b) Develop a strategy to expand home visiting programs statewide; and

(c) Collaborate with the health care authority to maximize medicaid and other federal resources in implementing current home visiting programs and the statewide strategy developed under this section.

(2) This section expires December 30, 2018.

Sec. 6. RCW 71.24.385 and 2016 sp.s. c 29 s 510 are each amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral

health organizations shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

- (i) Crisis diversion services;
- (ii) Evaluation and treatment and community hospital beds;
- (iii) Residential treatment;
- (iv) Programs for intensive community treatment;
- (v) Outpatient services, including family support;
- (vi) Peer support services;
- (vii) Community support services;
- (viii) Resource management services; and
- (ix) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

- (A) Withdrawal management;
- (B) Residential treatment; and
- (C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(iii) The department may contract for the use of an approved substance use disorder treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(2) (a) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with behavioral health disorders and avoiding placement of such individuals at the

state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(b) The behavioral health organization may allow reimbursement to providers for services delivered through a partial hospitalization or intensive outpatient program. Such payment and services are distinct from the state's delivery of wraparound with intensive services under the T.R. v. Strange and McDermott, formerly the T.R. v. Dreyfus and Porter, settlement agreement.

(3) (a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 71.24.580, services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 7. RCW 71.24.045 and 2016 sp.s. c 29 s 421 are each amended to read as follows:

The behavioral health organization shall:

(1) Contract as needed with licensed service providers. The behavioral health organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the behavioral health organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the behavioral health organization to provide services required by this chapter. The monitoring and audits shall

be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(7) Collaborate to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) Work closely with the designated crisis responder to maximize appropriate placement of persons into community services; ~~((and))~~

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state psychiatric hospital that they no longer need intensive inpatient care; and

(11) Allow reimbursement for time spent supervising persons working toward satisfying supervision requirements established for the relevant practice areas pursuant to RCW 18.225.090.

NEW SECTION. Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

Upon adoption of a fully integrated managed health care system pursuant to chapter 71.24 RCW, regional service areas:

(1) Must allow reimbursement for time spent supervising persons working toward satisfying supervision requirements established for the relevant practice areas pursuant to RCW 18.225.090; and

(2) may allow reimbursement for services delivered through a partial hospitalization or intensive outpatient program as described in RCW 71.24.385.

NEW SECTION. Sec. 9. (1) The department of social and health services must convene an advisory group of stakeholders to review the parent-initiated treatment process authorized by chapter 71.34 RCW. The advisory group must develop recommendations regarding:

(a) The age of consent for the behavioral health treatment of a minor;

(b) Options for parental involvement in youth treatment decisions;

(c) Information communicated to families and providers about the parent-initiated treatment process; and

(d) The definition of medical necessity for emergency mental health services and options for parental involvement in those determinations.

(2) The advisory group established in this section must review the effectiveness of serving commercially sexually exploited children using parent-initiated treatment, involuntary treatment, or other treatment services delivered pursuant to chapter 71.34 RCW.

(3) By December 1, 2018, the department of social and health services must report the findings and recommendations of the advisory group to the children's mental health work group established in section 2 of this act.

(4) This section expires December 30, 2018.

Sec. 10. RCW 28A.630.500 and 2017 c 202 s 6 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall establish a competitive application process to designate two educational service districts in which to pilot one lead staff person for children's mental health and substance use disorder services.

(2) The office must select two educational service districts as pilot sites by October 1, 2017. When selecting the pilot sites, the office must endeavor to achieve a balanced geographic distribution of sites east of the crest of the Cascade mountains and west of the crest of the Cascade mountains.

(3) The lead staff person for each pilot site must have the primary responsibility for:

(a) Coordinating medicaid billing for schools and school districts in the educational service district;

(b) Facilitating partnerships with community mental health agencies, providers of substance use disorder treatment, and other providers;

(c) Sharing service models;

(d) Seeking public and private grant funding;

(e) Ensuring the adequacy of other system level supports for students with mental health and substance use disorder treatment needs; (~~and~~)

(f) Collaborating with the other selected project and with the office of the superintendent of public instruction; and

(g) Delivering a mental health literacy curriculum, mental health literacy curriculum resource, or comprehensive instruction to students in one high school in each pilot site that:

(i) Improves mental health literacy in students;

(ii) Is designed to support teachers;
and

(iii) Aligns with the state health and physical education K-12 learning standards as they existed on January 1, 2018.

(4) The office of the superintendent of public instruction must report on the results of the two pilot projects to the governor and the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2019. The report must also include:

(a) A case study of an educational service district that is successfully delivering and coordinating children's mental health activities and services. Activities and services may include but are not limited to medicaid billing,

facilitating partnerships with community mental health agencies, and seeking and securing public and private funding; and

(b) Recommendations regarding whether to continue or make permanent the pilot projects and how the projects might be replicated in other educational service districts.

(5) This section expires January 1, 2020.

NEW SECTION. Sec. 11. Subject to the availability of amounts appropriated for this specific purpose, the child and adolescent psychiatry residency program at the University of Washington shall offer one additional twenty-four month residency position that is approved by the accreditation council for graduate medical education to one resident specializing in child and adolescent psychiatry. The residency must include a minimum of twelve months of training in settings where children's mental health services are provided under the supervision of experienced psychiatric consultants and must be located west of the crest of the Cascade mountains.

NEW SECTION. Sec. 12. Section 11 of this act takes effect July 1, 2020."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.09.495, 71.24.385, 71.24.045, and 28A.630.500; adding new sections to chapter 74.09 RCW; creating new sections; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed Second Substitute House Bill No. 2779, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2779, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatler, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Jenkin, Kraft, Kristiansen, McCaslin, Pike, Shea, Taylor and Vick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2824 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that specific powers, duties, and functions of the state board of education and the superintendent of public instruction should be realigned to better serve students and families, educators, school districts, and schools both public and private.

The legislature recognizes that the state board of education and the superintendent of public instruction, with the support of the governor's office, convened a roles and responsibilities task force to review their authorities and made recommendations to clarify and realign responsibilities among the agencies.

The legislature, therefore, intends to clarify, and in some cases shift, responsibilities related to private schools, educational service district boundaries, career and technical education equivalencies, adoption of learning standards, waiver of school district requirements, and compliance with basic education requirements.

PART I

EDUCATIONAL SERVICE DISTRICT BOUNDARIES

Sec. 101. RCW 28A.310.020 and 1994 sp.s. c 6 s 513 are each amended to read as follows:

The (~~state board of education~~) superintendent of public instruction upon (~~its~~) his or her own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the (~~superintendent of public instruction~~) state board of education, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect after June 30, 1995, without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the (~~state board~~) superintendent of public instruction, or his or her designee, shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The (~~state board~~) superintendent of public instruction in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service

district boards and superintendents to consider the proposed changes.

PART II

PRIVATE SCHOOLS

Sec. 201. RCW 28A.195.010 and 2009 c 548 s 303 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

~~((Principals))~~ The administrative or executive authority of private schools or ~~((superintendents of))~~ private school districts shall file each year with the state ~~((superintendent of public instruction))~~ board of education a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. The state board of education may request clarification or additional information. After review of the statement, the state ~~((superintendent))~~ board of education will notify schools or school districts of ~~((those))~~ any concerns, deficiencies, and deviations which must be corrected. ~~((In case of major))~~ If there are any unresolved concerns, deficiencies, or deviations, the school or school district may request ((and) or the state board of education on its own initiative may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of

individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as defined in RCW 28A.150.203.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the ~~((office of the superintendent of public instruction))~~ state board of education reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is ~~((certified))~~ certificated under chapter 28A.410 RCW;

(b) The planning by the ~~((certified))~~ certificated person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The ~~((certified))~~ certificated person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the ~~((certified))~~ certificated person; and

(e) The ~~((certified))~~ certificated employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 202. RCW 28A.195.030 and 1974 ex.s. c 92 s 4 are each amended to read as follows:

Any private school may appeal the actions of the ~~((state superintendent of public instruction or))~~ state board of education as provided in chapter 34.05 RCW.

Sec. 203. RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each amended to read as follows:

~~((It shall be the duty of))~~ The administrative or executive authority of every private school in this state ~~((to))~~ must report to the ((educational service district)) superintendent of public instruction on or before the thirtieth day of June in each year, on ((a)) forms to be furnished, such information as may be required by the superintendent of public instruction, to make complete the records of education work pertaining to all children residing within the state.

PART III

CTE COURSE EQUIVALENCY

Sec. 301. RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s 102 are each reenacted and amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year. In order for a board to approve AP computer science as equivalent to high school mathematics, the student must be concurrently enrolled in or have successfully completed algebra II. Beginning no later than the 2015-16 school year, a school district board of directors must, at a minimum, grant academic course equivalency in mathematics or science for a high school career and technical course from the list of courses approved by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.700.070, but is not limited to the courses on the list. If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

Sec. 302. RCW 28A.230.010 and 2014 c 217 s 103 are each amended to read as follows:

(1) School district boards of directors shall identify and offer courses with content that meet or exceed: (a) The basic education skills identified in RCW 28A.150.210; (b) the graduation requirements under RCW 28A.230.090; (c) the courses required to meet the minimum college entrance requirements under RCW 28A.230.130; and (d) the course options for career development under RCW 28A.230.130. Such courses may be applied or theoretical, academic, or vocational.

(2) School district boards of directors must provide high school students with the opportunity to access at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the office of the superintendent of public instruction (~~and the state board of education~~) in RCW 28A.700.070. Students may access such courses at high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses.

(3) (a) Until January 1, 2019, school district boards of directors of school

districts with fewer than two thousand students may apply to the state board of education for a waiver from the provisions of subsection (2) of this section.

(b) On and after January 1, 2019, school district boards of directors of school districts with fewer than two thousand students may apply to the superintendent of public instruction for a waiver from the provisions of subsection (2) of this section under section 504 of this act.

Sec. 303. RCW 28A.300.236 and 2017 3rd sp.s. c 13 s 410 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create methodologies for implementing equivalency crediting on a broader scale across the state and facilitate its implementation including, but not limited to, the following:

(a) Implementing statewide career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for high schools and skill centers in science, technology, engineering, and mathematics. This may include development of additional equivalency course frameworks in core subject areas, course performance assessments, and development and delivery of professional development for districts and skill centers implementing the career and technical education frameworks; and

(b) Providing competitive grant funds to school districts to increase the integration and rigor of academic instruction in career and technical education equivalency courses. The grant funds must be used to support teams of general education and career and technical education teachers to convene and design course performance assessments, deepen the understanding of integrating academic and career and technical education in student instruction, and develop professional learning modules for school districts to plan implementation of equivalency crediting.

(2) Beginning in the 2017-18 school year, school districts shall annually report to the office of the

superintendent of public instruction the following information:

(a) The annual number of students participating in state-approved equivalency courses; and

(b) The annual number of state approved equivalency credit courses offered in school districts and skill centers.

(3) Beginning December 1, ~~((2017))~~ 2018, and every December 1st thereafter, the office of the superintendent of public instruction shall annually submit ~~((a summary of the school district information reported under subsection (2) of this section))~~ the following information to the office of the governor, the state board of education, and the appropriate committees of the legislature:

(a) The selected list of equivalent career and technical education courses and their curriculum frameworks that the superintendent of public instruction has approved under RCW 28A.700.070; and

(b) A summary of the school district information reported under subsection (2) of this section.

Sec. 304. RCW 28A.700.070 and 2014 c 217 s 101 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school

districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The ~~((office of the))~~ superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop and, after an opportunity for public comment, approve curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose content in science, technology, engineering, and mathematics is considered equivalent in full or in part to science or mathematics courses that meet high school graduation requirements. The content of the courses must be aligned with state essential academic learning requirements in mathematics as adopted by the superintendent of public instruction in July 2011 and the essential academic learning requirements in science as adopted in October 2013, and industry standards. ~~((The office shall submit the list of equivalent career and technical courses and their curriculum frameworks to the state board of education for review, an opportunity for public comment, and approval.))~~ The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the ~~((office))~~ superintendent of public instruction may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, ~~((the office of))~~ the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers using a research-based professional development model supported by the national research center for career and technical education. The ~~((office of the))~~ superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

PART IV

LEARNING STANDARDS

Sec. 401. RCW 28A.655.070 and 2015 c 211 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3) (a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the

elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c) (i) of this subsection shall be used for the purposes of earning a certificate of academic achievement for high school graduation under the timeline established in RCW 28A.655.061 and for assessing student career and college readiness.

(iii) During the transition period specified in RCW 28A.655.061, the superintendent of public instruction shall use test items and other resources from the consortium assessment to develop and administer a tenth grade high school English language arts assessment, an end-of-course mathematics assessment to assess the standards common to algebra I and integrated mathematics I, and an end-of-course mathematics assessment to

assess the standards common to geometry and integrated mathematics II.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic

learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the essential academic learning requirements. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((12))~~ (13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

~~((13))~~ (14) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

~~((14))~~ (15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the essential academic learning requirements under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

(i) The subject matter of the essential academic learning requirements;

(ii) The reason or reasons the superintendent is initiating the development or revision; and

(iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised essential academic learning requirements, the superintendent shall submit the proposed new or revised essential academic learning requirements to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

(17) The state board of education may propose new or revised essential academic learning requirements to the superintendent. The superintendent must respond to the state board of education's proposal in writing.

PART V

WAIVER OF SCHOOL DISTRICT REQUIREMENTS

Sec. 501. RCW 28A.305.140 and 2012 c 53 s 8 are each amended to read as follows:

(1) ((The state board of education)) (a) In accordance with the criteria adopted by the state board of education under subsection (2) of this section, the superintendent of public instruction may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220, except as provided in (b) of this subsection, on the basis that such waiver or waivers are necessary to((+)

(+)) implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program(+).

(b) ((Implement an innovation school or innovation zone designated under RCW 28A.630.081; or

(e) Implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104.)) The state board of education shall have authority to grant waivers from the provisions of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW 28A.230.090(1)(e)(ii), 28A.630.081, 28A.630.104, and 28A.655.180.

(2) The state board of education shall adopt rules establishing the criteria to evaluate the need for ((the)) a waiver or waivers under this section.

Sec. 502. RCW 28A.305.140 and 1990 c 33 s 267 are each amended to read as follows:

((The state board of education)) (1) (a) In accordance with the criteria adopted by the state board of education under subsection (2) of this section, the superintendent of public instruction may grant waivers to school districts from the provisions of RCW 28A.150.200 through 28A.150.220, except as provided in (b) of this subsection, on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

(b) The state board of education shall have authority to grant waivers from the provisions of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW 28A.230.090(1)(e)(ii) and 28A.655.180.

(2) The state board of education shall adopt rules establishing the criteria to evaluate the need for ((the)) a waiver or waivers under this section.

NEW SECTION. Sec. 503. A new section is added to chapter 28A.150 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 (as recodified by this act), the superintendent of public instruction, in accordance with the criteria in subsection (2) of this section and criteria adopted by the state board of education under subsection (3) of this section, may grant waivers of the requirement for a one hundred eighty-day

school year under RCW 28A.150.220 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer minimum instructional hours may not be waived.

(2) A school district seeking a waiver under this section must submit an application to the superintendent of public instruction that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the superintendent of public instruction may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt rules establishing the criteria to evaluate waiver requests under this section. A waiver may be effective for up to three years and may be renewed for subsequent periods of three or fewer years. After each school year in which a waiver has been granted under this section, the superintendent of public instruction must analyze empirical evidence to determine whether the

reduction is affecting student learning. If the superintendent of public instruction determines that student learning is adversely affected, the school district must discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the superintendent of public instruction's determination.

(4) The superintendent of public instruction may grant waivers authorized under this section to five or fewer school districts with student populations of less than five hundred students. Of the five waivers that may be granted, two must be reserved for districts with student populations of less than one hundred fifty students.

NEW SECTION. Sec. 504. A new section is added to chapter 28A.230 RCW to read as follows:

(1) The superintendent of public instruction may grant a waiver from the provisions of RCW 28A.230.010(2) based on an application from a board of directors of a school district with fewer than two thousand students.

(2) The state board of education may adopt rules establishing the criteria to evaluate the need for a waiver or waivers under this section.

Sec. 505. RCW 28A.300.545 and 2011 c 45 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall develop a condensed compliance report form for second-class districts by August 1, 2011. The report form shall allow districts the option of indicating one of the following for each funded program:

(a) The district has complied or received a ~~((state board of education approved))~~ waiver approved by the state board of education or superintendent of public instruction;

(b) The district has not complied, accompanied by an explanation or the steps taken to comply; or

(c) The district has received a grant for less than half of a full-time equivalent instructional staff.

(2) The office of the superintendent of public instruction may conduct random

audits of second-class districts that submit a condensed compliance report under RCW 28A.330.250. The purpose of the audit is to determine whether documentation exists to support a school district superintendent's condensed compliance report.

Sec. 506. RCW 28A.655.180 and 2012 c 53 s 9 are each amended to read as follows:

(1) The state board of education (~~where appropriate, or the superintendent of public instruction, where appropriate,~~) may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education (~~(or the opinion of the superintendent of public instruction)~~) may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district or to implement an innovation school or innovation zone designated under RCW 28A.630.081 or to implement a collaborative schools for innovation and success pilot project approved under RCW 28A.630.104.

(2) (~~School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section.~~) The state board of education may adopt rules establishing the waiver application process under this section.

Sec. 507. RCW 28A.655.180 and 2009 c 543 s 3 are each amended to read as follows:

(1) The state board of education (~~where appropriate, or the superintendent of public instruction, where appropriate,~~) may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education (~~(or the opinion of the superintendent of public instruction)~~) may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) (~~School districts may use the application process in RCW 28A.305.140 to apply for the waivers under this section.~~) The state board of education may adopt rules establishing the waiver application process under this section.

NEW SECTION. Sec. 508. A new section is added to chapter 28A.300 RCW to read as follows:

Beginning September 1, 2019, the superintendent of public instruction shall annually report to the state board of education and education committees of the house of representatives and the senate summaries of all waiver applications submitted to the superintendent of public instruction for the prior school year under RCW 28A.305.140 (as recodified by this act), sections 503 and 504 of this act, and RCW 28A.150.290, including the following information for each type of waiver:

(1) The annual number of waiver applications the superintendent approved and did not approve;

(2) A brief summary of each waiver request;

(3) The reasons the superintendent approved or did not approve each waiver application; and

(4) Links to the waiver applications posted on the superintendent's web site.

PART VI

COMPLIANCE WITH BASIC EDUCATION REQUIREMENTS

Sec. 601. RCW 28A.150.250 and 2009 c 548 s 105 are each amended to read as follows:

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and 28A.150.392 which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW

28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.260, 28A.150.390, and 28A.150.392 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410.

(3)(a) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.260 and 28A.150.220, the state board of education (~~shall require~~) may recommend to the superintendent of public instruction ((to)) that the superintendent withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

(b) If the state board of education recommends the withholding of a school district's basic education allocation under this subsection, the superintendent of public instruction may withhold the allocation of state funds in whole or in part for support of the school district. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

PART VII

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 701. The following acts or parts of acts are each repealed:

(1)RCW 28A.305.141 (Waiver from one hundred eighty-day school year requirement-Criteria) and 2016 c 99 s 1, 2014 c 171 s 1, & 2009 c 543 s 2; and

(2)RCW 28A.305.142 (Waiver from career and technical course equivalency requirement) and 2014 c 217 s 104.

NEW SECTION. Sec. 702. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The transfer of powers, duties, and functions of the superintendent of public instruction and the state board of education pursuant to chapter . . . , Laws of 2018 (this act) do not affect the validity of any superintendent of public instruction or state board of education action performed before the effective date of this section.

(2) If apportionments of budgeted funds are required because of the transfer of powers, duties, and functions directed by chapter . . . , Laws of 2018 (this act), the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the director's certification.

(3) Unless otherwise provided, nothing contained in chapter . . . , Laws of 2018 (this act) may be construed to alter any existing collective bargaining unit or provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 703. RCW 28A.305.140 is recodified as a section in chapter 28A.300 RCW.

NEW SECTION. Sec. 704. Section 506 of this act expires June 30, 2019.

NEW SECTION. Sec. 705. (1) Sections 201, 202, 501, 503, 504, and 701 of this act take effect January 1, 2019.

(2) Sections 502 and 507 of this act take effect June 30, 2019."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.310.020, 28A.195.010, 28A.195.030,

28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a new section; recodifying RCW 28A.305.140; repealing RCW 28A.305.141 and 28A.305.142; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2824 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Harris and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2824, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2824, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2824, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With consent of the House, SUBSTITUTE HOUSE BILL NO. 2824 was immediately transmitted to the Senate.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

MESSAGE FROM THE SENATE

March 2, 2018

MR. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2367, with the following amendment:

On page 2, line 15, after "(e)", insert "One representative of the Washington state family child care association;

(f) "

Renumber the remaining subsections.

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL 2367 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1209 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.58.010 and 2016 c 152 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Capitalization" means the measure or measures of capitalization, other than net worth, of a depositary applying for designation as or operating as a public depositary pursuant to this chapter, based upon regulatory standards of financial institution capitalization

adopted by rule or resolution of the commission after consultation with the director of the department of financial institutions;

(2) "Collateral" means the particular assets pledged as security to insure payment or performance of the obligations under this chapter as enumerated in RCW 39.58.050;

(3) "Commission" means the Washington public deposit protection commission created under RCW 39.58.030;

(4) "Commission report" means a formal accounting rendered by all public depositories to the commission in response to a demand for specific information made by the commission detailing pertinent affairs of each public depository as of the close of business on a specified date, which is the "commission report date." "Commission report due date" is the last day for the timely filing of a commission report;

(5) "Depository pledge agreement" means a tripartite agreement executed by the commission with a financial institution and its designated trustee. Such agreement shall be approved by the directors or the loan committee of the financial institution and shall continuously be a record of the financial institution. New securities may be pledged under this agreement in substitution of or in addition to securities originally pledged without executing a new agreement;

(6) "Director of the department of financial institutions" means the Washington state director of the department of financial institutions;

(7) "Eligible collateral" means the securities or letters of credit enumerated in RCW 39.58.050 (5), (6), and (7);

(8) "Financial institution" means any national or state chartered commercial bank or trust company, savings bank, (~~or~~) savings association, or federal or state chartered credit union, or branch or branches thereof, located in this state and lawfully engaged in business;

(9) "Investment deposits" means time deposits, money market deposit accounts, and savings deposits of public funds available for investment. "Investment deposits" do not include time deposits represented by a transferable or a

negotiable certificate, instrument, passbook, or statement, or by book entry or otherwise;

(10) "Liquidity" means the measure or measures of liquidity of a depository applying for designation as or operating as a public depository pursuant to this chapter, based upon regulatory standards of financial institution liquidity adopted by rule or resolution of the commission after consultation with the director of the department of financial institutions;

(11) "Loss" means the issuance of an order by a regulatory or supervisory authority or a court of competent jurisdiction (a) restraining a public depository from making payments of deposit liabilities or (b) appointing a receiver for a public depository;

(12) "Maximum liability," with reference to a public depository's liability under this chapter for loss per occurrence by another public depository, on any given date means:

(a) A sum equal to ten percent of:

(i) All uninsured public deposits held by a public depository that has not incurred a loss by the then most recent commission report date; or

(ii) The average of the balances of said uninsured public deposits on the last four immediately preceding reports required pursuant to RCW 39.58.100, whichever amount is greater; or

(b) Such other sum or measure as the commission may from time to time set by resolution according to criteria established by rule, consistent with the commission's broad administrative discretion to achieve the objective of RCW 39.58.020.

As long as the uninsured public deposits of a public depository are one hundred percent collateralized by eligible collateral as provided for in RCW 39.58.050, the "maximum liability" of a public depository that has not incurred a loss may not exceed the amount set forth in (a) of this subsection.

This definition of "maximum liability" does not limit the authority of the commission to adjust the collateral requirements of public depositories pursuant to RCW 39.58.040;

(13) "Net worth" of a public depository means (a) the equity capital

as reported to its primary regulatory authority on the quarterly report of condition or statement of condition, or other required report required by its primary regulatory authority or federal deposit insurer, and may include capital notes and debentures which are subordinate to the interests of depositors, or (b) equity capital adjusted by rule or resolution of the commission after consultation with the director of the department of financial institutions;

(14) "Public deposit" means public funds on deposit with a public depository;

(15) "Public depository" means a financial institution that has been approved by the commission to hold public deposits, and has segregated, for the benefit of the commission, eligible collateral having a value of not less than its maximum liability (~~(, and, unless otherwise provided for in this chapter, does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state)~~);

(16) "Public funds" means moneys under the control of a treasurer, the state treasurer, or custodian belonging to, or held for the benefit of, the state or any of its political subdivisions, public corporations, municipal corporations, agencies, courts, boards, commissions, or committees, including moneys held as trustee, agent, or bailee belonging to, or held for the benefit of, the state or any of its political subdivisions, public corporations, municipal corporations, agencies, courts, boards, commissions, or committees;

(17) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(18) "State public depository" means a Washington state-chartered financial institution that is authorized as a public depository under this chapter;

(19) "State treasurer" means the treasurer of the state of Washington;

(20) "Treasurer" means a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and any other custodian of public funds, except the state treasurer;

(21) "Trustee" means a third-party safekeeping agent which has completed a depository pledge agreement with a public depository and the commission. Such third-party safekeeping agent may be a federal home loan bank, or such other third-party safekeeping agent approved by the commission.

Sec. 2. RCW 39.58.105 and 2016 c 152 s 3 are each amended to read as follows:

(1) The commission may require the state auditor or the director of the department of financial institutions, to the extent of their respective authority under applicable federal and Washington state law, to thoroughly investigate and report to it concerning the condition of any financial institution which makes application to become a public depository, and may also as often as it deems necessary require the state auditor or the director of the department of financial institutions, to the extent of their respective authority under applicable federal and Washington state law, to make such investigation and report concerning the condition of any financial institution which has been designated as a public depository. The expense of all such investigations or reports shall be borne by the financial institution examined.

(2) In lieu of any such investigation or report, the commission may rely upon information made available to it or the director of the department of financial institutions by the office of the comptroller of the currency, the national credit union administration, the federal deposit insurance corporation, the federal reserve board, any state financial institutions regulatory agency, or any successor state or federal financial institutions regulatory agency, and any such information or data received by the commission shall be kept and maintained in the same manner and have the same protections as examination reports received by the commission from the director of the department of financial institutions pursuant to RCW 30A.04.075(2)(h) ~~(and)~~, 32.04.220(2)(h), and 31.12.565(2)(j).

(3) The director of the department of financial institutions shall in addition advise the commission of any action he or she has directed any state public depository to take which will result in a reduction of greater than ten percent

of the net worth of such depository as shown on the most recent report it submitted pursuant to RCW 39.58.100.

Sec. 3. RCW 39.58.240 and 2012 c 26 s 1 are each amended to read as follows:

~~((1) Solely for the purpose of receiving public deposits that may total no more than the maximum deposit insured by the national credit union share insurance fund, a credit union is a public depository subject to RCW 39.58.040 and 39.58.100. The maximum deposit applies to all funds attributable to any one depositor of public funds in any one credit union. A credit union is not a public depository for any other purpose under this chapter, including but not limited to inclusion in the single public depository pool under RCW 39.58.200.~~

~~(2) For the purposes of this section, a credit union includes a state chartered credit union chartered under chapter 31.12 RCW, or a credit union chartered under federal law.) A credit union may only accept deposits greater than the maximum insured amount from a public funds depositor that either is a county with a population of three hundred thousand persons or less or is a public funds depositor located within a county with a population of three hundred thousand persons or less."~~

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 39.58.010, 39.58.105, and 39.58.240."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1209 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Bergquist and Vick spoke in favor of the passage of the bill.

Representative Buys spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1209, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1209, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Holy, Hudgins, Irwin, Jenkin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Dye, Haler, Hayes, Johnson, Klippert, Rodne, Schmick, Smith and Wilcox.

SUBSTITUTE HOUSE BILL NO. 1209, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1209.

Representative Dye, 9 District

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Campus coordinator" means a designated facilitator to promote, assist, and support the creation of open educational resources by establishing

and coordinating training seminars, creating workshops, helping faculty and staff identify available resources and funding, and cataloging and evaluating open educational resources used or created by an institution of higher education's faculty.

(b) "Open educational resources" means freely accessible, openly licensed educational textbooks, documents, materials, and media that reside in the public domain for free use and repurposing for the intention of teaching, learning, assessing, and researching.

(2)(a) Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall administer the open educational resources grant pilot program for the four-year institutions of higher education. A grant received under the pilot program must be used for either (a)(i) or (ii) of this subsection, or both:

(i) Create a designated campus coordinator who will be the campus lead and centralized contact regarding open educational resources; or

(ii) Support faculty to adopt and modify, or create new, open educational resources for the purpose of reducing students' cost of attendance. Grant dollars may not be used to duplicate open educational resources that are already free and publicly available.

(b) The student achievement council shall develop an application form for the grant, a process for reviewing and selecting grant applicants, a process for awarding grant funding, and a process for the grant awardee to report back to the student achievement council on the use of the grant. The student achievement council shall prioritize applications that estimate the highest cost reduction to students, whether it be on an individual basis or across a field of study or the institution.

(c) The student achievement council shall determine how many grants may be awarded based on the funding received for the pilot program.

(d) In addition to the grant program, the student achievement council shall conduct outreach to other states and higher education agencies to identify whether there is interest in establishing a multistate open educational resources

network to facilitate and establish a platform for peer review, coordinating, and sharing of open educational resources.

(e) The student achievement council shall report to the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036 by December 1, 2019, on the open educational resources grant pilot program and on the outreach conducted regarding a multistate open educational resources network. The report must include information on the number of grant applications received, the number of grants awarded, and an evaluation of how the grants were used to expand the use of open educational resources. In addition, the report must include how the student achievement council conducted outreach to other states on the concept of a multistate open educational resources network and the feedback from those states.

(3) By December 1, 2019, the Washington state institute for public policy shall conduct a study on the cost of textbooks and course materials and the use of open educational resources at four-year institutions of higher education across the state and submit a report to the appropriate committees of the legislature in accordance with RCW 43.01.036. The institute shall conduct outreach to relevant stakeholders, including representatives of the publishing community, prior to drafting their final report. To the extent data are available, the study should address:

(a) The types of and average cost per student for required textbooks and course materials, including digital access codes and bundled items, in the state, at each four-year institution of higher education, and in specific degree programs;

(b) The use of open educational resources at four-year institutions of higher education and in specific degree programs or courses, or both; and

(c) Any other information regarding textbooks, course materials, or best practices in the development and dissemination of open educational resources that the Washington state institute for public policy deems relevant.

(4) This section expires June 30, 2022.

Sec. 2. RCW 28A.300.803 and 2012 c 178 s 2 are each amended to read as follows:

(1)(a) Subject to availability of amounts appropriated for this specific purpose, the superintendent of public instruction shall take the lead in identifying and developing a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, registered by a nonprofit or for-profit organization with domain expertise in open courseware, that allows others to use, distribute, and create derivative works based upon the digital material, while still allowing the authors or creators to retain the copyright and to receive credit for their efforts.

(b) During the course of identification and development of a library of openly licensed courseware, the superintendent:

(i) May contract with third parties for all or part of the development;

(ii) May adopt or adapt existing high quality openly licensed K-12 courseware aligned with the common core state standards;

(iii) May consider multiple sources of openly licensed courseware;

(iv) Must use best efforts to seek additional outside funding by actively partnering with private organizations;

(v) Must work collaboratively with other states that have adopted the common core state standards and collectively share results; and

(vi) Must include input from classroom practitioners, including teacher-librarians as defined by RCW 28A.320.240, in the results reported under subsection (2)(d) of this section.

(2) The superintendent of public instruction must also:

(a) Advertise to school districts the availability of openly licensed courseware, with an emphasis on the fact that the courseware is available at no cost to the districts;

(b) Identify an open courseware repository to which openly licensed courseware identified and developed under this section may be submitted, in which openly licensed courseware may be housed, and from which openly licensed

courseware may be easily accessed, all at no cost to school districts;

(c) Provide professional development programs that offer support, guidance, and instruction regarding the creation, use, and continuous improvement of open courseware; and

(d) Report to the governor and the education committees of the legislature on a biennial basis, beginning December 1, 2013, and ending December 1, 2017, regarding identification and development of a library of openly licensed courseware aligned with the common core state standards and placed under an attribution license, use by school districts of openly licensed courseware, and professional development programs provided.

(3) School districts may, but are not required to, use any of the openly licensed courseware.

(4) As used in this section, "courseware" includes the course syllabus, scope and sequence, instructional materials, modules, textbooks, including the teacher's edition, student guides, supplemental materials, formative and summative assessment supports, research articles, research data, laboratory activities, simulations, videos, open-ended inquiry activities, and any other educationally useful materials.

(5) The open educational resources account is created in the custody of the state treasurer. All receipts from funds collected under this section must be deposited into the account. Expenditures from the account may be used only for the development of openly licensed courseware as described in this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

~~((6) This section expires June 30, 2018.))~~

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 28A.300.803; adding a new section to chapter 28B.10 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Frame and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1561, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1561, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, Macri, Manweiler, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Dent, Harmsworth, Holy, Jenkin, Klippert, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, Orcutt, Shea, Taylor, Vick, Volz and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1561, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2424 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section is the tax preference performance statement for the tax preference contained in section 108, chapter 28, Laws of 2017 3rd sp. sess. This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers and improve industry competitiveness, as indicated in RCW 82.32.808(2) (a) and (b).

(3) If a review finds that there is an increase in self-produced fuel as the result of this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

Sec. 2. 2017 3rd sp.s. c 28 s 605 (uncodified) is amended to read as follows:

(1) Except as otherwise provided in this section, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(2) (~~Part I~~) Sections 101 through 106 of this act (~~is~~) are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take(~~s~~) effect August 1, 2017.

(3) Section 213 of this act is necessary for the immediate preservation

of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 23, 2017.

(4) Part III of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

(5) Sections 107 through 109 and 502 of this act take((~~⊕~~)) effect January 1, 2018.

NEW SECTION. **Sec. 3.** This act applies both retroactively to August 1, 2017, and prospectively.

NEW SECTION. **Sec. 4.** This act is exempt from the provisions of RCW 82.32.805(1) (a) .

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "fuel;" strike the remainder of the title and insert "amending 2017 3rd sp.s. c 28 s 605 (uncodified); creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2424 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lytton and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2424, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2424, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2424, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2561 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Subject to amounts appropriated for this specific purpose, the commissioner of public lands must direct the wildland fire advisory committee established in RCW 76.04.179 to review, analyze, and make recommendations on the following issues related to wild fire prevention, response, and suppression activities within our state:

(a) The committee, with the assistance of department of natural resources' personnel, must approximately quantify the areas in the state that are not contained within an established fire district nor subject to a planned fire response and make recommendations as to how these areas could be protected as well as a source of funding for any recommended activities. In doing so, the committee must, in time for inclusion in the December 31, 2018, status report: Review the relevant recommendations

contained in the joint legislative audit and review committee's 2017 final report on fees assessed for forest fire protection; analyze and develop recommendations on potential administrative and legislative actions including, for example, the process proposed in chapter . . . (Substitute Senate Bill No. 6575), Laws of 2018; and consult with any relevant stakeholders, as deemed necessary by the committee, that are not represented on the committee.

(b) The committee must examine the value of community programs that educate homeowners and engage in preventive projects within wild fire risk communities, such as firewise, and make recommendations on whether these programs should be advanced, and if so, how, including potential sources of ongoing funding for the programs.

(c) The committee must also develop plans to help protect non-English speaking residents during wildfire emergencies. The committee may enlist the assistance from the state ethnic and diversity commissions or any other organizations who have expertise in public outreach to non-English speaking people.

(2) The department of natural resources must provide to the appropriate committees of the legislature a status report of the committee's efforts by December 31, 2018, and issue a report with the committee's recommendations by November 15, 2019.

(3) This section expires December 31, 2019."

On page 1, line 2 of the title, after "committee;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2561 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dent and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2561, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2561, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2561, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2627 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.069 and 2012 c 115 s 1 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, regional fire protection service authority, or fire protection district.

(2) Except as provided in subsection (10) of this section, a taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the

assessed value of property in the taxing district. The tax is imposed (a) each year for six consecutive years, (b) each year for ten consecutive years, or (c) permanently. Except as otherwise provided in this subsection, a permanent tax levy under this section, or the initial imposition of a six-year or ten-year levy under this section, must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition (~~shall~~) must constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. The (~~uninterrupted~~ continuation) subsequent approval of a six-year or ten-year tax levy under this section must be specifically authorized by a majority of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election. If the entire region comprising a newly formed regional fire protection service authority was subject to the levy authorized under this section immediately prior to the creation of the authority under chapter 52.26 RCW, the initial imposition of a six-year or ten-year tax levy under this section may be approved by a majority of the registered voters thereof approving the creation of the authority and the related service plan. Ballot propositions must conform with RCW 29A.36.210. A taxing district may not submit to the voters at the same election multiple propositions to impose a levy under this section.

(3) A taxing district imposing a permanent levy under this section (~~shall~~) must provide for separate accounting of expenditures of the revenues generated by the levy. The taxing district must maintain a statement of the accounting which must be updated

at least every two years and must be available to the public upon request at no charge.

(4) (a) A taxing district imposing a permanent levy under this section must provide for a referendum procedure to apply to the ordinance or resolution imposing the tax. This referendum procedure must specify that a referendum petition may be filed at any time with a filing officer, as identified in the ordinance or resolution. Within ten days, the filing officer must confer with the petitioner concerning form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the designated local official. The petitioner has thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the taxing district, as of the last general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. The filing officer must verify the sufficiency of the signatures on the petition and, if sufficient valid signatures are properly submitted, must certify the referendum measure to the next election within the taxing district if one is to be held within one hundred eighty days from the date of filing of the referendum petition, or at a special election to be called for that purpose in accordance with RCW 29A.04.330.

(b) The referendum procedure provided in this subsection (4) is exclusive in all instances for any taxing district imposing the tax under this section and supersedes the procedures provided under all other statutory or charter provisions for initiative or referendum which might otherwise apply.

(5) Any tax imposed under this section may be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(6) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. If a regional fire protection service authority imposes a tax under this section, no other taxing district that is a participating fire protection jurisdiction in the regional fire

protection service authority may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county must be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied countywide, the service must, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no countywide levy proposal may be placed on the ballot without the approval of the legislative authority of ~~((each city exceeding fifty thousand population within the county))~~ of at least seventy-five percent of all cities exceeding a population of fifty thousand within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 ~~((shall))~~ may not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is limited in duration and that is authorized subsequent to a county emergency medical service levy that is limited in duration, expires concurrently with the county emergency medical service levy. A fire protection district that has annexed an area described in subsection (10) of this section may levy the maximum amount of tax that would otherwise be allowed, notwithstanding any limitations in this subsection (6).

(7) The limitations in RCW 84.52.043 do not apply to the tax levy authorized in this section.

(8) If a ballot proposition approved under subsection (2) of this section did not impose the maximum allowable levy

amount authorized for the taxing district under this section, any future increase up to the maximum allowable levy amount must be specifically authorized by the voters in accordance with subsection (2) of this section at a general or special election.

(9) The limitation in RCW 84.55.010 does not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

(10) For purposes of imposing the tax authorized under this section, the boundary of a county with a population greater than one million five hundred thousand does not include all of the area of the county that is located within a city that has a boundary in two counties, if the locally assessed value of all the property in the area of the city within the county having a population greater than one million five hundred thousand is less than two hundred fifty million dollars.

(11) For purposes of this section, the following definitions apply:

(a) "Fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district; and

(b) "Participating fire protection jurisdiction" means a fire protection district, city, town, Indian tribe, or port district that is represented on the governing board of a regional fire protection service authority."

On page 1, line 2, after "levies;" strike the remainder of the title and insert "and amending RCW 84.52.069."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2627 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2627, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2627, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, MacEwen, Macri, McBride, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Haler, Hargrove, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Orcutt, Pike, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 2627, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2709 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.03.040 and 2015 3rd sp.s. c 1 s 319 are each amended to read as follows:

Subject to RCW 41.04.820, the directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(1) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, and, unless set according to RCW 41.26.717(1), in an amount not to

exceed the recommendations of the office of financial management. From February 18, 2009, through June 30, 2013, a salary or wage increase shall not be granted to any position under this section, except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(1) The salary increase can be paid within existing resources;

(2) The salary increase will not adversely impact the provision of client services; and

(3) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position under this section shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position under this section shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

Sec. 2. RCW 41.26.717 and 2003 c 92 s 1 are each amended to read as follows:

The law enforcement officers' and firefighters' plan 2 retirement board established in section 4, chapter 2, Laws of 2003 has the following duties and powers in addition to any other duties or powers authorized or required by law. The board:

(1) Shall hire an executive director, and shall fix the salary of the executive director subject to periodic review by the board and in consultation with the director of the office of financial management and shall provide notice to the chairs of the house of

representatives and senate fiscal committees of changes;

(2) Shall employ other staff as necessary to implement the purposes of chapter 2, Laws of 2003. Staff must be state employees under Title 41 RCW;

~~((2))~~ (3) Shall adopt an annual budget as provided in section 5, chapter 2, Laws of 2003. Expenses of the board are paid from the expense fund created in RCW 41.26.732;

~~((3))~~ (4) May make, execute, and deliver contracts, conveyances, and other instruments necessary to exercise and discharge its powers and duties;

~~((4))~~ (5) May contract for all or part of the services necessary for the management and operation of the board with other state or nonstate entities authorized to do business in the state; and

~~((5))~~ (6) May contract with actuaries, auditors, and other consultants as necessary to carry out its responsibilities."

On page 1, line 3 of the title, after "director;" strike the remainder of the title and insert "and amending RCW 43.03.040 and 41.26.717."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2709 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2709, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2709, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon,

Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, Morris, McCabe, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Jenkin, McCaslin, McDonald, Nealey, Schmick, Shea, Taylor and Young.

HOUSE BILL NO. 2709, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2759 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that it is important to achieve equal opportunity for all of its citizens. The legislature finds that women face unique problems and needs. For economic, social, and historical reasons, a disproportionate number of women find themselves disadvantaged or isolated from the benefits of equal opportunity. It is the purpose of this chapter to improve the well-being of women, by enabling them to participate fully in all fields of endeavor, assisting them in obtaining governmental services, and promoting equal compensation and fairness in employment for women. The legislature also believes that addressing women's issues and improving the well-being of women will have a positive impact on larger societal issues. The legislature further finds that the development of public policy and the efficient delivery of governmental services to meet the needs of women can be improved by establishing a focal point in state government for the interests of women. Therefore, the legislature deems it necessary to establish in statute the Washington state women's commission to further these purposes. The commission

shall address issues relevant to the problems and needs of women, such as domestic violence, child care, child support, sexual discrimination, sexual harassment, equal compensation and job pathways opportunities in employment, and the specific needs of women of color.

NEW SECTION. **Sec. 2.** The Washington state women's commission is established in the office of the governor. The commission shall be administered by an executive director, who shall be appointed by, and serve at the pleasure of, the governor. The governor shall set the salary of the executive director. The executive director shall employ the staff of the commission.

NEW SECTION. **Sec. 3.** (1) The Washington state women's commission shall consist of nine members appointed by the governor with the advice and consent of the senate.

(2) The governor shall consider nominations for membership based upon maintaining a balanced and diverse distribution of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable.

(3) All commission members shall serve at the pleasure of the governor, but in no case may any member serve more than three years without formal reappointment by the governor. All legislative advisory members shall serve for a two-year term and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which the member was appointed. Of the persons initially appointed by the governor to the commission, three shall be appointed to serve one year, three to serve two years, and three to serve three years. Upon expiration of such terms, subsequent appointments shall be for three years. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointments.

(4) Two members of the senate, one from each of the two major political parties, appointed by the president of the senate, and two members of the house of representatives, one from each of the two major political parties, appointed by the

speaker of the house of representatives, shall serve as advisory members.

(5) (a) Nonlegislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(b) Legislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

(6) A simple majority of the commission's membership constitutes a quorum for the purpose of conducting business.

NEW SECTION. **Sec. 4.** The director of the Washington state women's commission shall:

(1) Monitor state legislation and advocate for legislation affecting women;

(2) Work with state agencies to assess programs and policies that affect women;

(3) Coordinate with the minority commissions and human rights commission to address issues of mutual concern; and

(4) Work as a liaison between the public and private sector to eliminate barriers to women's economic equity.

NEW SECTION. **Sec. 5.** (1) The Washington state women's commission shall have the following duties:

(a) Actively recruit and maintain a list of names of qualified women to fill vacancies on various boards and commissions;

(b) Provide a clearinghouse for information regarding both state and federal legislation as it relates to the purpose of this chapter;

(c) Identify and define specific needs of women of color and provide recommendations for addressing those needs in the biennial report to the legislature and governor under (j) of this subsection;

(d) Consult with state agencies regarding the effect of agency policies, procedures, practices, laws, and administrative rules on the unique problems and needs of women. The commission shall also advise such state agencies on the development and implementation of comprehensive and

coordinated policies, plans, and programs focusing on those problems and needs;

(e) Provide resource and referral information to agencies and the public. The commission may gather data and disseminate information to the public in order to implement the purposes of this chapter;

(f) Hold public hearings to gather input on issues related to the unique problems and needs of women. The commission must include in the biennial report submitted under (j) of this subsection the input received and recommendations for addressing the problems and needs discussed at the public hearings;

(g) Advocate for removal of legal and social barriers for women;

(h) Review best practices for sexual harassment policies and training and provide recommendations to state agencies as they update their sexual harassment policies. The commission shall also maintain a file of sexual harassment policies that meet high quality standards and make these files available for agency use;

(i) Review and make recommendations to the legislature on strategies to increase the number of women serving on for-profit corporate boards with gross income of five million dollars or more; and

(j) Submit a report to the appropriate committees of the legislature and the governor every two years detailing the commission's activities. The report submitted must be in electronic format pursuant to RCW 43.01.036.

(2) State agencies must provide appropriate and reasonable assistance to the commission as needed, including gathering data and information, in order for the commission to carry out the purpose of this chapter.

NEW SECTION. Sec. 6. The Washington state women's commission shall have the following powers:

(1) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and to expend the same or any income therefrom according to their terms and the purpose of this chapter. The commission's executive director

shall make a report of such funds received from private sources to the office of financial management on a regular basis. Such funds received from private sources shall not be applied to reduce or substitute for the commission's budget as appropriated by the legislature, but shall be applied and expended toward projects and functions authorized by this chapter that were not funded by the legislature.

(2) In carrying out its duties, the commission may establish such relationships with public and private institutions, local governments, private industry, community organizations, and other segments of the general public as may be needed to promote equal opportunity for women in government, education, economic security, employment, and services.

(3) The commission may adopt rules and regulations pursuant to chapter 34.05 RCW as shall be necessary to implement the purpose of this chapter.

NEW SECTION. Sec. 7. The Washington state women's commission must provide staffing support to the interagency committee of state employed women, a volunteer organization that aims to better the lives of state employees by advising the governor and agencies on policies that affect state employed women.

NEW SECTION. Sec. 8. On August 26, 1920, with the action of the Tennessee legislature, the Nineteenth Amendment to the United States Constitution was ratified, establishing the right to vote for most American women. However, this right for some women occurred later: Native Americans generally by 1924; many Asians during the mid-twentieth century; and many others following enactment of voting rights legislation during the 1960s.

The introduction, passage, and ratification of the Nineteenth Amendment were the result of decades of work and struggle by women's voting rights advocates throughout the United States, with people from Washington state providing significant leadership.

In 1854, six years after the landmark women's rights convention in Seneca Falls, New York, the Washington territorial legislature initially

considered enacting women's right to vote. Susan B. Anthony visited Washington territory in 1871 and addressed the Washington territorial legislature, the first woman in the country to address a state legislative body in session. This spurred the creation of many women's right to vote associations in Washington and other states.

State women's right to vote legislation eventually passed the Washington territorial legislature twice, but each time was found unconstitutional by the territorial supreme court. With the 1910 approval of a state constitutional amendment by the male voters of the state, Washington became the first state in the twentieth century, and the fifth state overall, to enact women's right to vote at the state level.

In 2009, the state of Washington posthumously awarded its highest honor, the medal of merit, to the two key leaders of the Washington women's right to vote movement, Emma Smith DeVoe and May Arkwright Hutton.

The path to women's suffrage was blazed by western states. Washington's action (1910) followed Wyoming (1890), Colorado (1893), Utah (1870), and Idaho (1896). These successes were immediately followed by California (1911) and Oregon (1912), in establishing women's right to vote.

Washington was a major leader in the movement for nationwide women's right to vote. Washington was the first state in the twentieth century to fully enfranchise women and inspired the nationwide campaign that soon brought success in many western states and the territory of Alaska, culminating in the Nineteenth Amendment to the United States Constitution providing for American women throughout the country to vote.

In 2010, the Washington women's history consortium provided leadership for statewide commemoration of the centennial of Washington state women's right to vote, sponsoring and coordinating a wide range of statewide activities.

The centennial of the passage of the Nineteenth Amendment to the United States Constitution, in 2020, offers still greater opportunities for Washingtonians to commemorate and educate themselves and future generations about the importance of voting and civic engagement.

Washingtonians and the many visitors to Washington will benefit from learning about and becoming inspired by the historic efforts of the women's right to vote movement in Washington and throughout the nation and the subsequent impacts on life in Washington and the United States.

Therefore, the legislature finds it beneficial to begin the process of preparing for statewide commemoration from 2018 through 2020, of the centennial of the processes of congressional passage of and states' legislative ratification of the Nineteenth Amendment to the United States Constitution, which established the right to vote for American women.

NEW SECTION. **Sec. 9.** (1) The women's commission must, subject to the availability of amounts appropriated for this specific purpose, work with the Washington women's history consortium to:

(a) Provide leadership for statewide commemoration from 2018 through 2020 of the centennial pertaining to the passage by congress of the Nineteenth Amendment and its subsequent ratification by three-fourths of the state legislatures in August 1920;

(b) Immediately begin preparations for this statewide commemoration, to include but not be limited to:

(i) Consulting with a wide variety of organizations, institutions, public agencies, educational agencies and institutions, tourism organizations, and the general public about the content and conduct of this statewide commemoration;

(ii) Developing and encouraging others to develop a broad range of widely available educational opportunities for Washingtonians generally, students, and visitors, including significant online educational resources, to:

(A) Learn about the importance of voting in the context of women gaining the right to vote;

(B) Consider the subsequent long-term impacts of women gaining the right to vote;

(C) Learn about the active leadership role of Washingtonians in achieving the nationwide right to vote for women;

(D) Honor the countless participants in the women's suffrage movement; and

(E) Inspire future generations to treasure their right to vote;

(iii) Planning, coordinating, and publicizing events and informational materials for Washingtonians and visitors throughout the state commemorating this centennial;

(c) Create and distribute a portfolio of public humanities programs, and encourage others to do so, to engage Washingtonians and visitors with important aspects of the women's right to vote movement;

(d) Encourage private organizations, schools, institutions of higher education, public agencies, and local governments to organize and participate in activities commemorating the centennial of the Nineteenth Amendment to the United States Constitution;

(e) Coordinate with the regional and national organizations and agencies with respect to their commemorative work;

(f) Coordinate with the national collaborative for women's history sites by contributing a Washington component to the development of a nationwide votes for women trail; and

(g) Administer a grant program for public agencies, educational institutions, and organizations exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code to assist with their commemoration activities.

(2) The women's commission has the following powers and may exercise them as necessary to carry out its duties under subsection (1) of this section:

(a) Appoint task forces and advisory committees;

(b) Work with staff appointed by the Washington state historical society; and

(c) Enter into agreements or contracts.

(3) Legislative members serving on any task force or advisory committee created under this section must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) Representatives of state and local governments serving on any task force or advisory committee created under this section must be reimbursed pursuant to the reimbursement policies of their respective entity.

(5) Nonlegislative members serving on any task force or advisory committee created under this section are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 11.** Sections 8 and 9 of this act expires July 1, 2021."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2759 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Doglio spoke in favor of the passage of the bill.

Representatives McDonald and Griffey spoke against the passage of the bill.

There being no objection, the House deferred action on ENGROSSED HOUSE BILL NO. 2759, and the bill held its place on the third reading calendar.

MESSAGE FROM THE SENATE

February 27, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1237 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that community and technical colleges provide important access to continuing education, preparation for a university, and workforce training that improve the quality of life and economic vitality of the state. The legislature further finds that a funding gap was created in the 2017-2019 biennium between the amount from the state general fund and the amount that was assumed to come from tuition increases. Therefore the legislature intends to fill the gap created in the 2017-2019 biennium and fund salary and benefit increases with sixty-six percent state general fund.

Sec. 2. RCW 28B.52.035 and 1991 c 238 s 148 are each amended to read as follows:

(1) At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. Except as provided in this section, provisions of written contracts relating to salary increases shall not exceed the amount or percentage established by the legislature in the appropriations act and allocated to the board of trustees by the state board for community and technical colleges.

(2) The written agreement acted upon by a board of trustees must be submitted to the director of the office of financial management by October 1 prior to the fiscal year in which the provisions of the agreement go into effect. The length of term of any such agreement shall be for not more than three fiscal years. ~~((Any provisions of these agreements pertaining to salary increases will not be binding upon future actions of the legislature.))~~ If any provision of a salary increase is changed by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the modified provision. A board of trustees may provide additional compensation to academic employees that exceeds that provided by the legislature.

Sec. 3. RCW 28B.50.140 and 2016 1st sp.s. c 33 s 3 are each amended to read as follows:

Each board of trustees:

(1) Shall operate all existing community and technical colleges in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. ~~Except ((for increments provided with local resources during the 2015-2017 fiscal biennium))~~ as provided for academic employees in RCW 28B.52.035 and technical college classified employees under chapter 41.56 RCW, compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, in accordance with RCW 28B.77.080, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the student achievement council pursuant to RCW 28B.77.080;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected

with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the rules of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for

any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules for pedestrian and vehicular traffic on property owned, operated, or maintained by the district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, degree, or certificate under the rules of the state board for community and technical colleges that are appropriate to their mission. The purposes of these diplomas, certificates, and degrees are to lead individuals directly to employment in a specific occupation or prepare individuals for a bachelor's degree or beyond. Technical colleges may only offer transfer degrees that prepare students for bachelor's degrees in professional fields, subject to rules adopted by the college board. In adopting rules, the college board, where possible, shall create consistency between community and technical colleges and may address issues related to tuition and fee rates; tuition waivers; enrollment counting, including the use of credits instead of clock hours; degree granting authority; or any other rules necessary to offer the associate degrees that prepare students for transfer to bachelor's degrees in professional areas. Only colleges under RCW 28B.50.810 or 28B.50.825 may award baccalaureate degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees, or if it is authorized to award baccalaureate degrees may confer honorary bachelor of applied science degrees, upon persons other than graduates of the community college, in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and adopt such rules and perform all other

acts not inconsistent with law or rules of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules shall include, but not be limited to, rules relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly adopted rules;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order

to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) May participate in higher education centers and consortia that involve any four-year public or independent college or university in accordance with RCW 28B.77.080;

(20) Shall perform any other duties and responsibilities imposed by law or rule of the state board; and

(21) May confer honorary associate of arts degrees upon persons who request an honorary degree if they were students at the college in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942."

On page 1, line 3 of the title, after "colleges;" strike the remainder of the title and insert "amending RCW 28B.52.035 and 28B.50.140; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Sells moved that the House concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1237.

Representative McCabe spoke against the motion to concur in the Senate amendment.

Representative Sells spoke in favor of the motion to concur in the Senate amendment.

The Speaker (Representative Orwall presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendments to Engrossed House Bill No. 1237.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Engrossed House Bill No. 1237 and the motion was adopted by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

The bill, as amended by the Senate, was advanced to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Sells spoke in favor of the passage of the bill.

Representative McCabe spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1237, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1237, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos,

Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh and Wilcox.

ENGROSSED HOUSE BILL NO. 1237, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED HOUSE BILL NO. 1237 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 3, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6269,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 5028,
ENGROSSED SENATE BILL NO. 5288,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5928,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,
SUBSTITUTE SENATE BILL NO. 6012,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6029,
SENATE BILL NO. 6040,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6109,
SUBSTITUTE SENATE BILL NO. 6124,
SENATE BILL NO. 6125,
SENATE BILL NO. 6134,
SENATE BILL NO. 6136,
SENATE BILL NO. 6188,
SENATE BILL NO. 6197,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6199,
ENGROSSED SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

There being no objection, the House advanced to the fifth order of business.

MR. SPEAKER:

REPORTS OF STANDING COMMITTEES

The Senate has granted the request of the House for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 1506. The President has appointed the following members as Conferees: Baumgartner, Cleveland and Keiser.

March 3, 2018

Brad Hendrickson, Secretary

HB 3002 Prime Sponsor, Representative Ormsby: Relating to making expenditures from the budget stabilization account for declared catastrophic events. Reported by Committee on Appropriations

March 5, 2018

MR. SPEAKER:

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2282,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Schmick; Taylor; Vick; Volz and Wilcox.

There being no objection, the House advanced to the fourth order of business.

SUPPLEMENTAL INTRODUCTION & FIRST READING

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Manweller.

ESSB 5886 by Senate Committee on Ways & Means (originally sponsored by Senator Ranker)

AN ACT Relating to creating the orca protection act; amending RCW 77.15.740; reenacting and amending RCW 46.17.220 and 46.68.425; adding a new section to chapter 77.15 RCW; creating new sections; providing an effective date; and providing expiration dates.

March 3, 2018

Referred to Committee on Appropriations.

E2SSB 5935 Prime Sponsor, Committee on Ways & Means: Enhancing consumer access, affordability, and quality of broadband and advanced telecommunications services. Reported by Committee on Appropriations

E2SSB 6269 by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Rolfes, Carlyle, Darneille, Hasegawa, Pedersen, Conway, Keiser, Hunt, Frockt, Kuderer, Chase, Liias and Saldaña)

AN ACT Relating to strengthening oil transportation safety; amending RCW 82.23B.020, 88.46.060, 88.46.220, 88.46.167, 90.56.210, 90.56.240, and 90.56.569; reenacting and amending RCW 82.23B.010; adding new sections to chapter 88.46 RCW; adding new sections to chapter 90.56 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

MAJORITY recommendation: Do pass as amended by Committee on Technology & Economic Development. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; MacEwen, Assistant Ranking Minority Member; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan and Tharinger.

Referred to Committee on Appropriations.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Caldier; Condotta; Graves; Haler; Schmick; Taylor; Vick; Volz and Wilcox.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris and Manweller.

March 3, 2018

ESSB 5955 Prime Sponsor, Committee on Transportation: Concerning the collection of certain taxes and fees as a result of a high capacity transit system approved by the voters of a regional transit authority in 2016. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. Except as otherwise provided in this section, the department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) Any contract entered into with a regional transit authority for the collection of a motor vehicle excise tax must provide that the department receives full reimbursement for the administration and collection of the tax, including those costs related to customer service and information technology.

NEW SECTION. Sec. 2. A new section is added to chapter 82.44 RCW to read as follows:

If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 3 of this act, the department must clearly indicate, when issuing notices to persons renewing vehicle registrations under RCW 46.16A.110, the net result after application of the credit. The department must include as part of the notices an insert that provides a description of the market value adjustment program and how it affects taxpayers generally.

NEW SECTION. Sec. 3. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented for vehicles with registrations that are due or become due on or after September 1, 2018.

(2) Under the market value adjustment program, the authority must provide a credit against the motor vehicle excise tax due in an amount equal to the tax due under RCW 81.104.160(1) calculated using the vehicle valuation methodology authorized under RCW 81.104.160(1), less the tax otherwise due calculated using the vehicle valuation schedule of percentages in RCW 82.44.035, as applied to eighty-five percent of the value of the vehicle, if the resulting difference is positive.

(3) The program may be funded by any resources available to the authority including, but not limited to:

(a) Unrestricted tax proceeds or other revenues; and

(b) Savings from the delivery of projects.

(4) (a) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2016 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(i) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(ii) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(iii) Revising project contingency budgets, if practicable.

(b) If, when implementing the program, the authority is not able to deliver projects according to the system and financing plan approved by the authority's voters in 2016, the authority must identify savings and cost reductions, first, from projects other than light rail projects and bus rapid transit projects, and is prohibited from eliminating light rail projects and bus rapid transit projects.

(5) Until the plan has been completed, the authority must submit an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

(6) The department of licensing is authorized to make rules to implement this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 81.112 RCW to read as follows:

(1) Beginning July 1, 2019, and continuing through the end of June 2020, the authority must allow an additional one-time credit against the motor vehicle excise tax due with respect to any vehicle for which the 0.8 percent tax in RCW 81.104.160(1) was paid before September 1, 2018. The one-time credit amount on the 0.8 percent tax paid before September 1, 2018, must be calculated using the market value adjustment program credit methodology in section 3 of this act, except that the total amount of credit applied under this section and section 3 of this act may not exceed the current motor vehicle excise tax liability with respect to the vehicle. The authority may develop a system for issuing one-time credits in consultation with the department of licensing.

To the greatest extent practicable, the credit provided under this section must be issued using an online process or as part of regular motor vehicle excise tax payment processing.

(2) The department of licensing is authorized to make rules to implement this section.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Clibborn, Chair; Wylie, Vice Chair; Harmsworth, Ranking Minority Member; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Chapman; Gregerson; Hayes; Irwin; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Stambaugh; Valdez and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Fey, Vice Chair and Tarleton.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 2, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 7.** RCW 28B.15.621 and 2017 c 127 s 1 are each amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve

military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of

serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b) (i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b) (iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of two hundred fifty dollars per academic year, to be divided equally among academic terms and prorated for part-time students.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and amending RCW 28B.15.621."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 28, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 8. It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process.

Sec. 9. RCW 29A.60.185 and 2005 c 242 s 5 are each amended to read as follows:

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported

tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c) (iii) (A) and (B) of this subsection. If a duplicated ballot under RCW 29.60.125 is selected as part of the audit, it must be compared with the original ballot.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of

the original ballot counting equipment's reported results.

(2) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(3) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

Sec. 10. RCW 29A.60.170 and 2011 c 10 s 55 are each amended to read as follows:

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment ~~(may)~~ must be

conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(3), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board ~~(and)~~. The random check procedures must include a process, consistent with RCW 29A.60.185(2) and rules adopted under RCW 29A.60.185(3), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

Sec. 11. RCW 29A.60.110 and 2013 c 11 s 61 are each amended to read as follows:

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

Sec. 12. RCW 29A.12.005 and 2013 c 11 s 21 are each amended to read as follows:

As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system; ~~((and))~~
- (d) To maintain and produce any audit trail information; and
- (e) To perform an audit under RCW 29A.60.185; and

(2) The practices and associated documentation used:

- (a) To identify system components and versions of such components;
- (b) To test the system during its development and maintenance;

(c) To maintain records of system errors and defects;

(d) To determine specific system changes to be made to a system after the initial qualification of the system; and

(e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

NEW SECTION. **Sec. 13.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.010.

(2) Notification under subsection (1) of this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. **Sec. 14.** A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines;

(b) The system or component was materially misrepresented in the certification application;

(c) The applicant has installed unauthorized modifications to the certified software or hardware; or

(d) Any other reason authorized by rule adopted by the secretary of state.

(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of section 6 of this act.

Sec. 15. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by

the canvassing board, ~~((or))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 16. RCW 29A.60.235 and 2017 c 300 s 1 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;

(s) The number of nonoverseas and nonservice ballots that were rejected for:

(i) Failing to send an original or hard copy of the ballot by the certification deadline; or

(ii) Any other reason, including the reason for rejection;

(t) The number of voters credited with voting; ~~(and)~~

(u) The number of replacement ballots requested;

(v) The number of replacement ballots issued;

(w) The number of replacement ballots received;

(x) The number of replacement ballots counted;

(y) The number of replacement ballots rejected; and

(z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other

relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 29A.60.185, 29A.60.170, 29A.60.110, 29A.12.005, 29A.60.125, and 29A.60.235; adding new sections to chapter 29A.12 RCW; and creating a new section."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1524 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Drug courts remove a defendant's or respondent's case from the criminal and civil court traditional trial track and allow those defendants or respondents the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest or other issues before the court. Such courts, by focusing on specific individuals' needs, provide treatment for the issues presented and ensure rapid and appropriate accountability for program violations, which decreases recidivism, improves the safety of the community, and improves the life of the program participant and the

lives of the participant's family members by decreasing the severity and frequency of the specific behavior addressed by the therapeutic court. Therefore, the legislature finds compelling the research conducted by the Washington state institute for public policy and the research and data analysis division of the department of social and health services showing that providing recovery support services to clients in drug courts creates a benefit to the state of approximately seven dollars and sixty cents in reduced public expenditures and reduced costs of victimization for each dollar spent. Therefore, it is the intent of the legislature to allow the use of a portion of the criminal justice treatment account to provide such services to foster increased success in drug courts.

Sec. 2. RCW 71.24.580 and 2017 3rd sp.s. c 1 s 981 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2015-2017 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act and the excess fund balance of the account. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. It is the intent of the legislature to continue(~~(7, in future biennia,))~~ in the 2019-2021 biennium the policy of transferring to

the state general fund such amounts as reflect the excess fund balance of the account. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, ~~((but does not include the following services: Housing other than that provided as part of an inpatient substance use disorder treatment program, vocational training, and mental health counseling))~~ including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" ~~((means))~~ includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4) (a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the department from the criminal justice treatment account shall be distributed as specified in this subsection. The department may retain up to three percent of the amount appropriated under

subsection (4) (b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the department from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person deemed by the department to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the department from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The department shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance use disorder treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties

with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5) (b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 71.24.560((7)) and treatment support services ~~((7) and for the administrative and overhead costs associated with the operation of a drug court.~~

~~(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.~~

~~(b))~~ No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.30.030(3).

~~((10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.)"~~

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 71.24.580; and creating a new section."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO.

1524 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Kloba and Graves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1524, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1524, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1524, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Eligible student" means a resident student who is enrolled in an accredited doctor of medicine or doctor of osteopathic medicine program in the

state, is making satisfactory progress, and has declared an intention to work as a physician in a rural underserved area in Washington following residency.

(2) "Medical student loan" means a loan that is approved by the office and awarded to a participant under the program.

(3) "Office" means the office of student financial assistance.

(4) "Participant" means an eligible student who has received a medical student loan under the program.

(5) "Program" means the medical student loan program.

(6) "Rural underserved area" means a rural county as defined in RCW 82.14.370 that is also designated by the health resources and services administration as a medically underserved area or having a medically underserved population.

NEW SECTION. **Sec. 2.** The medical student loan program is established to increase the physician workforce in rural underserved areas in Washington state. The program must be funded exclusively with private funding for the purpose of providing medical student loans. State funding may be used for the administration of the program. The office shall administer the program and has the following powers and duties:

(1) To design and implement a low interest medical student loan program with the following elements:

(a) A low interest rate, comparable to or more favorable than the federal direct loan program, with interest charges that begin to accrue once the participant finishes his or her medical residency program;

(b) An annual loan limit not to exceed forty thousand dollars and no more than the participant's estimated cost of attendance as determined by his or her medical program;

(c) Loan repayments that do not commence until:

(i) Six months after the participant completes his or her medical residency program; or

(ii) Six months after a participant leaves his or her doctor of medicine program, doctor of osteopathic medicine

program, or medical residency program before completing; and

(d) An interest rate of at least twelve percent plus capitalized interest that was deferred during the participant's doctor of medicine or doctor of osteopathic medicine program, and residency program, if the participant does not work as a physician in a rural underserved area in Washington for three years following completion of his or her medical residency program;

(2) To establish an application, selection, and notification process for awarding medical student loans to eligible students;

(3) To define the terms of repayment, including applicable interest rates, fees, and deferments;

(4) To collect and manage repayments on the medical student loans;

(5) To solicit and accept grants and donations from nonstate public and private sources for the program;

(6) To exercise discretion to revise repayment obligations in certain cases, such as economic hardship or disability;

(7) To publicize the program; and

(8) To adopt necessary rules.

NEW SECTION. Sec. 3. (1) The medical student loan account is created in the custody of the state treasurer. Only the executive director of the office or the executive director's designee may authorize expenditures from the account. No appropriation is required for expenditures from the account for medical student loans. An appropriation is required for expenditures from the account for costs associated with program administration by the office.

(2) The office shall deposit into the account all moneys received for the program. Revenues to the account consist of moneys received for the program by the office, including grants and donations, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for medical student loans to participants in the program established by this chapter and costs associated with program administration by the office.

NEW SECTION. Sec. 4. (1) The office shall submit an annual report regarding the program to the governor and the appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036.

(2) The annual report shall describe the design and implementation of the program, and must include the following:

(a) The number of applicants for medical student loans;

(b) The number of participants in the program;

(c) The number of participants in the program who complete their medical program;

(d) The number of participants in the program who are placed in employment;

(e) The nature of that employment, including the type of job; whether the job is full-time, part-time, or temporary; and the income range;

(f) Whether the participant is working in a rural underserved area, and what percent of the participant's patients are served by medicaid, the children's health insurance program, apple health, or other programs with similar eligibility requirements;

(g) Demographic profiles of both applicants and participants;

(h) The amount of the private funding collected for the program; and

(i) An estimate of when the program will be self-sustaining.

(3) The annual report must be submitted by December 1st of each year after July 1, 2020.

Sec. 5. RCW 28B.145.005 and 2011 1st sp.s. c 13 s 1 are each amended to read as follows:

The legislature finds that, despite increases in degree production, there remain acute shortages in high employer demand programs of study, particularly in the science, technology, engineering, and mathematics (STEM) and health care fields of study. According to the workforce training and education coordinating board, seventeen percent of Washington businesses had difficulty finding job applicants in 2010. Eleven thousand employers did not fill a vacancy because they lacked qualified job

applicants. Fifty-nine percent of projected job openings in Washington state from now until 2017 will require some form of postsecondary education and training.

It is the intent of the legislature to provide jobs and opportunity by making Washington the place where the world's most productive companies find the world's most talented people. The legislature intends to accomplish this through the creation of the opportunity scholarship and the opportunity expansion programs to help mitigate the impact of tuition increases, increase the number of baccalaureate degrees in high employer demand and other programs and advanced degrees in health professions needed in service obligation areas, and invest in programs and students to meet market demands for a knowledge-based economy while filling middle-income jobs with a sufficient supply of skilled workers.

Sec. 6. RCW 28B.145.010 and 2014 c 208 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

~~((4))~~ (5) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

~~((5))~~ (6) "Eligible student" means a resident student who received his or her high school diploma or high school

equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a)(i) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree; ~~((or))~~

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education; or

(iii) Has been accepted at an institution of higher education into an eligible advanced degree program and has agreed to the service obligation established by the board;

(b) Declares an intention to obtain a baccalaureate degree or an advanced degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

~~((6))~~ (7) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

~~((7))~~ (8) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

~~((8))~~ (9) "Program administrator" means a ~~((college scholarship organization that is a))~~ private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code ~~((with expertise in managing scholarships and college advising))~~.

~~((9))~~ (10) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(11) "Service obligation" means an obligation by the participant to be employed in a service obligation area in the state for a specific period to be established by the board.

(12) "Service obligation area" means a location that meets one of the following conditions:

(a) Has been designated by the council as an eligible site under the health professional conditional scholarship program established under chapter 28B.115 RCW;

(b) Serves at least forty percent uninsured or medicaid enrolled patients;

(c) Is located in a rural county as defined in RCW 82.14.370 and serves a combination of uninsured, medicaid enrolled patients, and medicare enrolled patients, equal to at least forty percent of the practice location's total patients; or

(d) Serves a public agency, nonprofit organization, or local health jurisdiction as defined in RCW 43.70.575 by providing public health services necessary to preserve, protect, and promote the health of the state's population, as determined by the board after consultation with the department of health.

Sec. 7. RCW 28B.145.020 and 2014 c 208 s 2 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by the program administrator.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion and the opportunity scholarship programs in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs and eligible advanced degree programs for purposes of the opportunity scholarship program. In determining eligible advanced degree programs, the board shall consider advanced degree programs that lead to credentials in health professions that include, but are not limited to, primary care, dental care, behavioral health, and public health. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; ~~((and))~~

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800; and

(c) Whether the program should include a loan repayment or low-interest or no-interest loan component for the advanced degree portion of the program.

(8) The board shall report to the governor and the appropriate committees of the legislature by December 1st of each biennium, beginning December 1, 2019, on the following:

(a) A list of the eligible advanced degree programs and service obligation areas;

(b) The number of participants in eligible advanced degree programs, the number of participants completing their service obligations in a service obligation area, and the number of participants who have completed their service obligation; and

(c) The number of participants who did not complete their service obligation who now owe a repayment obligation and the reasons why the participants did not complete their service obligations.

Sec. 8. RCW 28B.145.030 and 2014 c 208 s 3 are each amended to read as follows:

(1) ~~The program administrator ((, under contract with the council, shall staff the board and))~~ shall ~~((have))~~ provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fundraising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage ~~((two))~~ separate accounts into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, (of private sources for deposit into ~~((one or both of the two))~~)

any of the specified accounts created in this subsection (2) (b) upon the direction of the donor and in accordance with this subsection (2) (b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the state need grant under RCW 28B.92.010 meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for state need grant recipients is at least seventy percent of state median family income; ~~((and~~

~~((C) The state has demonstrated progress toward the goal of total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states, as defined, measured, and reported in RCW 28B.15.068. In any year in which the office of financial management reports that the state has not made progress toward this goal, no new scholarships may be awarded. In any year in which the office of financial management reports that the percentile of total per-student funding is less than the sixtieth percentile and at least five percent less than the prior year, pledges of future grants and contributions may, at the request of the donor, be released and grants and contributions already received refunded~~

~~to the extent that opportunity scholarship awards already made can be fulfilled from the funds remaining in the endowment account. In fulfilling the requirements of this subsection, the office of financial management shall use resources that facilitate measurement and comparisons of the most recently completed academic year. These resources may include, but are not limited to, the data provided in a uniform dashboard format under RCW 29B.77.090 as the statewide public four year dashboard and academic year reports prepared by the state board for community and technical colleges;~~

~~((iii))~~ (iv) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the account, after which time the private donors may designate whether their contributions must be deposited to the scholarship, the advanced degrees pathways, or the endowment accounts. The board and the program administrator must work to maximize private sector contributions to ~~((both))~~ the scholarship account, the advanced degrees pathways account, and the endowment account, to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the ~~((two))~~ scholarship, the advanced degrees pathways, and the endowment accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the ~~((two))~~ accounts in equal proportion to the private funds deposited in each account, except that no more than one million dollars in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

~~((iv))~~ (v) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, advanced degrees pathways account, or endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets.

Assets in the scholarship account, advanced degrees pathways account, and endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship, the advanced degrees pathways, or the endowment accounts;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in baccalaureate degree programs or eligible advanced degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial

assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first(, and as long as the participant annually submits documentation of filing both a free application for federal student aid and for available federal education tax credits, including but not limited to the American opportunity tax credit));
 ((and))

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility;

(j) Establish a required service obligation for participants enrolled in an eligible advanced degree program, and establish a process for verifying a participant's employment in a service obligation area; and

(k) Establish a repayment obligation and appeals process for participants who serve less than the required service obligation, unless the program administrator determines the circumstances are beyond the participant's control. If the participant is unable to pay the repayment obligation in full, the participant may enter into payment arrangements with the program administrator. The program administrator is responsible for the collection of repayment obligations on behalf of participants who fail to complete their service obligation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 9. RCW 28B.145.040 and 2011 1st sp.s. c 13 s 5 are each amended to read as follows:

(1) The opportunity scholarship program is established.

(2) The purpose of this scholarship program is to provide scholarships that will help low and middle-income Washington residents earn baccalaureate degrees in high employer demand and other programs of study and advanced degrees in health professions needed in service obligation areas, and encourage them to remain in the state to work. The program must be designed for ((both)) students starting at two-year institutions of higher education and intending to transfer to four-year institutions of higher education ((and)), students starting at four-year institutions of higher education, and students enrolled in an eligible advanced degree program.

(3) The opportunity scholarship board shall determine which programs of study, including but not limited to high employer demand programs, are eligible for purposes of the opportunity scholarship. For eligible advanced degree programs, the board shall limit scholarships to eligible students enrolling in programs that lead to credentials in health professions needed in service obligation areas.

(4) The source of funds for the program shall be a combination of private grants and contributions and state matching funds. A state match may be earned under this section for private contributions made on or after June 6, 2011. A state match, up to a maximum of fifty million dollars annually, shall be provided beginning the later of January 1, 2014, or January 1st next following the end of the fiscal year in which collections of state retail sales and use tax, state business and occupation tax, and state public utility tax exceed, by ten percent the amounts collected from these tax resources in the fiscal year that ended June 30, 2008, as determined by the department of revenue.

Sec. 10. RCW 28B.145.090 and 2014 c 208 s 4 are each amended to read as follows:

(1) The board may elect to have the state investment board invest the funds in the scholarship account, the advanced degrees pathways account, and the endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the ((two)) accounts.

All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the scholarship, advanced degrees pathways, and endowment accounts may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the scholarship account, the advanced degrees pathways account, and the endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the scholarship account, the advanced degrees pathways account, and the endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

NEW SECTION. **Sec. 11.** Sections 1 through 4 of this act constitute a new chapter in Title 28B RCW."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Haler and Pollet spoke in favor of the passage of the bill.

MOTION

On motion of Representative Harris, Representative Rodne was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2143, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2143, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

Excused: Representative Rodne.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2143, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that:

(a) According to research from Georgetown University, by the year 2020, seventy percent of jobs in Washington state will require at least some education and training beyond high school, which aligns with Washington's educational attainment goals established under RCW 28B.77.020; and

(b) Research by the state board for community and technical colleges and other entities has found that attending college for at least one year and earning a credential results in a substantial boost in earnings for adults who enter a community college with a high school diploma or less.

(2) In addition, the legislature finds that:

(a) Rural counties face unique challenges to achieving full economic and community development in the face of societal trends that concentrate job and population growth in larger metropolitan areas. For example, seventy-five percent of the job growth in Washington by 2018 is projected to be confined to just five large counties. In addition, two-thirds of the state's recent population growth has occurred in the three largest counties and seven counties have actually lost population in recent years.

(b) One barrier to economic growth and investment in many rural counties is the lack of a trained, qualified workforce for the opportunities present in rural areas, particularly in science, technology, engineering, and mathematics (STEM) and health care fields of study. These opportunities often require

specialized skills tailored for specific, regional employer needs. In many cases, employment opportunities are available in rural communities; however, some assistance is needed to help local residents acquire the skills necessary to access the opportunities in their own backyards.

(3) The legislature declares that opportunity, community vitality, quality of life, and prosperity are essential for all Washington communities. Therefore, the legislature intends to create a program to assist rural communities in growing the workforce the community needs to meet its specific industry sector demands.

Sec. 2. RCW 28B.145.020 and 2014 c 208 s 2 are each amended to read as follows:

(1) The opportunity scholarship board is created. The board consists of eleven members:

(a) Six members appointed by the governor. For three of the six appointments, the governor shall consider names from a list provided by the president of the senate and the speaker of the house of representatives; and

(b) Five foundation or business and industry representatives appointed by the governor from among the state's most productive industries such as aerospace, manufacturing, health care, information technology, engineering, agriculture, and others, as well as philanthropy. The foundation or business and industry representatives shall be selected from among nominations provided by the private sector donors to the opportunity scholarship and opportunity expansion programs. However, the governor may request, and the private sector donors shall provide, an additional list or lists from which the governor shall select these representatives.

(2) Board members shall hold their offices for a term of four years from the first day of September and until their successors are appointed. No more than the terms of two members may expire simultaneously on the last day of August in any one year.

(3) The members of the board shall elect one of the business and industry representatives to serve as chair.

(4) Seven members of the board constitute a quorum for the transaction of business. In case of a vacancy, or when an appointment is made after the date of expiration of the term, the governor or the president of the senate or the speaker of the house of representatives, depending upon which made the initial appointment to that position, shall fill the vacancy for the remainder of the term of the board member whose office has become vacant or expired.

(5) The board shall be staffed by the program administrator.

(6) The purpose of the board is to provide oversight and guidance for the opportunity expansion ~~((and))~~, the opportunity scholarship programs, and the rural jobs program, in light of established legislative priorities and to fulfill the duties and responsibilities under this chapter, including but not limited to determining eligible education programs for purposes of the opportunity scholarship program and rural jobs program. Duties, exercised jointly with the program administrator, include soliciting funds and setting annual fund-raising goals.

(7) The board may report to the governor and the appropriate committees of the legislature with recommendations as to:

(a) Whether some or all of the scholarships should be changed to conditional scholarships that must be repaid in the event the participant does not complete the eligible education program; and

(b) A source or sources of funds for the opportunity expansion program in addition to the voluntary contributions of the high-technology research and development tax credit under RCW 82.32.800.

Sec. 3. RCW 28B.145.090 and 2014 c 208 s 4 are each amended to read as follows:

(1) The board may elect to have the state investment board invest the funds in the student support pathways account and the scholarship account and endowment account described under RCW 28B.145.030(2)(b). If the board so elects, the state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange

investment money in the ~~((two))~~ three accounts. All investment and operating costs associated with the investment of money shall be paid under RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the accounts.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.

(3) As deemed appropriate by the state investment board, money in the student support pathways account, scholarship account, and endowment ~~((accounts))~~ account may be commingled for investment with other funds subject to investment by the state investment board.

(4) Members of the state investment board shall not be considered an insurer of the funds or assets and are not liable for any action or inaction.

(5) Members of the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(6) The authority to establish all policies relating to the student support pathways account, scholarship account, and ~~((the))~~ endowment account, other than the investment policies as provided in subsections (1) through (3) of this section, resides with the board and program administrator acting in accordance with the principles set forth in this chapter. With the exception of expenses of the state investment board in subsection (1) of this section, disbursements from the student support pathways account, scholarship account, and endowment account shall be made only on the authorization of the opportunity scholarship board or its designee, and moneys in the accounts may be spent only for the purposes specified in this chapter.

(7) The state investment board shall routinely consult and communicate with the board on the investment policy, earnings of the accounts, and related needs of the program.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.145 RCW to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicizing the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship

recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under section 5 of this act to receive donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Be a resident of an eligible county or have attended and graduated from a school in an eligible school district;

(b) Be a resident student as defined in RCW 28B.15.012;

(c) Be enrolled in a community or technical college established under chapter 28B.50 RCW located in an eligible county;

(d) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(e) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(f) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must maintain a cumulative grade point average of 2.0.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in this section creates any right or entitlement.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.145 RCW to read as follows:

(1) For the purposes of the rural jobs program, the program administrator shall:

(a) Jointly with the board, solicit and accept donations, grants, and contributions from private sources via direct payment, pledge agreement, or escrow account, for deposit into the student support pathways account created in this section, and set annual fund-raising goals;

(b) Establish and manage the student support pathways account to receive grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students; and

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by the name of the private source and date received, and whether the amounts received were deposited into the student support pathways account.

(2) The student support pathways account, whose principal may be invaded, must be created by the board from which scholarship funds will be disbursed beginning no later than the fall term of the 2020 academic year, if by that date, state matching funds have been received. Thereafter, scholarship funds shall be disbursed on an annual basis.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.145 RCW to read as follows:

(1) The rural jobs program match transfer account is created in the custody of the state treasurer as a nonappropriated account to be used solely and exclusively for the rural jobs program created in section 4 of this act. The purpose of the rural jobs program match transfer account is to provide state matching funds for the rural jobs program.

(2) Revenues to the rural jobs program match transfer account shall consist of appropriations by the legislature into the rural jobs program match transfer account.

(3) No expenditures from the rural jobs program match transfer account may

be made except upon receipt of proof, by the executive director of the council from the program administrator, of private contributions to the rural jobs program. Expenditures, in the form of matching funds, may not exceed the total amount of private contributions.

(4) Only the executive director of the council or the executive director's designee may authorize expenditures from the rural jobs program match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under this section.

(5) (a) The council shall enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

(b) Once moneys in the rural jobs program match transfer account are subject to an agreement under this subsection and are deposited in the student support pathways account, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the student support pathways account are not considered state money, common cash, or revenue to the state.

(6) The state match must not exceed one million dollars in a single fiscal biennium and must be based on donations and pledges received by the rural jobs program as of the date each official state caseload forecast is submitted by the caseload forecast council to the legislative fiscal committees, as provided under RCW 43.88C.020. Nothing in this section expands or modifies the responsibilities of the caseload forecast council.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28B.145 RCW to read as follows:

The total amount of state matching funds for the rural jobs program shall not exceed one million dollars in a single fiscal biennium.

Sec. 8. RCW 28B.145.070 and 2014 c 208 s 7 are each amended to read as follows:

(1) Annually each December 1st, the board, together with the program administrator, shall report to the council, the governor, and the appropriate committees of the

legislature regarding the rural jobs program and opportunity scholarship and opportunity expansion programs, including but not limited to:

(a) Which education programs the board determined were eligible for purposes of the opportunity scholarship and which high employer demand fields within eligible counties were identified for purposes of the rural jobs program;

(b) The number of applicants for the opportunity scholarship and rural jobs program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(c) The number of participants in the opportunity scholarship program and rural jobs program, disaggregated, to the extent possible, by race, ethnicity, gender, county of origin, age, and median family income;

(d) The number and amount of the scholarships actually awarded, ~~((and))~~ whether the scholarships were paid from the student support pathways account, the scholarship account, or the endowment account, and the number and amount of scholarships actually awarded under the rural jobs program;

(e) The institutions and eligible education programs in which opportunity scholarship participants enrolled, together with data regarding participants' completion and graduation, and the institutions and programs in which recipients of the rural jobs program scholarship enrolled, together with recipients' data on completion and graduation;

(f) The total amount of private contributions and state match moneys received for the rural jobs program and the opportunity scholarship program, how the funds under the opportunity scholarship program were distributed between the student support pathways account, the scholarship account, and the endowment account((s)), the interest or other earnings on all the accounts created under this chapter, and the amount of any administrative fee paid to the program administrator; and

(g) Identification of the programs the board selected to receive opportunity expansion awards and the amount of such awards.

(2) In the next succeeding legislative session following receipt of a report required under subsection (1) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to ~~((either))~~ the rural jobs program, the opportunity scholarship program, or the opportunity expansion program, including but not limited to consideration of whether any legislative action is necessary with respect to the nature and level of focus on high employer demand fields and the number and amount of scholarships.

Sec. 9. RCW 28B.145.010 and 2014 c 208 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over one hundred twenty-five thousand.

(4) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

~~((4))~~ (5) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

~~((5))~~ (6) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(7) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and who:

(a)(i) Has been accepted at a four-year institution of higher education into

an eligible education program leading to a baccalaureate degree; or

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(b) Declares an intention to obtain a baccalaureate degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

~~((6))~~ (8) "Gift aid" means financial aid received from the federal Pell grant, the state need grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, the opportunity scholarship program in this chapter, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(9) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

~~((7))~~ (10) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

~~((8))~~ (11) "Program administrator" means a college scholarship organization that is a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, with expertise in managing scholarships and college advising.

~~((9))~~ (12) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(13) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter."

On page 1, line 2 of the title, after "program;" strike the remainder of the

title and insert "amending RCW 28B.145.020, 28B.145.090, 28B.145.070, and 28B.145.010; adding new sections to chapter 28B.145 RCW; and creating a new section."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chapman and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2177, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2177, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2177, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2667 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(c) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(d) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for:

(i) ~~((The aged, blind, or disabled assistance program;~~

~~(ii))~~ The pregnant women assistance program; or

~~((iii))~~ (ii) Federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral

for essential needs and housing support services within funds appropriated for the department of commerce.

(3) The following persons are not eligible for a referral for essential needs and housing support:

(a) ~~((Persons who are unemployable due primarily to alcohol or drug addiction, except as provided in subsection (3) of this subsection. These persons must be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals must be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from making a referral for essential needs and housing report for persons who have a substance abuse addiction who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for a referral for essential needs and housing support;~~

~~(b))~~ Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

~~((c))~~ (b) Persons who refuse or fail without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

~~((d))~~ (c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

~~((3))~~ (4) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

~~((4))~~ (5) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

~~((5))~~ (6) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

Sec. 2. RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each amended to read as follows:

(1) (a) ~~((Effective November 1, 2011,))~~ The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a) (3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application

for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) ~~((Effective November 1, 2011,))~~
The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program, but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c) Have furnished the department his or her social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(d) Not have refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or

alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) ~~((Effective November 1, 2011,))~~
Referrals for essential needs and housing support under RCW 43.185C.220 shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

Sec. 3. RCW 43.185C.230 and 2013 2nd sp.s. c 10 s 5 are each amended to read as follows:

The department, in collaboration with the department of social and health services, shall:

(1) Develop a mechanism through which the department and local governments or community-based organizations can verify a person has been determined eligible by the department of social and health services and remains eligible for the essential needs and housing support program; and

(2) Provide a secure and current list of individuals eligible for the essential needs and housing support program to designated entities within each county. The list must be updated at least monthly

and include, as available and applicable, the eligible individual's:

- (a) Name;
- (b) Address;
- (c) Phone number;
- (d) Shelter location; and
- (e) Case manager contact information.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 4 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 74.04.805, 74.62.030, and 43.185C.230; and declaring an emergency."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2667 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Macri and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2667, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2667, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet,

Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Kraft, McDonald, Pike, Taylor, Vick and Walsh.

Excused: Representative Rodne.

SUBSTITUTE HOUSE BILL NO. 2667, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2667.

Representative McDonald, 25 District

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2892 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall develop and implement a mental health field response grant program. The purpose of the program is to assist local law enforcement agencies to establish and expand mental health field response capabilities, utilizing mental health professionals to professionally, humanely, and safely respond to crises involving persons with behavioral health issues with treatment, diversion, and reduced incarceration time as primary goals. A portion of the grant funds may also be used to develop data management capability to support the program.

(2) Grants must be awarded to local law enforcement agencies based on locally developed proposals to incorporate mental health professionals into the agencies' mental health field response planning and response. Two or more agencies may submit a joint grant proposal to develop their mental health

field response proposals. Proposals must provide a plan for improving mental health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with mental health professionals. A peer review panel appointed by the Washington association of sheriffs and police chiefs in consultation with integrated managed care organizations and behavioral health organizations must review the grant applications. Once the Washington association of sheriffs and police chiefs certifies that the application satisfies the proposal criteria, the grant funds will be distributed. To the extent possible, at least one grant recipient agency should be from the east side of the state and one from the west side of the state with the crest of the Cascades being the dividing line. The Washington association of sheriffs and police chiefs shall make every effort to fund at least eight grants per fiscal year with funding provided for this purpose from all allowable sources under this section. The Washington association of sheriffs and police chiefs may prioritize grant applications that include local matching funds. Grant recipients must be selected and receiving funds no later than October 1, 2018.

(3) Grant recipients must include at least one mental health professional who will perform professional services under the plan. A mental health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up, training on mental health field response best practices, or other services at the direction of the local law enforcement agency. Nothing in this subsection (3) limits the mental health professional's participation to field patrol. Grant recipients are encouraged to coordinate with local public safety answering points to maximize the goals of the program.

(4) Within existing resources, the Washington association of sheriffs and police chiefs shall:

(a) Consult with the department of social and health services research and data analysis unit to establish data collection and reporting guidelines for grant recipients. The data will be used to study and evaluate whether the use of mental health field response programs improves outcomes of interactions with persons experiencing behavioral health

crises, including reducing rates of violence and harm, reduced arrests, and jail or emergency room usage;

(b) Consult with the department of social and health services behavioral health administration and the managed care system to develop requirements for participating mental health professionals; and

(c) Coordinate with public safety answering points, behavioral health, and the department of social and health services to develop and incorporate telephone triage criteria or dispatch protocols to assist with mental health, law enforcement, and emergency medical responses involving mental health situations.

(5) The Washington association of sheriffs and police chiefs shall submit an annual report to the governor and appropriate committees of the legislature on the program. The report must include information on grant recipients, use of funds, participation of mental health professionals, and feedback from the grant recipients by December 1st of each year the program is funded.

(6) Grant recipients shall develop and provide or arrange for training necessary for mental health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide the professionals with a working knowledge of law enforcement procedures and tools sufficient to provide for the safety of the professionals, partnered law enforcement officers, and members of the public.

(7) Nothing in this section prohibits the Washington association of sheriffs and police chiefs from soliciting or accepting private funds to support the program created in this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new section to chapter 36.28A RCW."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2892 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Lovick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2892, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2892, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Rodne.

HOUSE BILL NO. 2892, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 2382 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART 1 - INVENTORY OF STATE PROPERTY

Sec. 1. RCW 43.63A.510 and 1993 c 461 s 2 are each amended to read as follows:

(1) The department ~~((shall))~~ must work with the ~~((departments of natural resources, transportation, social and health services, corrections, and general administration))~~ designated agencies to identify ~~((and))~~ a catalog,

and recommend best use of under-utilized, state-owned land and property suitable for the development of affordable housing for very low-income, low-income or moderate-income households. The ~~((departments of natural resources, transportation, social and health services, corrections, and general administration shall))~~ designated agencies must provide an inventory of real property that is owned or administered by each agency and is vacant or available for lease or sale. The department must work with the designated agencies to include in the inventories a consolidated list of any property transactions executed by the agencies under the authority of section 3 of this act, including the property appraisal, the terms and conditions of sale, lease, or transfer, the value of the public benefit, and the impact of transaction to the agency. The inventories ~~((shall))~~ with revisions must be provided to the department by November 1 ~~((, 1993, with inventory revisions provided each November 1 thereafter))~~st of each year.

(2) The department must consolidate inventories into two groups: Properties suitable for consideration in affordable housing development; and properties not suitable for consideration in affordable housing development. In making this determination, the department must use industry accepted standards such as: Location, approximate lot size, current land use designation, and current zoning classification of the property. The department shall provide a recommendation, based on this grouping, to the office of financial management and appropriate policy and fiscal committees of the legislature by December 1st of each year.

(3) Upon written request, the department shall provide a copy of the inventory of state-owned and publicly owned lands and buildings to parties interested in developing the sites for affordable housing.

~~((3))~~ (4) As used in this section:

(a) "Affordable housing" means residential housing that is rented or owned by a person who qualifies as a very low-income, low-income, or moderate-income household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, adjusted for household size, for the county where the affordable housing is located.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is more than fifty percent but is at or below eighty percent of the median income where the affordable housing is located.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose income is more than eighty percent but is at or below one hundred fifteen percent of the median income where the affordable housing is located.

(e) "Affordable housing development" means state-owned real property appropriate for sale, transfer, or lease to an affordable housing developer capable of:

(i) Receiving the property within one hundred eighty days; and

(ii) Creating affordable housing units for occupancy within thirty-six months from the time of transfer.

(f) "Designated agencies" means the Washington state patrol, the state parks and recreation commission, and the departments of natural resources, social and health services, corrections, and enterprise services.

PART 2 - RIGHT OF FIRST REFUSAL FOR GOVERNMENT AGENCIES

Sec. 2. RCW 43.17.400 and 2015 c 225 s 64 are each amended to read as follows:

~~(1) ((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Disposition" means sales, exchanges, or other actions resulting in a transfer of land ownership.~~

~~(b) "State agencies" includes:~~

~~(i) The department of natural resources established in chapter 43.30 RCW;~~

~~(ii) The department of fish and wildlife established in chapter 43.300 RCW;~~

~~(iii) The department of transportation established in chapter 47.01 RCW;~~

~~(iv) The parks and recreation commission established in chapter 79A.05 RCW; and~~

~~(v) The department of enterprise services established in this chapter.~~

~~(2) State agencies proposing disposition of state owned land must provide written notice of the proposed disposition to the legislative authorities of the counties, cities, and towns in which the land is located at least sixty days before entering into the disposition agreement.)) Before any state agency may dispose of surplus state-owned real property to a private or any nongovernmental party, the agency must provide written notice to the following governmental entities at least sixty days before entering into any proposed disposition agreement:~~

(a) All other state agencies;

(b) Each federal agency operating within the state; and

(c) The governing authority of each county, city, town, special purpose district, and federally recognized Indian tribe in which the land is located.

(2) The state agency must dispose of the property, for continued public benefit as defined in section 3 of this act, to any governmental entity responding within the notification period, upon mutual agreement reached within a reasonable time period after the response is received. Priority must be given to state agencies. The disposition may be for any terms and conditions agreed upon by the proper authorities of each party, in accordance with RCW 39.33.010, except where the disposition at fair market value is required by law.

(3) The requirements of this section are in addition and supplemental to other requirements of the laws of this state.

(4) For purposes of this section, "disposition" means the sale, exchange, or other action resulting in a transfer of ownership.

(5) The requirements of this section do not apply to the department of transportation.

**PART 3 - DISPOSAL OF PUBLIC PROPERTY
FOR PUBLIC BENEFIT**

NEW SECTION. **Sec. 3.** A new section is added to chapter 39.33 RCW to read as follows:

(1) Any state agency, municipality, or political subdivision, with authority to dispose of surplus public property, may transfer, lease, or other disposal of such property for a public benefit purpose, consistent with and subject to this section. Any such transfer, lease, or other disposal may be made to a public, private, or nongovernmental body on any mutually agreeable terms and conditions, including a no cost transfer, subject to and consistent with this section. Consideration must include appraisal costs, debt service, all closing costs, and any other liabilities to the agency, municipality, or political subdivision. However, the property may not be so transferred, leased, or disposed of if such transfer, lease, or disposal would violate any bond covenant or encumber or impair any contract.

(2) A deed, lease, or other instrument transferring or conveying property pursuant to subsection (1) of this section must include:

(a) A covenant or other requirement that the property shall be used for the designated public benefit purpose; and

(b) Remedies that apply if the recipient of the property fails to use it for the designated public purpose or ceases to use it for such purpose.

(3) To implement the authority granted by this section, the governing body or legislative authority of a municipality or political subdivision must enact rules to regulate the disposition of property for public benefit purposes. Any transfer, lease, or other disposition of property authorized under this section must be consistent with existing locally adopted comprehensive plans as described in RCW 36.70A.070.

(4) This section is deemed to provide a discretionary alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of any other powers vested in any state agency, municipality, or political subdivision.

(5) No transfer, lease, or other disposition of property for public benefit purposes made pursuant to any other provision of law prior to the effective date of this section may be construed to be invalid solely because the parties thereto did not comply with the procedures of this section.

(6) The transfer at no cost, lease, or other disposal of surplus real property for public benefit purposes is deemed a lawful purpose of any state agency, municipality, or political subdivision, for which accounts are kept on an enterprise fund or equivalent basis, regardless of the primary purpose or function of such agency.

(7) This section does not apply to the sale or transfer of any state forestlands, any state lands or property granted to the state by the federal government for the purposes of common schools or education, or subject to a legal restriction that would be violated by compliance with this section.

(8) For purposes of this section:

(a) "Public benefit" means affordable housing for low-income and very low-income households as defined in RCW 43.63A.510, and related facilities that support the goals of affordable housing development in providing economic and social stability for low-income persons; and

(b) "Surplus public property" means excess real property that is not required for the needs of or the discharge of the responsibilities of the state agency, municipality, or political subdivision.

Sec. 4. RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended to read as follows:

(1) Whenever a city shall determine, by resolution of its legislative authority, that any lands, property, or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed. Such resolution shall state the fair market value or the rent or consideration to be paid and such other terms and conditions for such disposition as the legislative

authority deems to be in the best public interest.

(2) The provisions of RCW 35.94.020 and 35.94.030 shall not apply to dispositions authorized by this section.

(3) This section does not apply to property transferred, leased, or otherwise disposed in accordance with section 3 of this act.

Sec. 5. RCW 43.09.210 and 2000 c 183 s 2 are each amended to read as follows:

(1) Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

(2) Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

(3) All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

(4) All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed.

(5) This section does not apply to:

(a) Agency surplus personal property handled under RCW 43.19.1919(~~(4)~~) (1)(e); or

(b) The transfer, lease, or other disposal of surplus property for public benefit purposes, as provided under section 3 of this act.

Sec. 6. RCW 43.43.115 and 1993 c 438 s 1 are each amended to read as follows:

Whenever real property owned by the state of Washington and under the jurisdiction of the Washington state patrol is no longer required, it may be sold at fair market value, or otherwise disposed as permitted under section 3 of this act. Any such sale or disposal must be in accordance with RCW 43.17.400. All proceeds received from the sale of real property, less any real estate broker commissions up to four percent of the sale price, shall be deposited into the state patrol highway account: PROVIDED, That if accounts or funds other than the state patrol highway account have contributed to the purchase or improvement of the real property, the office of financial management shall determine the proportional equity of each account or fund in the property and improvements, and shall direct the proceeds to be deposited proportionally therein.

Sec. 7. RCW 43.82.010 and 2015 c 99 s 1 are each amended to read as follows:

(1) The director of enterprise services, on behalf of the agency involved and after consultation with the office of financial management, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. Any such transfer, exchange, or sale must comply with RCW 43.17.400, and may be made in accordance with section 3 of this act. This section does not transfer financial liability for the acquired property to the department of enterprise services.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management

governing facility efficiency unless a specific exemption from such standards is provided by the director of enterprise services. The director of enterprise services shall report to the office of financial management and the appropriate committees of the legislature annually on any exemptions granted pursuant to this subsection.

(3) Except for leases permitted under subsection (4) of this section, the director of enterprise services may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of enterprise services may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of enterprise services may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) The director of enterprise services may fix the terms of leases for property under the department of enterprise services' control at the former Northern State Hospital site for up to sixty years.

(5) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt

transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of enterprise services shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(6) It is the policy of the state to encourage the collocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(7) The director of enterprise services shall provide coordinated long-range planning services to identify and evaluate opportunities for collocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of enterprise services shall determine whether an opportunity exists for collocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a collocation opportunity exists, the director of enterprise services shall consult with the affected state agencies and the office of financial management to evaluate the impact collocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of enterprise services, in consultation with the office of financial management, shall develop procedures for implementing collocation and consolidation of state facilities.

(8) The director of enterprise services is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as

owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of enterprise services shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(9) If the director of enterprise services determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (8) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(10) In order to obtain maximum utilization of space, the director of enterprise services shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(11) The director of enterprise services may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of enterprise services shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(12) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of enterprise services or the director's designee, and recorded with the county auditor of the county in which the property is located.

(13) The director of enterprise services may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable. By January 1st of each year, beginning January 1, 2008, the department shall submit an annual report to the office of financial management and the appropriate committees of the legislature on all delegated leases.

(14) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor (~~control~~) and cannabis board for liquor stores and warehouses;

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes; and

(d) The department of commerce for community college health career training programs, offices for the department of commerce or other appropriate state agencies, and other nonprofit community uses, including community meeting and training facilities, where the real estate is acquired during the 2013-2015 fiscal biennium.

(15) Notwithstanding any provision in this chapter to the contrary, the department of enterprise services may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(16) The department of enterprise services shall report annually to the office of financial management and the appropriate fiscal committees of the legislature on facility leases executed for all state agencies for the preceding

year, lease terms, and annual lease costs. The report must include leases executed under RCW 43.82.045 and subsection (13) of this section."

On page 1, line 2 of the title, after "benefit;" strike the remainder of the title and insert "amending RCW 43.63A.510, 43.17.400, 35.94.040, 43.09.210, 43.43.115, and 43.82.010; and adding a new section to chapter 39.33 RCW."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Ryu moved that the House concur in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 2382.

Representative DeBolt spoke against the motion to concur in the Senate amendment.

Representative Ryu spoke in favor of the motion to concur in the Senate amendment.

The Speaker (Representative Orwall presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendments to Third Substitute House Bill No. 2382.

The Clerk called the roll on the motion to concur in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 2382 and the motion was adopted by the following vote: Yeas, 51; Nays, 46.

The bill, as amended by the Senate, was advanced to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ryu and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 2382, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 2382, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-

Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Rodne.

THIRD SUBSTITUTE HOUSE BILL NO. 2382, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

THIRD READING

The House resumed consideration of. ENGROSSED HOUSE BILL NO. 2759 on third reading.

HOUSE BILL NO. 2759, by Representatives Doglio, Jinkins, Senn, Pettigrew, Dolan, Hudgins, Stanford, Chapman, Kagi, Appleton, Gregerson, Tarleton, Santos, Kilduff, Pollet, Macri, Frame and Bergquist

Establishing the Washington state women's commission.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2759, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2759, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Rodne.

ENGROSSED HOUSE BILL NO. 2759, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., March 6, 2018, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 6, 2018

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Araya Zackery and Brayan Garibay. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

March 5, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2016,
HOUSE BILL NO. 2087,
SUBSTITUTE HOUSE BILL NO. 2101,
HOUSE BILL NO. 2208,
SUBSTITUTE HOUSE BILL NO. 2256,
SUBSTITUTE HOUSE BILL NO. 2298,
SUBSTITUTE HOUSE BILL NO. 2308,
SUBSTITUTE HOUSE BILL NO. 2342,
HOUSE BILL NO. 2368,
SUBSTITUTE HOUSE BILL NO. 2398,
HOUSE BILL NO. 2443,
HOUSE BILL NO. 2446,
HOUSE BILL NO. 2479,
SUBSTITUTE HOUSE BILL NO. 2514,
SUBSTITUTE HOUSE BILL NO. 2516,
HOUSE BILL NO. 2517,
SUBSTITUTE HOUSE BILL NO. 2528,
SUBSTITUTE HOUSE BILL NO. 2530,
SUBSTITUTE HOUSE BILL NO. 2538,
HOUSE BILL NO. 2539,
SUBSTITUTE HOUSE BILL NO. 2576,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2651,
HOUSE BILL NO. 2816,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6007,
SUBSTITUTE SENATE BILL NO. 6107,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 5213,
SUBSTITUTE SENATE BILL NO. 5493,
SENATE BILL NO. 6024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,
SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,
SENATE BILL NO. 6180,
SENATE BILL NO. 6311,
SENATE BILL NO. 6371,
SUBSTITUTE SENATE BILL NO. 6399,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6529,
SUBSTITUTE SENATE BILL NO. 6549,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,
SENATE BILL NO. 6580,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 5, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5020,
 SUBSTITUTE SENATE BILL NO. 5064,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179,
 ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251,
 ENGROSSED SENATE BILL NO. 5518,
 SUBSTITUTE SENATE BILL NO. 5522,
 SUBSTITUTE SENATE BILL NO. 5553,
 SUBSTITUTE SENATE BILL NO. 5683,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,
 SUBSTITUTE SENATE BILL NO. 6051,
 SENATE BILL NO. 6058,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
 SUBSTITUTE SENATE BILL NO. 6126,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
 SUBSTITUTE SENATE BILL NO. 6133,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160,
 SENATE BILL NO. 6298,
 SENATE BILL NO. 6363,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,
 SUBSTITUTE SENATE BILL NO. 6437,
 SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 3011 by Representatives Morris and Santos

AN ACT Relating to expanding the scope and resources for public records access; amending RCW 42.56.010 and 42.56.070; adding a new section to chapter 42.56 RCW; adding a new section to chapter 44.04 RCW; and repealing RCW 42.56.560.

Referred to Committee on State Government, Elections & Information Technology.

SB 6007 by Senators Takko, Sheldon, Van De Wege and Warnick

AN ACT Relating to extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses; amending RCW 82.16.0421; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

SSB 6107 by Senate Committee on Transportation (originally sponsored by Senators Rolfes and Mullet)

AN ACT Relating to reducing the electric motorcycle registration renewal fee; amending RCW 46.17.323; creating a new section; and providing a contingent expiration date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047
 THIRD SUBSTITUTE HOUSE BILL NO. 1169
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239
 SECOND SUBSTITUTE HOUSE BILL NO. 1298
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1488
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057
 SUBSTITUTE HOUSE BILL NO. 2229
 HOUSE BILL NO. 2435
 SUBSTITUTE HOUSE BILL NO. 2612
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700
 SUBSTITUTE HOUSE BILL NO. 2887
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938
 SUBSTITUTE HOUSE BILL NO. 2951
 SUBSTITUTE HOUSE BILL NO. 2970
 HOUSE BILL NO. 1058
 HOUSE BILL NO. 1336
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1482
 SUBSTITUTE HOUSE BILL NO. 1558
 SUBSTITUTE HOUSE BILL NO. 1656
 HOUSE BILL NO. 1672
 ENGROSSED HOUSE BILL NO. 1742
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1831
 ENGROSSED HOUSE BILL NO. 1849
 HOUSE BILL NO. 2257
 HOUSE BILL NO. 2261
 HOUSE BILL NO. 2307
 HOUSE BILL NO. 2313
 SUBSTITUTE HOUSE BILL NO. 2317
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356
 HOUSE BILL NO. 2468
 HOUSE BILL NO. 2474
 SUBSTITUTE HOUSE BILL NO. 2515
 HOUSE BILL NO. 2649
 SECOND SUBSTITUTE HOUSE BILL NO. 2671
 SUBSTITUTE HOUSE BILL NO. 2696
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701
 HOUSE BILL NO. 2785

SUBSTITUTE HOUSE BILL NO. 2822
HOUSE BILL NO. 2858
ENGROSSED HOUSE BILL NO. 2957

The Speaker called upon Representative Orwall to preside.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6106 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SENATE BILL NO. 6106 and asked the Senate for a conference thereon. The Speaker (Representative Orwall presiding) appointed Representatives Clibborn, Fey and Orcutt as conferees.

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6055 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 6055 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6055, by Senators Hawkins, Carlyle, Palumbo and Mullet

Creating a pilot program for outdoor burning for cities or towns located partially inside a quarantine area for apple maggot.

Representative Fitzgibbon moved the adoption of the striking amendment (1389):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW to read as follows:

(1) A city or town that is located partially inside a quarantine area for apple maggot (*Rhagoletis pomonella*) established by the Washington state department of agriculture may apply for a permit pursuant to RCW 70.94.6528 for the burning of brush and yard waste generated within the city or town, provided that the city or town satisfies the following requirements:

(a) Burning must be conducted by city or town employees, by contractors under the supervision of city or town employees, or by the city or town fire department or other local fire officials;

(b) Burning must be conducted under the supervision of the city or town fire department or other local fire officials and in consultation with the department of agriculture and the department of ecology or an air pollution control authority, as applicable;

(c) Burning must not be conducted more than four times per calendar year; and

(d) The city or town must issue a media advisory announcing any burning conducted under this section prior to engaging in any such burning.

(2) The department and the department of agriculture are directed to submit to the appropriate policy committees of the legislature no later than November 1, 2018, a report that addresses the available options for the processing and disposal of municipal yard waste generated in areas subject to the apple maggot quarantine, including:

(a) Techniques that neutralize any apple maggot larvae that may be contained within such yard waste;

(b) Identification of facilities that are capable of receiving such yard waste;

(c) Alternatives to outdoor burning, such as composting, chipping, biochar

production, and biomass electrical generation; and

(d) A comparison of the costs of such alternatives.

(3) This section expires July 1, 2020.

Sec. 2. RCW 17.24.051 and 1991 c 257 s 9 are each amended to read as follows:

(1) The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in RCW 17.24.061.

(2) Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

(3) Upon the request of a city or town that is located partially inside a quarantine area for apple maggot established by the department, the department may issue a special transit permit for the limited purpose of transporting brush and yard waste or

debris generated within the city or town through a pest free area to a destination located inside a quarantine area for apple maggot established by the department, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests."

Correct the title.

Representatives Fitzgibbon, Fitzgibbon again and Taylor spoke in favor of the adoption of the striking amendment.

The striking amendment (1389) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage

Representatives Fitzgibbon and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6055 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the house and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6055, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) In 2016, the student achievement council contracted with the William D. Ruckelshaus center to conduct a two-part study analyzing the system of for-profit degree-granting institutions and private vocational schools in Washington. The Ruckelshaus center issued its first report in December 2016, followed by facilitated discussions amongst agencies and stakeholders that resulted in a second report issued in 2017. This act incorporates some of the findings and recommendations from the first phase of the report, including the benefits of ensuring that recruitment advertising and materials are consistent with state and federal verified data. In addition, this act incorporates findings regarding the need for a single student complaint portal and for agencies to have timely access to trust funds for tuition recovery and other methods of responding when schools close. This act also authorizes the second part of the study, as recommended by the center, that will include discussions of agency jurisdiction and consistency and how to improve the agencies' abilities to respond to school closures.

(2) The legislature finds that there are many private for-profit and nonprofit career colleges and degree-granting institutions providing Washington state residents with important postsecondary and career opportunities that contribute to the economic security of Washington residents and aid in meeting the needs of our state's growing economy. The legislature also recognizes that there have been high profile closures of, or federal and other state determinations regarding, some for-profit or formerly for-profit institutions that have damaged the reputation of the sector and impacted the expectations and financial stability of some students. It is the legislature's intent to provide a framework to ensure a level playing field exists for the many institutions that provide disclosures to prospective students based on verifiable metrics, which allow prospective students to be able to make the best decisions on school

and career choices and on financial aid and loans to finance their educational goals. The legislature also intends to ensure that students are provided the information they need to make the best decisions for their educational future and careers in event of closure or potential closure of an institution. In addition, the legislature intends to protect the state's interest in the integrity of its grant and aid programs, from private decisions to close schools or programs under circumstances that may prevent students from obtaining the degree or certificate and career services that the students expected upon enrollment.

NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this specific purpose, up to seventy-five thousand dollars, the student achievement council must continue administering the two-part study of for-profit degree-granting institutions and private vocational schools that was authorized under section 609, chapter 36, Laws of 2016 sp. sess.

(2) As part of the second part of the process, the study must contain findings and recommendations regarding the creation of an ombuds to serve students of degree-granting institutions and private vocational schools, including a recommendation on which state agency should house the position, and if there are other ombuds positions created by the legislature that can serve these students. The study must also contain recommendations on strengthening agencies' abilities to respond to, and protect student consumers from, school closures. Recommendations on agency responses include the use of trust funds and surety bonds for tuition recovery and other related losses.

(3) The student achievement council and the workforce training and education coordinating board must provide a report on the study to the legislature by December 31, 2018.

Sec. 3. RCW 28B.85.090 and 2012 c 229 s 550 are each amended to read as follows:

(1) Complaints may be filed with the council under this chapter by a person claiming loss of tuition or fees as a result of an unfair business practice

~~((may file a complaint with the council)).~~ The complaint shall set forth the alleged violation and shall contain information required by the council. A complaint may also be filed with the council by an authorized staff member of the council or by the attorney general.

(2) The council shall investigate any complaint under this section and may attempt to bring about a settlement. The council may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. If the council prevails, the degree-granting institution shall pay the costs of the administrative hearing.

(3) If, after the hearing, the council finds that the institution or its agent engaged in or is engaging in any unfair business practice, the council shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28B.85.100 and section 4 of this act. If the council finds that the complainant has suffered loss as a result of the act or practice, the council may order full or partial restitution for the loss. The complainant is not bound by the council's determination of restitution and may pursue any other legal remedy.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.85 RCW to read as follows:

(1)(a) The council may deny, revoke, or suspend the authorization of any degree-granting institution authorized to operate under this chapter that is found to be in violation of this chapter.

(b) The council may not delegate to any other state its authority to oversee and enforce compliance with this chapter or its authority to respond to complaints by students in this state, regardless of whether the institution is authorized by, or has its home in, another state. Under RCW 28B.85.020(1)(c), participation in interstate reciprocity agreements consistent with the purposes of this chapter does not delegate authority for compliance with this chapter or authority to respond to student complaints.

(2) It is a violation of this chapter for a degree-granting institution authorized to operate under this chapter

or an agent employed by such a degree-granting institution to:

(a) Provide prospective students with any testimonial, endorsement, or other information that a reasonable person would find was likely to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, postgraduation employment by industry, or probable earnings in the occupation for which the education was designed, the likelihood of obtaining financial aid or low-interest loans for tuition, or the ability of graduates to repay loans;

(b) Use any official United States military logo in advertising or promotional materials; or

(c) Violate the provision of section 5(1)(b) of this act regarding the sale of, or inducing of students to obtain, specific consumer student loan products.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.85 RCW to read as follows:

(1) A degree-granting institution authorized to operate under this chapter must:

(a) Present data about its completion rates, employment rates, loan or indebtedness metrics, or its graduates' median hourly and annual earnings, the posted data consistent with the data posted on the workforce training and education coordinating board's career bridge web site or the data posted by the United States department of education, if the board or the department of education has posted such data;

(b) Not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the council that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. The prohibition in this subsection (1)(b) applies to any degree-granting institution authorized to operate under this chapter, and any agent of the institution, that has at least one hundred fifty students or more enrolled in the state in any given year or that

has been operating in the state for less than two consecutive years. A financial benefit for purposes of this subsection (1) (b) does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection (1) (b), "agent" means any employee, officer, or contractor working on behalf of the institution; and

(c) Disclose to the council regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the degree-granting institution's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the institution for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(2) A violation of any provision of this section is also a violation of RCW 19.86.020 of the consumer protection act. The penalties authorized pursuant to subsection (1) of this section do not preclude remedies available under the provisions of the consumer protection act.

Sec. 6. RCW 28C.10.050 and 2014 c 11 s 2 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for entities operating private vocational schools. The minimum standards shall include, but not be limited to, requirements to assess whether a private vocational school is eligible to obtain and maintain a license in this state.

(2) The requirements adopted by the agency shall, at a minimum, require a private vocational school to:

(a) Disclose to the agency information about its ownership and financial position and ~~((to))~~ demonstrate to the agency that the school is financially viable and responsible and that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.56 RCW;

(b) Follow a uniform statewide cancellation and refund policy as specified by the agency;

(c) Disclose through use of a school catalog, web site, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what data and information ~~((to))~~ are required. To the extent that these web sites or materials present any data on the completion rates, employment rates, loan or indebtedness metrics, and its graduates' median hourly and annual earnings for any of the private vocational schools or its programs, the posted data must be consistent with the data posted on the agency's career bridge web site or the data posted by the United States department of education, if the agency or the department of education has posted such data. Nothing in this subsection requires the agency to make changes to the career bridge web site or add new elements or features to the career bridge web site;

(d) Use an enrollment contract or agreement that includes: (i) The school's cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries, concerns, or complaints may be made to the agency, and (iii) other necessary information as determined by the agency;

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed;

(f) Comply with the requirements of RCW 28C.10.084;

(g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll, including but not limited to administering a United States department of education-approved English as a second language exam before enrolling students for whom English is a second language unless the students provide proof of graduation from a United States high school or proof of completion of a high school equivalency certificate as provided in RCW 28B.50.536 in English or results of another academic assessment determined appropriate by the agency. Guidelines for such assessments shall be developed by the agency, in consultation with the schools;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation;

(i) Ensure that any enrollment contract between the private vocational school and its students has an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with (h) of this subsection and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties; ~~((and))~~

(j) Comply with the requirements related to qualifications of administrators and instructors; and

(k) Disclose to the agency regarding any pending investigations by an oversight entity, including the nature of that investigation, within thirty days of the school's first knowledge of the investigation. For the purposes of this subsection, "investigation" means any inquiry into possible violations of any applicable laws or accreditation

standards. For the purposes of this subsection, "oversight entity" means all of the following:

(i) Any federal or state entity that provides financial aid to students of the institution or approves the school for participation in a financial aid program;

(ii) Any state or federal attorney general's office or department of justice;

(iii) Any regulator that approves the operation of the private vocational school;

(iv) The federal consumer financial protection bureau or the federal securities and exchange commission; and

(v) Any accrediting agency.

(3) A private vocational school that has at least one hundred fifty students or more in the state during any given year, or that has been operating in the state for less than two consecutive years, or that has not had at least one of its programs recognized by the agency as an eligible training provider for at least two consecutive years, may not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the agency that the student has exhausted all federal aid options and has been denied noninstitutional private commercial loan products. A financial benefit for purposes of this subsection does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection, "agent" means any employee, officer, or contractor working on behalf of the institution.

(4) The agency may deny a private vocational school's application for licensure if the school fails to meet the requirements in this section.

~~((4))~~ (5) The agency may determine that a licensed private vocational school or a particular program of a private vocational school is at risk of closure or termination if:

(a) There is a pattern or history of substantiated student complaints filed with the agency pursuant to RCW 28C.10.120; or

(b) The private vocational school fails to meet minimum licensing requirements and has a pattern or history of failing to meet the minimum requirements.

~~((5))~~ (6) If the agency determines that a private vocational school or a particular program is at risk of closure or termination, the agency shall require the school to take corrective action.

Sec. 7. RCW 28C.10.110 and 2014 c 11 s 6 are each amended to read as follows:

(1) It is a violation of this chapter for an entity operating a private vocational school to engage in an unfair business practice. The agency may deny, revoke, or suspend the license of any entity that is found to have engaged in a substantial number of unfair business practices or that has engaged in significant unfair business practices.

(2) It is an unfair business practice for an entity operating a private vocational school or an agent employed by a private vocational school to:

(a) Fail to comply with the terms of a student enrollment contract or agreement;

(b) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;

(c) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;

(d) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;

(e) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer

credit for the course or program to any institution of higher education;

(f) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, number of faculty, or the extent or nature of any approval received from an accrediting association;

(g) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;

(h) Provide prospective students with: Any testimonial, endorsement, or other information ((which has the tendency)) that a reasonable person would find likely to mislead or deceive prospective students or the public, including those regarding current practices of the school((7)); information regarding rates of completion or postgraduation employment by industry, or its graduates' median hourly or annual earnings, that is not consistent with the presentation of data as established under RCW 28C.10.050(2)(c); current conditions for employment opportunities((7)); postgraduation employment by industry or probable earnings in the occupation for which the education was designed; total cost to obtain a diploma or certificate; the acceptance of a diploma or certificate by employers as a qualification for employment; the acceptance of courses, a diploma, or certificate by higher education institutions; the likelihood of obtaining financial aid or low-interest loans for tuition; and the ability of graduates to repay loans;

(i) Designate or refer to sales representatives as "counselors," "advisors," or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;

(j) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading;

(k) Engage in methods of advertising, sales, collection, credit, or other

business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; ~~((e))~~

(l) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual;

(m) Violate RCW 28C.10.050(3) regarding the sale of, or inducing of students to obtain, specific consumer student loan products; or

(n) Use any official United States military logos in advertising or promotional materials.

Sec. 8. RCW 28C.10.130 and 1986 c 299 s 13 are each amended to read as follows:

(1) Any private vocational school or agent violating RCW 28C.10.060, 28C.10.090, or 28C.10.110 or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under RCW 28C.10.120, or in any court of competent jurisdiction.

(2) In addition to the penalties authorized pursuant to subsection (1) of this section, any violation of any provision of this chapter is also a violation of RCW 19.86.020 of the consumer protection act, pursuant to RCW 28C.10.210. The penalties authorized under subsection (1) of this section do not preclude remedies available under the provisions of the consumer protection act.

NEW SECTION. Sec. 9. A new section is added to chapter 18.16 RCW to read as follows:

(1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of

schools regulated under this chapter, the director shall establish, maintain, and administer a department of licensing tuition recovery trust fund created in section 10 of this act. The department of licensing tuition recovery trust fund shall be established no later than January 1, 2019. All funds collected for the department of licensing tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the department of licensing tuition recovery trust fund.

(2)(a) The director may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the department of licensing tuition recovery trust fund.

(b) The director must determine an amount that would be sufficient in the department of licensing tuition recovery trust fund to provide relief to students in the event of a school closure. The director shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the director may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from the effective date of this section.

(3) Money from the department of licensing tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the director determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into the department of licensing tuition recovery trust fund.

(5) The department of licensing tuition recovery trust fund's liability with respect to each participating school

commences on the date of the initial deposit into the department of licensing tuition recovery trust fund made on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The director shall adopt by rule a matrix for calculating the deposits into the department of licensing tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the department of licensing tuition recovery trust fund or at any such future time that the department of licensing tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described in this section. The director shall maintain the department of licensing tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the department of licensing tuition recovery trust fund.

(8) The director shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section.

NEW SECTION. Sec. 10. A new section is added to chapter 18.16 RCW to read as follows:

The department of licensing tuition recovery trust fund is created in the custody of the state treasurer. All receipts from each school owner under section 9 of this act must be deposited into the fund. Expenditures from the fund may be used only for the purposes in section 9 of this act. Only the director or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.85 RCW to read as follows:

(1)(a) For the purpose of providing relief to students impacted by the voluntary or involuntary closure of schools regulated under this chapter, the

council shall establish, maintain, and administer a student achievement council tuition recovery trust fund created in section 12 of this act. All funds collected for the student achievement council tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private school licensed under this chapter, for purposes including but not limited to the settlement of claims related to school closures.

(b) No liability accrues to the state from claims made against the student achievement council tuition recovery trust fund.

(2)(a) The council may impose a fee structure, set forth in rule, on schools licensed under this chapter to fund the student achievement council tuition recovery trust fund.

(b) The council must determine an amount that would be sufficient in the student achievement council tuition recovery trust fund to provide relief to students in the event of a school closure. The council shall adopt schedules of times and amounts for effecting payments of fees. To reach the amount determined, the council may phase in the collection of fees, but must achieve the amount determined to be sufficient no later than five years from the effective date of this section.

(3) Money from the student achievement council tuition recovery trust fund may be used for:

(a) Providing refunds to students affected by school closures;

(b) Securing and administering student records; and

(c) Any other response the council determines is necessary to mitigate impacts of a potential or actual school closure.

(4) In order for a school to be and remain licensed under this chapter, each school owner shall, in addition to other requirements under this chapter, make cash deposits on behalf of the school into a student achievement council tuition recovery trust fund.

(5) The student achievement council tuition recovery trust fund's liability with respect to each participating school commences on the date of the initial deposit into the student achievement council tuition recovery trust fund made

on its behalf and ceases one year from the date the school is no longer licensed under this chapter.

(6) The council shall adopt by rule a matrix for calculating the deposits into the student achievement council tuition recovery trust fund on behalf of each school.

(7) No vested right or interest in deposited funds is created or implied for the depositor at any time during the operation of the student achievement council tuition recovery trust fund or at any such future time that the student achievement council tuition recovery trust fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The council shall maintain the student achievement council tuition recovery trust fund, serve appropriate notices to affected owners when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the student achievement council tuition recovery trust fund.

(8) The council shall adopt rules to address notifying potential claimants, settling claims, disbursing funds, and any other processes necessary to implement the purpose of this section.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.85 RCW to read as follows:

The student achievement council tuition recovery trust fund is created in the custody of the state treasurer. All receipts from fees imposed on schools licensed under this chapter and section 11 of this act must be deposited into the fund. Expenditures from the fund may be used only for the purposes in section 11 of this act. Only the council may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.77 RCW to read as follows:

Within existing resources, the student achievement council, the workforce training and education coordinating board, and the department of licensing shall collaborate to create a single

portal for student complaints regarding issues related to consumer protection, disclosures, school or program closures, or other violations committed by institutions regulated by those three agencies. The persons staffing the portal shall refer complaints to the appropriate agency and work as a liaison between the student and relevant agency to assist in resolving the concerns or complaint. Each agency shall ensure that all students enrolled in, applying to enroll in, or obtaining loans at, institutions regulated by the agency are informed of the portal and how to file complaints. The persons staffing the portal will report to the legislature annually by November 1, 2018, the number of complaints and their resolution status.

Sec. 14. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of

treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the

Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle

account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond

retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28A.85.090, 28C.10.050, 28C.10.110, and 28C.10.130; reenacting and amending RCW 43.84.092; adding new sections to chapter 28B.85 RCW; adding new sections to chapter 18.16 RCW; adding a new section to chapter 28B.77 RCW; creating new sections; and prescribing penalties."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pollet spoke in favor of the passage of the bill.

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1439, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1439, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1439, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((financial obligations))~~ restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of the effective date of this section,

no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued ~~((during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family))~~ prior to the effective date of this section;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full ~~((+~~

~~(c) The court may otherwise reduce or waive the interest on the portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that the interest accrual is causing a significant hardship. For purposes of this section, "good faith effort" means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen-month period, excluding any payments mandatorily deducted by the department of corrections;~~

~~(d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only))~~ and as an incentive for the offender to meet his or her other legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing

and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders.

Sec. 2. RCW 3.50.100 and 2012 c 136 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) (a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail

forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 3. RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and 2012 c 134 s 6 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4), and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state

treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) Except as provided in RCW 7.84.100(4), all money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5)(a) Except as provided in (b) of this subsection, penalties, fines, (~~bail forfeitures,~~) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

Sec. 4. RCW 3.62.040 and 2012 c 136 s 5 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5)(a) Except as provided in (b) of this subsection, penalties, fines, (~~bail forfeitures,~~) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 5. RCW 35.20.220 and 2012 c 136 s 7 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) (a) Except as provided in (b) of this subsection, penalties, fines, (~~bail forfeitures,~~) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue

only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 6. RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one

hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs (~~(unless)~~) if the defendant (~~(is or will be able to pay them)~~) at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). In determining the amount and method of payment of costs for defendants who are not indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been ordered to pay costs and who is not in contumacious default in the payment thereof may at any time after release from total confinement petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, (~~(or)~~) modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution.

Manifest hardship exists where the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 7. RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each amended to read as follows:

(1) When a defendant is sentenced to pay ((a)) fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 8. RCW 10.01.180 and 2010 c 8 s 1006 are each amended to read as follows:

(1) A defendant sentenced to pay ~~((a))~~ any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When ~~((a))~~ any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the ~~((fine or costs))~~ obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful

contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of ~~((a))~~ any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the ~~((fine or costs))~~ amount ordered, thirty days if the ~~((fine or assessment))~~ amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of ~~((a))~~ any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

~~((4))~~ (5) If it appears to the satisfaction of the court that the default in the payment of ~~((a))~~ any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall enter an order: (a) Allowing the defendant additional time for payment~~((7))~~; (b) reducing the amount thereof or of each installment ~~((a))~~; (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.

~~((5))~~ (6) A default in the payment of ~~((a))~~ any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of ~~((a))~~ any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount ~~((of the fine or costs))~~ has actually been collected.

Sec. 9. RCW 10.46.190 and 2005 c 457 s 12 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace (~~shall~~) may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 10. RCW 10.64.015 and Code 1881 s 1104 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant (~~shall~~) may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c).

Sec. 11. RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods (~~(+and)~~). If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall allow for payment in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any

sentence given for the violation of any of the liquor laws of this state.

Sec. 12. RCW 10.73.160 and 2015 c 265 s 22 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment may at any time after release from total confinement petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, (~~(or)~~) modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) The parents or another person legally obligated to support a juvenile

offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 13. RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement; (~~or~~

~~(iii) Convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution;)~~)

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding (~~payment of legal financial obligations and regarding~~) community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through

(c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

((4)) (5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 14. RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). An offender being indigent as defined in RCW 10.101.010(3) (a) through (c) is not grounds for failing to impose restitution or the crime victim penalty assessment under RCW 7.68.035. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial

obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of ((an offender's monthly)) each payment((, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied)) made by or on behalf of an offender, the county clerk shall distribute the payment ((proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court)) in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

((2)) (3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration ((at)). The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). Costs of incarceration ordered by the court shall not exceed a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the ((court may require the offender to pay the)) actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. ((Payment of other court-ordered financial obligations, including all

~~legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court.)~~ All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

~~((3))~~ (4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

~~((4))~~ (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a

child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((5))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of

preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((6))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((7))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the

offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((8))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((9))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((10))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

~~((11))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((412))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((413))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((414))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 15. RCW 9.94B.040 and 2002 c 175 s 8 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further

punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions apply:

(a)(i) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, or (iii) ~~((convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution, or (iv)))~~ order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's

sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed sixty days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community

restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

~~((5))~~ (6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

~~((6))~~ (7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 16. RCW 3.62.085 and 2005 c 457 s 10 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 17. RCW 36.18.020 and 2017 3rd sp.s. c 2 s 3 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under

RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5) (a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2) (b) of this section, a surcharge of thirty dollars must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2) (b), (d), and (h) of this section, a surcharge of forty dollars must be collected.

Sec. 18. RCW 43.43.7541 and 2015 c 265 s 31 are each amended to read as follows:

Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the

state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed. The clerk of the court shall transmit eighty percent of the fee collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.

Sec. 19. RCW 7.68.035 and 2015 c 265 s 8 are each amended to read as follows:

(1) (a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.

(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community

restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer (~~who shall monthly transmit the money as provided in RCW 10.82.070~~). Each county shall deposit (~~(fifty)~~) one hundred percent of the money it receives per case or cause of action under subsection (1) of this section (~~(and retains under RCW 10.82.070)~~), not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make

funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly

transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the state general fund.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

NEW SECTION. **Sec. 20.** Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. **Sec. 21.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Holy and Goodman spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1783, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Condotta, DeBolt, Dent, Harris, Jenkin, Klippert, Kraft, Manweller, McCaslin, McCabe, Nealey, Orcutt and Steele.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the 1997 state trust lands habitat conservation plan and the proposed amendment related to the conservation of the marbled murrelet, which provide certainty for beneficiaries of affected state lands and state forestlands, present an important and ongoing issue for the people of the state of Washington. The legislature further finds that complying with the endangered species act is a necessary aspect of managing state trust lands. The lands that are the subject of the 1997

habitat conservation plan are held by the state in trust for the trust beneficiaries, and the proposed amendment to the 1997 state trust lands habitat conservation plan presents an opportunity for the legislature to engage in its role as a fiduciary of those lands.

(2) The legislature intends that the process set forth in this act will serve as a model for future processes in the event that there are any subsequent amendments to the 1997 state trust lands habitat conservation plan beyond those envisioned in this act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1)(a) By December 1, 2018, and each December 1st until the year after the United States fish and wildlife service issues an incidental take permit on the state trust land habitat conservation plan for the long-term conservation strategy for the marbled murrelet, the department must provide a report to the legislature, consistent with RCW 43.01.036, as required in this section.

(b) No fewer than ninety days before submitting the report to the legislature as described in this section, the department must first submit a draft of the report for review and comment to the chair and ranking member of the committees of the house of representatives and senate with jurisdiction over state trust lands management.

(c) Each regular legislative session, the standing committee with jurisdiction over state trust land management from the house of representatives and senate must each hold a meeting, which may be held as a joint meeting, on the report required in this section and the habitat conservation plan update process.

(2) The report required in this section must annually include an economic analysis of potential losses or gains from any proposed marbled murrelet long-term conservation strategy selected by the board of natural resources, forwarded to or approved by the United States fish and wildlife service, and subsequently adopted by the board.

(3) The initial report required under this section must also include

recommendations relating to the following, to be updated as appropriate in subsequent reports:

(a) Actions that support maintaining or increasing family-wage timber and related jobs in the affected rural communities, taking into account, as appropriate, the role of other market factors;

(b) Strategies to ensure no net loss of revenues to the trust beneficiaries due to the implementation of additional marbled murrelet conservation measures;

(c) Additional means of financing county services; and

(d) Additional reasonable, incentive-based, nonregulatory conservation measures for the marbled murrelet that also provide economic benefits to rural communities.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties--general" to read as follows:

(1) To assist the department in developing and providing the report to the legislature required in section 2 of this act, the commissioner must appoint a marbled murrelet advisory committee.

(2) The marbled murrelet advisory committee may include one or more representatives from the following categories:

(a) State trust lands beneficiaries;

(b) Impacted state forestlands beneficiaries, including counties;

(c) Junior taxing districts;

(d) Environmental organizations;

(e) Local governments or an association representing local governments;

(f) Milling interests or an association representing milling interests;

(g) Private forest landowners or a statewide association representing private forest landowners; and

(h) Local public interest groups.

(3) The advisory committee required under this section may consult with relevant state and federal agencies and tribes.

NEW SECTION. **Sec. 4.** (1) Sections 2 and 3 of this act expire at the end of the calendar year following the issuance by the United States fish and wildlife service of an incidental take permit on the long-term conservation strategy for the marbled murrelet under the state trust lands habitat conservation plan and subsequent adoption by the board of natural resources.

(2) The department of natural resources must notify the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser when the conditional expiration date of sections 1 and 2 of this act is satisfied."

On page 1, line 3 of the title, after "information;" strike the remainder of the title and insert "adding new sections to chapter 43.30 RCW; creating a new section; and providing a contingent expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chapman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2285, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2285, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves,

Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2322 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that allowing property insurers to assist their insureds with risk mitigation and/or prevention goods and/or services could help prevent, or reduce the severity of claims and losses. The legislature further finds that property insurers engage in supporting insureds through disaster or emergency response activities when there is an imminent threat of damage to insured property, such as wildfire prevention defense efforts that provide fire retardants to homes in a wildfire area or send crews to combat wildfires to protect insureds' homes. The legislature further finds that assisting insureds with risk mitigation and prevention and providing disaster or emergency response activities are both useful in preventing economic loss, and should be exempt from the prohibition against inducements under RCW 48.30.140 and 48.30.150.

NEW SECTION. **Sec. 2.** A new section is added to chapter 48.18 RCW to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following either goods or services, or both, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance, except commercial property insurance:

(a) Goods, including a water monitor;

(b) Foundation strapping to mitigate losses due to earthquake;

(c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and

(d) Other either goods or services, or both, as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to one thousand five hundred dollars in value in the aggregate in any twelve-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

(a) A description of either the specific goods or services, or both, to be offered;

(b) A description of the method of delivering either the specific goods or services, or both, being offered; and

(c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title. However, if the commissioner approves the inclusion of either the goods or services, or both, in a policy of property insurance, except commercial property insurance, it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides risk mitigation and/or prevention goods and/or services identified in subsection (1) of this section in connection with an insurance policy covering property risks, except commercial property insurance, in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program under this subsection is exempt from including information about the risk mitigation and/or prevention goods and/or services in its rate filing as is otherwise required under subsection (4) of this section and section 3 of this act.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to disaster or emergency response activities of a property insurer.

NEW SECTION. Sec. 3. A new section is added to chapter 48.19 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy, except commercial property insurance, that includes risk mitigation and/or prevention goods and/or services under section 2 of this act, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from either the goods or services, or both.

(2) This section does not apply to:

(a) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program established in section 2(6) of this act; or

(b) Disaster or emergency response activities of a property insurer.

NEW SECTION. Sec. 4. A new section is added to chapter 48.18 RCW to read as follows:

The commissioner may adopt rules as necessary to implement sections 2 and 3 of this act, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation and/or prevention goods and/or services;

(2) Rules increasing the value of either the goods or services, or both, permitted under section 2(1) of this act;

(3) Rules establishing requirements for pilot programs authorized under section 2(6) of this act; and

(4) Rules identifying which insurer disaster or emergency response activities are exempt from sections 2 and 3 of this act and RCW 48.30.140 and 48.30.150."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating a new section."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2322 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Stanford and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2322, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2322, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2322, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may not, based on the source of income of an otherwise eligible prospective tenant or current tenant:

(a) Refuse to lease or rent any real property to a prospective tenant or current tenant, unless the: (i) Prospective tenant's or current tenant's source of income is conditioned on the real property passing inspection; (ii) written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and (iii) landlord has not received moneys from the landlord mitigation program account to make the improvements;

(b) Expel a prospective tenant or current tenant from any real property;

(c) Make any distinction, discrimination, or restriction against a prospective tenant or current tenant in the price, terms, conditions, fees, or privileges relating to the rental, lease, or occupancy of real property or in the furnishing of any facilities or services in connection with the rental, lease, or occupancy of real property;

(d) Attempt to discourage the rental or lease of any real property to a prospective tenant or current tenant;

(e) Assist, induce, incite, or coerce another person to commit an act or engage in a practice that violates this section;

(f) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected under this section;

(g) Represent to a person that a dwelling unit is not available for inspection or rental when the dwelling unit in fact is available for inspection or rental; or

(h) Otherwise make unavailable or deny a dwelling unit to a prospective tenant or current tenant that, but for his or her source of income, would be eligible to rent real property.

(2) A landlord may not publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the rental or lease of real property that indicates a preference, limitation, or requirement based on any source of income.

(3) If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

(4) A person in violation of this section shall be held liable in a civil action up to four and one-half times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys' fees.

(5) As used in this section, "source of income" includes benefits or subsidy programs including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity. "Source of income" does not include income derived in an illegal manner.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program. The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are

eligible for reimbursement from the landlord mitigation program account:

(a) Up to one thousand dollars for improvements identified in section 1(1)(a) of this act. In order to be eligible for reimbursement under this subsection (1)(a), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)(a) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

(b) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

(c) Reimbursement for damages established pursuant to subsection (2) of this section; and

(d) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(2) In order for a claim under subsection (1)(c) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials,

and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)(c) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.31 RCW to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in section 2 of this act and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ten percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

Sec. 4. 2017 3rd sp.s. c 4 s 1028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Housing Improvement Program (30000863)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriation is subject to the provisions of section 1010, chapter 35, Laws of 2016 sp. sess.

(2) The department may use the reappropriation to implement this act.

Reappropriation:

Washington Housing Trust Account--State\$194,000

Prior Biennia (Expenditures) ..\$31,000

Future Biennia (Projected Costs)... \$0
 TOTAL..... \$225,000

Sec. 5. RCW 36.22.178 and 2011 c 110 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ~~((ten))~~ thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit: (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in section 3 of this act.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an

interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

NEW SECTION. **Sec. 6.** Section 1 of this act takes effect September 30, 2018."

On page 1, line 1 of the title, after "options;" strike the remainder of the

title and insert "amending RCW 36.22.178; amending 2017 3rd sp.s. c 4 s 1028 (uncodified); adding a new section to chapter 59.18 RCW; adding new sections to chapter 43.31 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2578, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2578, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Harris, Holy, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Volz, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Eslick, Griffey, Hargrove, Harmsworth, Hayes, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McCabe, Nealey, Pike, Schmick, Shea, Smith, Taylor, Van Werven, Vick and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2578, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2733 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the department must create a prescribed burn manager certification program for those who practice prescribed burning in the state. The certification program must include training on all relevant aspects of prescribed fire in Washington including, but not limited to, the following: Legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies.

(2) The department may not require certification under the program created under subsection (1) of this section for burn permit approval under this chapter. Nothing in this section may be construed as creating a mandatory prescribed burn manager certification requirement to conduct prescribed burning in Washington.

(3) No civil or criminal liability may be imposed by any court, the state, or its officers and employees, on a prescribed burn manager certified under the program created under subsection (1) of this section, for any direct or proximate adverse impacts resulting from a prescribed fire conducted under the provisions of this chapter except upon proof of gross negligence or willful or wanton misconduct.

(4) The department may adopt rules to create the prescribed burn manager certification program and to set periodic renewal criteria. The rules should be developed in consultation with prescribed burn programs in other states. The department may also adopt rules to establish a decertification process for certified prescribed burn managers who commit a violation under this chapter or rules adopted under this chapter. The department may, in its own discretion, develop an equivalency test for experienced prescribed burn managers.

(5) Certified prescribed burn managers may be issued burn permits with modified

requirements in recognition of their training and skills. In such cases, normal smoke management and fire risk parameters apply."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and adding a new section to chapter 76.04 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2733 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2733, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2733, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2733, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2777 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.03.020 and 1967 ex.s. c 26 s 31 are each amended to read as follows:

(1) The board of tax appeals, hereinafter ~~((in chapter 26, Laws of 1967 ex. sess.))~~ referred to as the board, ~~((shall))~~ must consist of three members qualified by experience and training in the field of state and local taxation, appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their terms ~~((shall))~~ may be members of the same political party.

(2) Beginning with appointments made after the effective date of this section, at least two members of the board must be attorneys licensed to practice law in the state of Washington with substantial knowledge of Washington tax law. At least one attorney member must have substantial experience in making a record suitable for judicial review. Any nonattorney member must have substantial experience in the fields of residential and commercial property appraisal.

(3) Each member of the board must attend at least twenty hours of judicial training deemed by the board to be appropriate for instructing members in Washington law, evidentiary procedures, and judicial practice and ethics.

Sec. 2. RCW 82.03.030 and 1967 ex.s. c 26 s 32 are each amended to read as follows:

Members of the board ~~((shall))~~ must be appointed for a term of six years and until their successors are appointed and have qualified. ~~((In case of a vacancy, it shall))~~ Vacancies must be filled by appointment by the governor, in accordance with section 1 of this act, for the unexpired portion of the term in which ~~((said))~~ the vacancy occurs ~~((+ PROVIDED, That the terms of the first three members of the board shall be staggered so that one member shall be appointed to serve until March 1, 1969, one member until March 1, 1971, and one member until March 1, 1973))~~.

Sec. 3. RCW 82.03.040 and 1967 ex.s. c 26 s 33 are each amended to read as follows:

Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who ~~((shall))~~ must transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice ~~((shall))~~ must thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal ~~((shall))~~ must fix the time of the hearing, which ~~((shall))~~ must be public, and the procedure for the hearing, and the decision of such tribunal ~~((shall be))~~ are final and not subject to review by the supreme court. Removal of any member of the board by the tribunal ~~((shall disqualify such))~~ disqualifies that member ~~((for))~~ from reappointment.

Sec. 4. RCW 82.03.050 and 2013 c 23 s 311 are each amended to read as follows:

(1) The board ~~((shall))~~ must operate on ~~((either a part time or))~~ a full-time basis ~~((, as determined by the governor. If it is determined that the board shall operate on a full-time basis, each member of the board shall receive an annual salary to be determined by the governor. If it is determined that the board shall operate on a part-time basis, each member of the board shall receive compensation on the basis of seventy five dollars for each day spent in performance of his or her duties, but such compensation shall not exceed ten thousand dollars in a fiscal year)).~~ Each member of the board must devote his or her full time and efforts to the efficient discharge of the duties of the board.

(2) Board members must receive an annual salary in the same range as that established for equivalent members of class four boards under RCW 43.03.250.

(3) Each board member ~~((shall))~~ must receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 5. RCW 82.03.060 and 2013 c 23 s 312 are each amended to read as follows:

~~((Each member of the board of tax appeals:~~

~~(1) Shall not))~~ (1) No member of the board may be a candidate for ~~((nor))~~ or hold any other public office or trust, and ~~((shall))~~ may not engage in any occupation or business interfering with or inconsistent with his or her duty as a member of the board, ~~((nor shall he or she))~~ or serve on or under any committee of any political party; and

(2) ~~((Shall not))~~ No member of the board may, for a period of one year after the termination of his or her membership on the board, act in a representative capacity before the board on any matter.

Sec. 6. RCW 82.03.070 and 1988 c 222 s 2 are each amended to read as follows:

(1) The board ~~((may))~~ must appoint, discharge and fix the compensation of an executive director, tax referees, and a clerk ~~((, and)).~~ The board may appoint such other clerical, professional and technical assistants as may be necessary. Tax referees ~~((shall))~~ are not ~~((be))~~ subject to chapter 41.06 RCW.

(2) The board must maintain at least five tax referees, of which two must be active or judicial members of the Washington state bar association and three must be state-certified general real estate appraisers, as defined in RCW 18.140.010(22).

Sec. 7. RCW 82.03.080 and 2013 c 23 s 313 are each amended to read as follows:

~~((The board shall as soon as practicable after the initial appointment of the members thereof,))~~ (1) The board must meet and elect from among its members a chair ~~((, and shall))~~ at least biennially ~~((thereafter meet and elect such a chair)).~~

(2) A majority of the board constitutes a quorum when transacting official business of the agency. The board may act when one board position is vacant.

Sec. 8. RCW 82.03.090 and 1967 ex.s. c 26 s 38 are each amended to read as follows:

(1) The principal office of the board ~~((shall))~~ must be at the state capital, but it may sit or hold hearings at any

~~other place in the state. ((A majority of the board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant.))~~ The board must provide for regular hearings in the most populous county west of the crest of the Cascade mountains and east of the crest of the Cascade mountains for the conduct of informal proceedings.

(2) One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. ~~((The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.))~~

NEW SECTION. Sec. 9. On or before November 1, 2018, and in compliance with RCW 43.01.036, the board must provide the governor and the appropriate committees of the legislature with a detailed report on the following:

(1) The current number of pending appeals, categorized by the year in which each such appeal was filed;

(2) The number of appeals closed, since the effective date of this section, categorized by the year in which each such appeal was filed;

(3) The number of appeals filed since the effective date of this section; and

(4) A detailed plan, to be executed by the board, to address pending appeals.

Sec. 10. RCW 82.03.100 and 1967 ex.s. c 26 s 39 are each amended to read as follows:

The board ~~((shall))~~ must make findings of fact and prepare a written decision in each case decided by it, and such findings and decision ~~((shall be))~~ are effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and ~~((shall be))~~ are open to public inspection at all reasonable times.

Sec. 11. RCW 82.03.110 and 1967 ex.s. c 26 s 40 are each amended to read as follows:

The board ~~((shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest))~~ must publish those of its orders and decisions issued after the effective date of this section which are of precedential value, in such form as to assure ~~((reasonable distribution thereof))~~ such decisions are available for online research, including through a publicly available web site. The board may, in addition, identify, publish, and make available online orders and decisions issued prior to the effective date of this section that are of precedential value.

Sec. 12. RCW 82.03.120 and 1988 c 222 s 3 are each amended to read as follows:

The board ~~((shall))~~ must maintain at its principal office a copy ~~((of its final findings and decisions. The findings and decisions shall be available for public inspection at the principal office of the board at all reasonable times))~~, electronic or otherwise, of all final orders and decisions until transferred to the state archives in accordance with state agency retention policies and chapter 40.14 RCW. The orders and decisions maintained at the principal office of the board must be available for public inspection at all reasonable times; however, this provision may be satisfied by making the orders and decisions available via a publicly available web site.

Sec. 13. RCW 82.03.140 and 2000 c 103 s 1 are each amended to read as follows:

~~((In all appeals over which the board has jurisdiction under RCW 82.03.130, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the board.))~~ (1) A party filing an appeal with the board must elect either a formal or an informal proceeding, according to rules of practice and procedure adopted by the board. If no such election is made, the appeal must be treated as an election for an informal proceeding: PROVIDED, That nothing ~~((shall))~~ prevents the assessor or taxpayer, as a party to an appeal pursuant to RCW 84.08.130, within twenty days from the date of the receipt of the notice of appeal, from filing with the

clerk of the board notice of intention that the hearing be a formal one: PROVIDED, HOWEVER, That nothing herein (~~shall~~) may be construed to modify the provisions of RCW 82.03.190: AND PROVIDED FURTHER, That upon an appeal under RCW 82.03.130(1)(e), the director of revenue may, within ten days from the date of its receipt of the notice of appeal, file with the clerk of the board notice of its intention that the hearing be held pursuant to chapter 34.05 RCW.

(2) A responding party may file a cross appeal. In the event that appeals are taken (~~from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted~~) by different parties from the same decision, order, or determination, and only one party elects a formal proceeding, the appeal must be conducted as a formal proceeding.

Sec. 14. RCW 82.03.150 and 2000 c 103 s 2 are each amended to read as follows:

In all appeals involving an informal hearing before the board or any of its members or tax referees, the board (~~or its~~), any member of the board, and the board's tax referees (~~shall~~) have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.05 RCW. The board, (~~or its~~) any member of the board, and the board's tax referees (~~shall~~) also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(1)(b) the board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board or any member thereof may deem necessary or appropriate.

Sec. 15. RCW 82.03.160 and 2000 c 103 s 3 are each amended to read as follows:

In all appeals involving a formal hearing before the board or any of its members or tax referees, the board (~~or its~~), any member of the board, and the board's tax referees (~~shall~~) have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.05 RCW; and the board, and

each member thereof, or its tax referees, (~~shall be~~) are subject to all duties imposed upon, and (~~shall~~) have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings. The board, (~~or its~~) any member of the board, and the board's tax referees (~~shall~~) also have all powers granted the department of revenue pursuant to RCW 82.32.110. In the case of appeals within the scope of RCW 82.03.130(1)(b), the board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director of revenue as the board, or any member thereof, may deem necessary or appropriate: PROVIDED, HOWEVER, That any communication, oral or written, from the staff of the director to the board or its tax referees (~~shall~~) may be presented only in open hearing.

Sec. 16. RCW 82.03.170 and 1988 c 222 s 7 are each amended to read as follows:

All proceedings, including both formal and informal hearings, before the board or any of its members or tax referees (~~shall~~) must be conducted in accordance with such rules of practice and procedure as the board may prescribe. The board (~~shall~~) must publish such rules and arrange for (~~the reasonable distribution thereof~~) public access to the rules, including through a publicly available web site.

NEW SECTION. Sec. 17. A new section is added to chapter 82.03 RCW to read as follows:

(1) The board may require parties to attend a mandatory settlement conference at any time before or after the appeal has been heard.

(2)(a) The board must provide an informal voluntary and confidential mediation process. The purpose of the mediation is to help the parties reach an agreement that settles the dispute. The board must adopt rules for the conduct of mediation, including appropriate fees, consistent with the purpose of the mediation.

(b) Any person appointed as a neutral mediator must have substantial experience in Washington tax law or in residential and commercial property appraisals. The mediator's role is to assist the parties to work together to

reach a mutually agreeable dispute resolution. The mediator will not issue a decision in the matter. An agreement reached by the parties during the mediation must be memorialized in writing and signed by the parties before the board may enter an order closing the appeal.

(c) All mediation discussions, statements of parties, and materials provided as part of the mediation are confidential, must be destroyed or returned to the parties after mediation is complete, and may not be used for any other purpose or in any other proceeding.

NEW SECTION. **Sec. 18.** A new section is added to chapter 82.03 RCW to read as follows:

(1)(a) Except as otherwise specifically provided by statute, the board:

(i) Must award a qualified party that prevails in a formal hearing from a department of revenue action fees and other expenses, including reasonable attorneys' fees, unless the board finds that the department of revenue's action was substantially justified or that circumstances make an award unjust;

(ii) May award a qualified party that prevails in a formal hearing from a board of equalization action fees and other expenses, including reasonable attorneys' fees, unless the board finds that the board of equalization's action was substantially justified or that circumstances make an award unjust.

(b) A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. The board, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

(3) Fees and other expenses awarded under this section must be paid by the board over which the party prevails from

operating funds appropriated to the agency within sixty days. The board shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the board shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the board announces the award.

(4) The following definitions apply to this section unless the context clearly indicates otherwise.

(a) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (i) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (ii) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(b) "Qualified party" means (i) an individual whose net worth did not exceed one million dollars at the time the initial appeal petition was filed or (ii) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial appeal petition was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141j(a)), may be a party regardless of the net worth of such organization or cooperative association."

On page 1, line 2 of the title, after "appeals;" strike the remainder of the title and insert "amending RCW 82.03.020, 82.03.030, 82.03.040, 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.090, 82.03.100, 82.03.110,

82.03.120, 82.03.140, 82.03.150, 82.03.160, and 82.03.170; adding new sections to chapter 82.03 RCW; and creating a new section."

March 6, 2018

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2777 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Jinkins and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2777, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2777, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2777, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 6179,
SENATE BILL NO. 6210,
SENATE BILL NO. 6218,
SENATE BILL NO. 6231,
SENATE BILL NO. 6240,
SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6318,
SENATE BILL NO. 6367,
SENATE BILL NO. 6368,
SENATE BILL NO. 6393,
SENATE BILL NO. 6404,
SENATE BILL NO. 6408,
SENATE BILL NO. 6414,
SUBSTITUTE SENATE BILL NO. 6438,
SECOND SUBSTITUTE SENATE BILL NO. 6453,
SENATE BILL NO. 6462,
SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6544,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
HOUSE BILL NO. 1058,
THIRD SUBSTITUTE HOUSE BILL NO. 1169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,
SECOND SUBSTITUTE HOUSE BILL NO. 1298,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1482,
SUBSTITUTE HOUSE BILL NO. 1558,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570,
SUBSTITUTE HOUSE BILL NO. 1656,
HOUSE BILL NO. 1672,
ENGROSSED HOUSE BILL NO. 1742,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1831,
ENGROSSED HOUSE BILL NO. 1849,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057,
SUBSTITUTE HOUSE BILL NO. 2229,
HOUSE BILL NO. 2257,
HOUSE BILL NO. 2261,
HOUSE BILL NO. 2307,
HOUSE BILL NO. 2313,
SUBSTITUTE HOUSE BILL NO. 2317,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2664, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1022,
HOUSE BILL NO. 1056,
HOUSE BILL NO. 1085,
HOUSE BILL NO. 1095,
ENGROSSED HOUSE BILL NO. 1128,
HOUSE BILL NO. 1133,
SECOND SUBSTITUTE HOUSE BILL NO. 1293,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
1388,
SECOND SUBSTITUTE HOUSE BILL NO. 1433,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,
HOUSE BILL NO. 1499,
SECOND SUBSTITUTE HOUSE BILL NO. 1513,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1600,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1622,
HOUSE BILL NO. 1630,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1673,
HOUSE BILL NO. 1790,
HOUSE BILL NO. 1939,
SUBSTITUTE HOUSE BILL NO. 1953,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5991,
SENATE BILL NO. 6159,
SENATE BILL NO. 6163,
SUBSTITUTE SENATE BILL NO. 6175,
ENGROSSED SENATE BILL NO. 6211,
SECOND SUBSTITUTE SENATE BILL NO. 6245,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6273,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.
1488,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 6, 2018

HB 3003 Prime Sponsor, Representative Goodman:
Relating to law enforcement. Reported by
Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

March 6, 2018

SSB 6107 Prime Sponsor, Committee on
Transportation: Reducing the electric
motorcycle registration renewal fee.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Chapman; Gregerson; Kloba; Lovick; McBride; Morris; Ortiz-Self; Pellicciotti; Riccelli; Tarleton and Valdez.

MINORITY recommendation: Do not pass. Signed by Representatives Harmsworth, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Hayes; Irwin; Orcutt; Rodne; Stambaugh; Van Werven and Young.

MINORITY recommendation: Without
recommendation. Signed by Representative Pike.

March 6, 2018

ESSB 6346 Prime Sponsor, Committee on Labor &
Commerce: Allowing the sale of wine by

microbrewery license holders. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting
clause and insert the following:

"**Sec. 1.** RCW 66.24.244 and 2015 c 42
s 1 are each amended to read as follows:

(1) There shall be a license for
microbreweries; fee to be one hundred
dollars for production of less than sixty
thousand barrels of malt liquor,
including strong beer, per year.

(2) (a) Any microbrewery licensed under
this section may also act as a
distributor and/or retailer for beer and
strong beer of its own production.

(b) Any microbrewery operating as a
distributor and/or retailer under this
subsection must comply with the
applicable laws and rules relating to
distributors and/or retailers, except
that a microbrewery operating as a
distributor may maintain a warehouse off
the premises of the microbrewery for the
distribution of beer provided that:

(i) The warehouse has been approved by
the board under RCW 66.24.010; and

(ii) The number of warehouses off the
premises of the microbrewery does not
exceed one.

(c) Any person selling or serving
beer, cider, or wine at a microbrewery
for on-premises consumption must obtain
a class 12 or class 13 alcohol server
permit.

(d) A microbrewery holding a spirits,
beer, and wine restaurant license may
sell beer of its own production for off-
premises consumption from its restaurant
premises in kegs or in a sanitary
container brought to the premises by the
purchaser or furnished by the licensee
and filled at the tap by the licensee at
the time of sale.

(3) Any microbrewery licensed under
this section may also sell from its
premises for on-premises and off-
premises consumption:

(a) Beer produced by another
microbrewery or a domestic brewery as
long as the other breweries' brands do

not exceed twenty-five percent of the
microbrewery's on-tap offerings; or

(b) Cider produced by a domestic
winery.

(4) A microbrewery licensed under this
section may apply to the board for an
endorsement to sell glasses of wine
produced by a domestic winery for on-
premises consumption. The annual fee for
this endorsement is one hundred twenty-
five dollars.

(5) The board may issue up to two
retail licenses allowing a microbrewery
to operate an on or off-premises tavern,
beer and/or wine restaurant, or spirits,
beer, and wine restaurant.

~~((5))~~ (6) A microbrewery that holds
a tavern license, spirits, beer, and wine
restaurant license, or a beer and/or wine
restaurant license holds the same
privileges and endorsements as permitted
under RCW 66.24.320, 66.24.330, and
66.24.420.

~~((6))~~ (7) (a) A microbrewery licensed
under this section may apply to the board
for an endorsement to sell bottled beer
of its own production at retail for off-
premises consumption at a qualifying
farmers market. The annual fee for this
endorsement is seventy-five dollars.
However, strong beer may not be sold at
a farmers market or under any endorsement
which may authorize microbreweries to
sell beer at farmers markets.

(b) For each month during which a
microbrewery will sell beer at a
qualifying farmers market, the
microbrewery must provide the board or
its designee a list of the dates, times,
and locations at which bottled beer may
be offered for sale. This list must be
received by the board before the
microbrewery may offer beer for sale at
a qualifying farmers market.

(c) Any person selling or serving beer
must obtain a class 12 or class 13
alcohol server permit.

(d) The beer sold at qualifying
farmers markets must be produced in
Washington.

(e) Each approved location in a
qualifying farmers market is deemed to be
part of the microbrewery license for the
purpose of this title. The approved
locations under an endorsement granted
under this subsection ~~((6))~~ (7) include
tasting or sampling privileges subject to
the conditions pursuant to RCW 66.24.175.

The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(f) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (~~((6))~~) (7) to sell bottled beer at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board must notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (~~((6))~~) (7)(f) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(g) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(h) For the purposes of this subsection (~~((6))~~) (7):

(i) "Qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a

farmer and resells the products directly to the consumer.

~~((7))~~ (8) Any microbrewery licensed under this section may contract-produce beer for another microbrewer. This contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

NEW SECTION. **Sec. 2.** This act takes effect October 1, 2018."

Correct the title.

Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Graves; Haler; Manweller; Schmick; Stanford; Taylor; Vick; Volz and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

March 6, 2018

HI 940 Prime Sponsor, : Law enforcement
Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 5, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6034 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

**HOUSE AMENDMENT
TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 6034 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, by Senate Committee on Energy, Environment & Technology (originally sponsored by Senators Rolles, Sheldon, Angel, Hunt, Chase, Kuderer and Hasegawa)

Authorizing limited retail telecommunications services for public utility districts that provide only sewer, water, and telecommunications on the effective date of this act.

Representative DeBolt moved the adoption of the striking amendment (1385):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means high-speed internet access and other advanced telecommunications services.

(b) "Broadband network" means networks of deployed telecommunications equipment and technologies necessary to provide broadband.

(c) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(d) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(f) "Retail internet service" means the provision of broadband to end users.

(g) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide retail internet service on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section. The authority provided in this subsection expires five years after the effective date of this act for any public utility district that has not either entered into a partnership payment structure to finance broadband deployment or been petitioned to provide retail internet service within that time period.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations or adjustments to, a business case plan developed in accordance with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide retail internet service on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the

use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district board of commissioners in an open meeting.

(8)(a) Except as provided in subsection (9) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (9) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority

to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area meeting the provisions of subsections (2) and (4) of this section proper facilities and connections for retail internet service as requested.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

NEW SECTION. Sec. 2. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2) (a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section."

Correct the title.

Representatives DeBolt and Morris spoke in favor of the adoption of the striking amendment.

The striking amendment (1385) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6034, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Slatter, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, Dye, Harris, Kraft and Vick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6095 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 6095 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Mullet, Liias, Keiser and Saldaña)

Concerning the capital budget. Revised for 1st Substitute: Concerning the supplemental capital budget.

Representative Tharinger moved the adoption of the striking amendment (1395):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2019, out of the several funds specified in this act.

PART 1

GENERAL GOVERNMENT

Sec. 1001. 2018 c 2 s 1005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Appropriation:

State Taxable Building Construction

Account—State \$5,000,000

Public Facility Construction Loan Revolving

Account—State \$8,020,000

Subtotal Appropriation . . . \$13,020,000

Prior (Expenditures)	Biennia \$5,000,000
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$13,020,000 \$18,020,000

Sec. 1002. 2018 c 2 s 1006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,000,000 of the state taxable building construction account-state appropriation, (~~(\$43,400,000)~~) \$44,131,000 of the state building construction account-state appropriation, and (~~(\$5,370,000)~~) \$8,658,000 of the Washington housing trust account-state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

(i) The property is more than fifteen years old;

(ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.

(iii) The improvements will result in reduction of operating or utilities costs, or both; and

(iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account-state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account-state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults.

(f) (~~(\$21,987,000)~~) \$26,006,000 is provided solely for the following list of housing projects:

(i) Cross Laminated Timber Spokane Housing Predesign.....\$500,000

(ii) El Centro de la Raza....\$737,000

(iii) Highland Village Preservation.....\$1,500,000

(iv) King County Modular Housing Project.....(~~(\$3,000,000)~~)
\$1,500,000

(v) Nisqually Tribal Housing.....\$1,250,000

(vi) Othello Homesight Community Center.....\$3,000,000

(vii) Parkview Apartments Affordable Housing \$100,000

(viii) Supported Housing and Employment (Longview) \$129,000

(ix) \$2,500,000 is provided solely for grants to purchase low-income mobile home parks. Up to \$2,500,000 is for the Firs Mobile Home Park. If the Firs Mobile Home Park is not purchased, the amount provided in this subsection shall lapse.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

~~((viii) \$6,000,000))~~ (xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: ((\$3,000,000)) \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

(i) 10 percent is provided solely for housing projects that benefit veterans;

(ii) 10 percent is provided solely for housing projects that benefit homeownership;

(iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State..... ~~((\$43,400,000))~~
\$44,131,000

State Taxable Building Construction Account—State..... \$58,000,000

Washington Housing Trust Account—State ~~((\$5,370,000))~~
\$8,658,000

Subtotal
Appropriation..... ~~((\$106,770,000))~~

\$110,789,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs)	\$400,000,000
TOTAL.....	\$506,770,000
	<u>\$510,789,000</u>

Sec. 1003. 2017 3rd sp.s. c 4 s 1003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.

(2) \$235,000 of the reappropriation is provided solely to the Spokane river forum. The department shall not execute a contract with the grant recipient unless the Spokane river forum is in receipt of all permits by (~~March~~) June 1, 2018. If the terms and conditions of this subsection are not met by (~~March~~) June 1, 2018, the funding provided in this subsection shall lapse.

Reappropriation:

State Building Construction Account— State	\$235,000
Prior Biennia (Expenditures)	\$45,657,000
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$45,892,000

Sec. 1004. 2018 c 2 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose

intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen).....	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis).....	\$104,000
Airway Heights Recreation Complex (Airway Heights).....	\$515,000

Alder Creek Pioneer Museum Expansion (Bickelton)	\$500,000	Chelan County Emergency Operations Center (Wenatchee).....	\$1,000,000
Anderson Island Historical Society (Anderson Island)	\$26,000	Chelatchie Prairie Railroad Maintenance Bldg.	
Appleway Trail Amenities (Spokane Valley)	\$556,000	Phase 2 (Yacolt)	\$250,000
ARC Community Center Renovation (Bremerton)	\$81,000	Cherry St. Fellowship (Seattle).....	\$360,000
Arlington Pocket Park Downtown Business District		Children's Playarden (Seattle).....	\$315,000
(Arlington).....	\$46,000	Chimacum Ridge Forest Pilot (Port Townsend).....	\$3,400,000
Asia Pacific Cultural Center <u>Design</u> <u>and</u>		City of Brewster Manganese Abatement (Brewster).....	\$752,000
<u>Preconstruction</u> (Tacoma).....	\$250,000	Cityview Conversion to Residential Treatment	
Belfair Sewer Extension to Puget Sound Industrial		(Moses Lake)	\$250,000
Ctr (Belfair).....	\$515,000	Clark County Historical Museum (Vancouver).....	\$300,000
Billy Frank Jr. Heritage Center (Olympia).....	\$206,000	Clymer Museum and Gallery Remodel (Ellensburg).....	\$258,000
Bloodworks NW Bloodmobiles...	\$425,000	Coastal Harvest Roof Replacement (Hoquiam).....	\$206,000
Bothell Parks Projects (Bothell)	\$309,000	Cocoon House (Everett)	\$1,000,000
Bridgeview Education and Employment Resource Center		College Place Well Consolidation and Replacement	
(Vancouver).....	\$500,000	(College Place)	\$900,000
Brier ADA Ramp Updates Phase (Brier)	\$115,000	Columbia River Trail (Washougal).....	\$1,000,000
Camp Schechter New Infrastructure and Dining Hall		Confluence Park Improvements (P2&3) (Issaquah).....	\$206,000
(Tumwater).....	\$200,000	((Coordinated and Safe Service Center (Redmond).....	\$309,000))
Capitol Campus E. WA Butte (Olympia)	\$52,000	Country Doctor Community Health Centers (Seattle).....	\$280,000
Captain Joseph House (Port Angeles)	\$225,000	Covington Town Center Civic Plaza Development	
Carnation Central Business District Revitalization		(Covington)	\$820,000
(Carnation).....	\$1,545,000	Cross Park (Puyallup)	\$1,500,000
Castle Rock Fair LED Lighting (Castle Rock)	\$10,000	Daffodil Heritage Float Barn (Puyallup).....	\$103,000
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000	Darrington Rodeo Grounds (Darrington).....	\$250,000
Centerville Grange Renovation (Centerville)	\$134,000	Des Moines Marina Bulkhead & Fishing Pier Renovation	
Centralia Fox Theatre Restoration (Centralia)	\$299,000	(Des Moines)	\$2,000,000
Chamber Economic Development Project (Federal Way)	\$250,000	Disaster Response Communications Project (Colville).....	\$1,000,000

District 5 Public Safety Center (Sultan) \$1,500,000

Downtown Pocket Park at Rockwell (Port Orchard) \$309,000

DuPont Historical Museum Renovation HVAC (DuPont) \$53,000

East Grays Harbor Fiber Project (Elma) \$463,000

East Hill YMCA/Park Renovation (Kent) \$1,000,000

Eastside Community Center (Tacoma) \$2,550,000

Ebey Waterfront Trail and Shoreline Access (Marysville)..... \$1,000,000

Emmanuel Life Center Kitchen (Spokane) \$155,000

Ethiopian Community Affordable Senior Housing (Seattle) \$400,000

Evergreen Pool Resurfacing (White Center) \$247,000

Fall City Wastewater Infrastructure Planning & Design (Fall City)..... \$1,000,000

Family Medicine Remodel (Goldendale) \$195,000

Federal Way Camera Replacement (Federal Way) \$250,000

Federal Way Senior Center (Federal Way) \$175,000

Flood Protection Wall & Storage Building (Sultan) \$286,000

Food Lifeline Food Bank.... \$1,250,000

Forestry Museum Building (Tenino) \$16,000

Fox Island Catastrophic Emergency Preparation (Fox Island)..... \$17,000

Francis Anderson Center Roofing Project (Edmonds) \$391,000

Freeland Water and Sewer District Sewer Project (Freeland)..... \$1,500,000

FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)..... \$500,000

Gig Harbor Sports Complex (Gig Harbor) \$206,000

Granger Historical Society Museum Acquisition (Granger)\$255,000

Greater Maple Valley Veterans Memorial Foundation (Maple Valley)\$258,000

GreenBridge/4th Ave Streetscaping (White Center).....\$1,195,000

Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver)\$1,177,000

Harrington School District #204, Pool Renovation (Harrington)\$97,000

Historic Mukai Farm and Garden Restoration (Vashon).....\$250,000

Holly Ridge Center Building (Bremerton).....\$475,000

Honor Point Military and Aerospace Museum (Spokane).....\$100,000

HopeWorks TOD Center (Everett).....\$2,760,000

Hoquiam Library (Hoquiam)\$250,000

HUB Sports Center (Liberty Lake).....\$516,000

Industrial Park No. 5 Road Improvements (George).....\$412,000

Industrial Park No. 5 Water System Improvements (George)\$700,000

Inland Northwest Rail Museum (Reardan)\$170,000

Innovative Health Care Learning Center (Yakima).....\$1,000,000

Interbay PDAC (Seattle)\$900,000

Intrepid Spirit Center (Tacoma).....\$1,000,000

Islandwood Comm Dining Hall and Kitchen (Bainbridge Island)\$200,000

~~((Japanese Gulch Creek Restoration Project (Mukilteo).....\$721,000))~~

Kenmore Public Boathouse (Kenmore).....\$250,000

Key Peninsula Civic Center Generator (Vaughn).....\$60,000

Key Peninsula Elder Community (Lakebay)	\$515,000	Maury Island Open Space Remediation (Maury Island)	\$2,000,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000	McChord Airfield North Clear Zone (Lakewood)	\$2,000,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000	Mill Creek Flood Control Project (Kent)	\$2,000,000
Kona Kai Coffee Training Center (Tukwila)	\$407,000	Millionair Club Charity Kitchen (Seattle)	\$167,000
La Conner New Regional Library (La Conner)	\$500,000	Moorlands Park Improvements (Kenmore)	\$250,000
Lacey Boys and Girls Club (Lacey)	\$30,000	Morrow Manor (Poulsbo)	\$773,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000	Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000	Mount Rainier Early Warning System (Pierce County)	\$1,751,000
Lake Stevens Civic Center (Lake Stevens)	\$3,100,000	Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000
Lake Stevens Food Bank (Lake Stevens)	\$300,000	Multicultural Community Center (Seattle)	\$1,300,000
Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000	NE Snohomish County Community Services Campus (Granite Falls)	\$375,000
Lake Tye All-Weather Fields (Monroe)	\$800,000	NeighborCare Health (Vashon)	\$3,000,000
Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000	New Fire Station at Lake Lawrence (Yelm)	\$252,000
Lambert House Purchase (Seattle)	\$500,000	North Cove Erosion Control (South Bend)	\$650,000
Larson Playfield Lighting Renovation (Moses Lake)	\$146,000	Northshore Athletic Fields (Woodinville)	\$400,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000	Northwest Improvement Company Building (Roslyn)	\$1,000,000
LIGO STEM Exploration Center (Richland)	\$411,000	Olmstead-Smith Historical Gardens Replacement Well (Ellensburg)	\$17,000
Longbranch Marina (Longbranch)	\$248,000	Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Longview Police Department Range and Training (Castle Rock)	\$271,000	Othello Regional Water Project (Othello)	\$1,000,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park)	\$1,200,000	Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
		Pepin Creek Realignment (Lynden)	\$3,035,000
		Performing Arts & Events Center (Federal Way)	\$1,000,000
		Pioneer Village ADA Accessible Pathways (Ferndale)	\$154,000

(~~Ponders Wells Treatment Replacement (Lakewood)~~ ~~\$500,000~~)

Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps
(Chinook)..... \$77,000

Port Orchard Marina Breakwater Refurbishment
(Port Orchard)..... \$1,019,000

Poulsbo Outdoor Salmon Observation Area (Poulsbo) \$475,000

Puyallup Meeker Mansion Public Plaza (Puyallup) \$500,000

Quincy Square on 4th (Bremerton) \$250,000

R.A. Long Park (Longview).... \$296,000

Redondo Beach Rocky Reef (Des Moines) \$500,000

Ridgefield Outdoor Recreation Complex (Ridgefield) \$750,000

Rochester Boys & Girls Club upgrades (Rochester) \$26,000

Save the Old Tower (Pasco)... \$300,000

Schilling Road Fire Station (Lyle) \$448,000

Scott Hill Park (Woodland)... \$750,000

Seattle Aquarium (Seattle)... \$400,000

Seattle Indian Health Board (Seattle) \$200,000

Seattle Opera (Seattle)..... \$465,000

Shelton Basin 3 Sewer Rehabilitation Project (Shelton) \$1,500,000

Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel
(Mt. Vernon)..... \$525,000

Skagit County Veterans Community Park (Sedro-Woolley) \$500,000

Skagit Valley YMCA (Mt. Vernon) \$400,000

Snohomish JROTC Program (Snohomish) \$189,000

South Gorge Trail (Spokane).. \$250,000

South Snohomish County Community Resource Center
(Lynnwood)..... \$2,210,000

South Thurston County Meals on Wheels Kitchen
Upgrade (Yelm)..... \$30,000

Southwest WA Agricultural Business Park (Tenino).....\$618,000

Southwest Washington Fair Grange Building Re-Roof
(Chehalis)\$54,000

Spanaway Lake Management Plan (Spanaway).....\$26,000

Squalicum Waterway Maintenance Dredging (Bellingham).....\$750,000

Steilacoom Historical Museum Storage Building
(Steilacoom)\$31,000

Sunnyside Community Hospital (Sunnyside).....\$2,000,000

Sunset Career Center (Renton) \$412,000

Sunset Neighborhood Park (Renton).....\$3,050,000

Tacoma's Historic Theater District (Tacoma).....\$1,000,000

Tam O'Shanter Athletic Arena (Kelso).....\$1,000,000

Toledo Beautification (Toledo) \$52,000

Trout Lake School/Community Soccer & Track Facility
(Trout Lake)\$77,000

Tumwater Boys and Girls Club (Olympia)\$36,000

Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep
(Shelton)\$27,000

Twisp Civic Building (Twisp) . \$750,000

University YMCA (Seattle)\$600,000

Veterans Memorial Museum (Chehalis).....\$354,000

Washington Agricultural Education Center (Lynden).....(~~\$1,500,000~~)
\$1,800,000

Washington Care Services (Seattle).....\$400,000

Washington State Horse Park Covered Arena (Cle Elum).....\$2,000,000

Waste Treatment and Sewer Collection System
(Toppenish)\$1,405,000

Wastewater Collection & Water Distribution Replacemnt
(Carbonado)\$1,500,000

Water Treatment for Kidney Dialysis	\$499,000
Wayne Golf Course Region Park (Bothell)	\$1,000,000
Wesley Homes Bradley Park (Puyallup)	\$1,380,000
Westport Marina (Westport).	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)... ((\$250,000))	<u>\$750,000</u>
Whidbey Island Youth Project (Oak Harbor and Coupeville)	\$300,000
White Pass Country Historical Museum (Packwood)	\$283,000
Whitehouse Additional Capital Campaign (Pasco)	\$1,500,000
Willows Road Regional Trail Connection (Kirkland)	\$1,442,000
Winlock HS Track (Winlock)...	\$103,000
Winlock Industrial Infrastructure Development (Winlock)	\$1,500,000
Wishram School CTE Facility (Wishram)	\$150,000
Yakima Valley SunDome Repairs (Yakima)	\$206,000
Yelm City Park Playground Modernization (Yelm)	\$247,000
Youth Eastside Services (Bellevue)	\$26,000
YWCA Family Justice Center (Spokane)	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan (~~(, contingent on commitment of local funding to support the on-going operational costs of the project, including but not limited to the creation of a lake management district)~~).

(9) (~~(\$250,000)~~) \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10) (a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as

industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

(h) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent

on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. ~~((These state funds are contingent on securing at least \$1,000,000 in private funds.))~~ It is the intent of the legislature that beyond the 2017-2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account-State	((<u>\$130,529,000</u>))
	<u>\$129,799,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	<u>\$130,529,000</u>
	<u>\$129,799,000</u>

Sec. 1005. 2018 c 2 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants (40000006)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$3,504,000))~~ \$4,504,000 of the early learning facilities development account-state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center	\$1,030,000
Discover! Children's Museum	\$1,030,000
West Hills Early Learning Center	\$464,000
Franklin Pierce Early Learning Center	\$980,000
<u>Refugee Women's Alliance Early Learning Facility</u>	<u>\$1,000,000</u>

(2) ~~((\$11,996,000))~~ \$10,996,000 of the early learning facilities revolving account-state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

~~(((3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.))~~

Appropriation:

Early Learning Facilities Development Account-State	((<u>\$3,504,000</u>))	<u>\$4,504,000</u>
Early Learning Facilities Revolving Account-State	((<u>\$11,996,000</u>))	<u>\$10,996,000</u>
Subtotal Appropriation	\$15,500,000	
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	\$52,000,000	
TOTAL	\$67,500,000	

Sec. 1006. 2018 c 2 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants
(40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) (~~(\$12,286,000)~~) \$13,734,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane (Spokane Valley).....	\$581,000
Community Health Association of Spokane (Clarkston).....	\$391,000
Community Health of Central Washington (Ellensburg).....	\$1,800,000
Columbia Valley Community Health (Chelan)	\$753,000
East Central Community Center (Spokane)	\$500,000
HealthPoint (Federal Way)....	\$900,000
International Community Health Services (Shoreline)	\$605,000
Jefferson Healthcare Dental Clinic (Port Townsend)	\$1,000,000
Neighborcare (Seattle).....	\$1,388,000
North East Washington Health Programs (Springdale)	\$465,000
North ((Olympia)) <u>Olympic</u> Healthcare Network (Port Angeles).....	\$610,000
Peninsula Community Health Services (Poulsbo)	\$395,000
Sea Mar (Seattle).....	\$183,000
Sea Mar (Oak Harbor).....	\$149,000
Sea Mar (Tacoma).....	\$149,000
Sea Mar (Vancouver).....	\$167,000

Seattle Indian Health Board (Seattle).....	\$250,000
<u>Unity Care NW (Ferndale)</u>	<u>\$750,000</u>
Valley View Health Center (Chehalis).....	\$1,000,000
<u>VIMO Clinic Expansion and Remodel (Port Angeles).....</u>	<u>\$698,000</u>
Yakima Valley Farm Workers Clinic (Kennewick).....	\$1,000,000

(c) \$2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane).....	\$2,000,000
St. Peter Dental Residency (Olympia).....	\$800,000

~~((d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019-))~~

Appropriation:

State Building Construction Account- State.....	(\$15,086,000)
	<u>\$16,534,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	<u>\$15,086,000</u>
	<u>\$16,534,000</u>

Sec. 1007. 2018 c 2 s 1020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity
(40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary

commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) (~~(\$36,600,000)~~) \$49,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of (~~(geriatric or traumatic brain injury)~~) patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) (~~(\$2,000,000)~~) \$4,000,000 is provided solely for at least (~~one facility~~) two facilities with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) (~~(\$11,400,000)~~) \$12,700,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county. The facility in Pierce county shall receive no less than \$3,200,000;

(e) (~~(\$10,000,000)~~) \$12,700,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the

department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; (~~and~~)

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral

health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(g) \$5,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth, including but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors. In awarding funds for projects in this subsection, the department, in consultation with the department of social and health services and the health care authority must review projects based on the following criteria:

(i) The funding must be used to increase capacity related to serving children and minor youth with behavioral health needs;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases; and

(iii) The provider has demonstrated to the department of health, department of social and health services, and health care authority that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(h) \$2,000,000 is provided solely for competitive community behavioral health grants.

(4) (~~(\$26,000,000)~~) \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny

Youth Center\$5,000,000

North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
<u>North Sound Stabilization Campus (Sedro-Woolley)</u>	<u>\$1,550,000</u>
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox.....	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families.....	\$500,000
Valley City Recovery Place.	\$2,000,000
Geriatric Diversion.....	\$500,000
<u>Skagit Triage Expansion (Mount Vernon)</u>	<u>\$326,000</u>
<u>Spokane Jail Diversion.....</u>	<u>\$2,400,000</u>
<u>Tri-county Detox and Crisis Center</u>	<u>\$4,000,000</u>
<u>Toppenish Hospital.....</u>	<u>\$1,000,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6) (a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service

delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

((~~a~~)) (b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

((~~6~~)) (7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

((~~7~~)) (8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

~~(C) Is located in a rural community as defined by the board, or a rural county, or~~

~~(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(C) Can demonstrate project feasibility using standard economic principles; and~~

~~(D) Is located in a rural community as defined by the board, or a rural county;~~

~~(e) The board must develop guidelines for local participation and allowable match and activities.~~

~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~

~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~

~~(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and~~

~~(iii) Improve accessibility for underserved communities and populations.~~

~~(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~((f)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed~~

~~will exceed the countywide median hourly wage.~~

~~(h) The board must prioritize each proposed project according to:~~

~~(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;~~

~~(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

~~(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and~~

~~(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~(i)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:~~

~~(i) The project's value to the community, including evidence of support from affected local businesses and government;~~

~~(ii) The project's feasibility, using standard economic principles;~~

~~(iii) Commitment of local matching resources and local participation;~~

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.

~~((4))~~ (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Appropriation:

State <u>Taxable</u> Building Construction Account-State.....	(\$5,000,000)
	<u>\$10,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$5,000,000</u>
	<u>\$10,000,000</u>

Sec. 1009. 2018 c 2 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department, in cooperation with the department of archaeology and historic preservation, to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state. The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources, including the state's historic resources database, to the greatest extent possible. The study may incorporate random sampling, site

visits, and other means to inform the study. The study must identify the number of unreinforced masonry buildings with vacant or underutilized upper floors. The study must be provided to the office of financial management and fiscal committees of the legislature by ~~(September 1)~~ December 15, 2018.

Appropriation:

State Building Construction Account-State.....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$200,000</u>

Sec. 1010. 2018 c 2 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by ~~(September 1)~~ December 15, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:

State Building Construction Account-State.....	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$250,000</u>

Sec. 1011. 2018 c 2 s 1025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018.

Appropriation:

State Building Construction Account—	
State	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$150,000

NEW SECTION. Sec. 1012. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2019 Local and Community Projects (91001157)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This

requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Arlington Innovation Center (Arlington).....	\$275,000
Asia Pacific Cultural Center (Ruston).....	\$250,000
Ballard Fish Ladder Renovation (Seattle).....	\$100,000
Boys and Girls Club (Oak Harbor).....	\$20,000
Capitol Campus Improvements (Olympia).....	\$249,000
Centralia Founder Statue George & Mary Jane (Centralia)	\$75,000
Chamber of Commerce Renovation Project (Federal Way).....	\$250,000
Chelan Moderate Risk Waste Facility (Wenatchee).....	\$556,000

Cheney Well #3 Re-Drill
(Cheney) \$750,000

Clinton & Gloria John Teen Club
(Vancouver) \$500,000

Colby Avenue Youth Center
(Everett) \$207,000

College Place Well No. 2 Relocation
(College Place) \$618,000

Covington Town Center
(Covington) \$500,000

Crisis Services Renovation (Kennewick)
..... \$200,000

Derelict Vessel Deconstruction
Boatyard (Ilwaco) \$950,000

Duvall Civic Stage (Duvall)... \$50,000

East Blaine Infrastructure Extension
Project
(Blaine)..... \$1,200,000

East Whatcom Regional Resource Center
(Maple Falls) \$125,000

Edmonds Community & Senior Center
(Edmonds) \$500,000

Family First Community Center (Renton)
..... \$1,500,000

Fennel Creek Trail Extension (Bonney
Lake) \$500,000

Fircrest Community Pool
(Fircrest) \$750,000

Five Acre Woods Park Acquisition (Lake
Forest Park) \$300,000

Fort Steilacoom Park
(Lakewood) \$400,000

Full Capacity Generator
(Vashon) \$230,000

Grace Children's Center Renew &
Remodel (Des Moines) \$25,000

Granger Splash Park (Granger). \$30,000

Grays Harbor County Courthouse
(Montesano) \$412,000

Greenwood Cemetery
(Centralia) \$250,000

Habitat for Humanity Veterans Project
(Pacific) \$250,000

Harrison/Eastside Employment Center
(Bremerton) \$280,000

Historic Water Tower Renovation (Yelm)
..... \$155,000

House of Charity Homeless Shelter
Outdoor
Annex (Spokane)\$235,000

Interurban Trail and Trailhead
(Fife).....\$200,000

Issaquah Teen Cafe (Issaquah) \$100,000

Kirkland Performance Center
Modernization/Enhancement
(Kirkland)\$500,000

Kitsap Humane Society Animal Shelter
Expansion
(Silverdale)\$300,000

KRYS Thin Air Community Radio
Expansion (Spokane).....\$100,000

Lacey Food Bank (Lacey)\$750,000

Lake City Community Center
(Seattle).....\$500,000

Lake Sammamish State Park EIS and
Predesign
(Issaquah)\$200,000

Lake Stevens Food Bank (Lake
Stevens).....\$206,000

Lakewood Colonial Plaza
(Lakewood).....\$500,000

Lincoln County E911
(Davenport).....\$500,000

Lopez Island Pool (Lopez)\$500,000

Lyons Ferry State Park Campground
Design &
Permitting (Washtucna)\$400,000

Main Street Reconstruction - Phase 2
(Mountlake Terrace)\$500,000

Mary's Place Burien Hub
(Burien).....\$500,000

Masonic Temple Window Replacement
(Centralia).....\$27,000

Mobile CTE Training Project
(Centralia).....\$515,000

Moshier Park Sports Field Improvements
&
Stormwater (Burien)\$500,000

Mt. Spokane Guest Services
Improvements (Mead).....\$309,000

Mukilteo Peace Park Construction
(Mukilteo).....\$400,000

Mukilteo Waterfront Parking Lot
(Mukilteo).....\$500,000

North Mason Teen Center (Belfair)	\$412,000	Design (Everett)	\$322,000
North Shore Levee (Aberdeen)	\$2,500,000	Snohomish Carnegie Project (Snohomish)	\$500,000
Northwest African American Museum Exhibit (Seattle)	\$200,000	Snohomish Community Food Bank Freezer (Snohomish).....	\$29,000
Oak Harbor Windjammer Park Restoration (Oak Harbor).....	\$750,000	SOZO Sports Center of Central Washington (Yakima).....	\$500,000
Olympic Natural Resource Center CLT Design (Forks)	\$10,000	Spokane County Medical Examiner (Spokane).....	\$1,250,000
Omak Airport Improvement (Omak)	\$309,000	St. Mark Tiny Homes for Homeless High School Students (Lacey)	\$200,000
Pe Ell Infrastructure (Pe Ell)	\$340,000	Staging for Success! (Silverdale).....	\$500,000
PFAS Remediation Pilot (Issaquah)	\$206,000	Starfire Sports Ignite STEM Passion (Tukwila).....	\$250,000
Pioneer Park Pool House (Connell)	\$25,000	Sultan Decant Facility/Clean-up (Sultan).....	\$340,000
Port of Allyn Marina Utility (Allyn)	\$376,000	Summit Park (Maple Valley) ...	\$331,000
Port of Sunnyside (Sunnyside)	\$1,000,000	Town Hall Historic Restoration (Seattle).....	\$1,000,000
Port of Vancouver (Vancouver)	\$824,000	TXL Lake Hills Clubhouse Acquisition Boys & Girls Club (Bellevue)	\$200,000
Ports of Ilwaco and Chinook Marina Dredging (Ilwaco)	\$450,000	Washougal Steamboat Landing Dock Replacement (Washougal)	\$750,000
Puyallup River Boat Launch (Puyallup)	\$100,000	Waterfront Trail Development (Stevenson).....	\$103,000
Redmond Central Connector Phase III (Redmond)	\$721,000	Wenatchee WRIA 45 Pilot Project (Wenatchee).....	\$350,000
Ridgefield Police Station Expansion (Ridgefield)	\$124,000	West Central Community Center Roof/Skylight (Spokane).....	\$80,000
River View Performing Arts Center (Kennewick)	\$206,000	William Shore Pool Expansion (Port Angeles).....	\$1,500,000
Roslyn Community and Cultural Center (Roslyn)	\$523,000	Yacolt Railroad Bldg. and Museum Project (Yacolt).....	\$412,000
Sedro-Woolley Regional Library (Sedro- Woolley)	\$1,500,000	Yelm Historic Building (Yelm) .	\$39,000
Shelton Timberland Library Repair (Shelton)	\$288,000	(8) \$250,000 of the appropriation in this section is provided solely for the purchase of the Greenwood cemetery located at 1905 Johnson road. The city of Centralia must establish a cemetery district for the Greenwood cemetery.	
Skagit Children's Advocacy & Family Support Center (Mount Vernon).....	\$310,000	Appropriation: State Building Construction Account- State.....	\$40,569,000
Skamania County Fair Horse Stall Panels (Stevenson)	\$40,000	Prior Biennia (Expenditures)	\$0
Sno-Isle Libraries Mariner Library Preliminary			

Future Biennia (Projected Costs)... \$0
TOTAL..... \$40,569,000

Sec. 1013. 2017 3rd sp.s. c 4 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

(2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of nine million dollars.

Reappropriation:

State Taxable Building Construction Account-State \$59,701,000
Washington Housing Trust Account-State \$3,000,000
Subtotal Reappropriation.. \$62,701,000
Prior Biennia (Expenditures) \$20,299,000
Future Biennia (Projected Costs)... \$0
TOTAL..... \$83,000,000

Sec. 1014. 2018 c 2 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) \$5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:

State Building Construction Account-State..... (~~\$16,000,000~~)
\$18,500,000
State Taxable Building Construction Account-State.....\$5,000,000
Subtotal Appropriation (~~(\$21,000,000)~~)
\$23,500,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs).....\$80,000,000
TOTAL.....\$101,000,000
\$103,500,000

NEW SECTION. **Sec. 1015.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**

Behavioral Rehabilitation Services Capacity Grants (92000611)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) Funding provided in this section may be used for the renovation or construction directly associated with behavioral rehabilitation services settings. The funding provided in this section is limited to projects at facilities that are not state owned that add capacity to address unmet need and are maintained as behavioral rehabilitation services capacity available to the state for at least a five-year period.

(b) It is the goal of the legislature to achieve an additional twenty-four beds of behavioral rehabilitation services capacity by the conclusion of the 2017-2019 fiscal biennium. To the maximum extent possible, the department shall prioritize the use of the funding provided in this section in a manner that facilitates achieving this goal, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(c) The department shall consult as needed with the children and families services program of the department of social and health services through June 30, 2018, and the department of children, youth, and families effective July 1, 2018, to ensure that, to the maximum extent possible, the use of funding provided in this section facilitates placements that will better accommodate permanency plans, including but not limited to parent-child visitation.

Appropriation:

State Building Construction Account—	
State	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$2,000,000

Sec. 1016. 2016 sp.s. c 35 s 1012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the

appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident

potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to (~~(\$150,000)~~) \$300,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to

identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000
Bender fields parking lot and restrooms	\$1,000,000
Blackhills community soccer	\$750,000

complex safety projects		City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000
Bremerton children's dental clinic	\$396,000	City of Olympia - Percival Landing renovation	\$950,000
Brewster reservoir replacement	\$1,250,000	City of Pateros water system	\$1,838,000
Brookville gardens	\$1,200,000	City of Stanwood City hall/public safety facility property acquisition	\$300,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	\$10,000	Classroom door barricade - nightlock	\$45,000
Cancer immunotherapy facility-Seattle children's research inst.	\$7,000,000	Confluence area parks upgrade and restoration	\$1,000,000
Caribou trail apartments	\$100,000	Corbin senior center elevator	\$300,000
Carnegie library imprv for the rapid recidivism reduction program	\$1,000,000	Covington community park	\$5,000,000
Cavelero park - regional park facility/skateboard park	\$500,000	Cross Kirkland corridor trail connection 52nd St.	\$1,069,000
CDM caregiving services: Clark county aging resource center	\$1,200,000	Dawson place child advocacy center building completion project	\$161,000
Centerville school heating upgrades	\$46,000	Dekalb street pier	\$500,000
Chambers Creek regional park pier extension and moorage	\$1,750,000	DNR/City of Castle Rock exchange	\$80,000
City of LaCenter parks & rec community center	\$1,500,000	Dr. Sun Yat Sen memorial statue	\$10,000
City of Lynden pipeline	\$2,000,000	Drug abuse and prevention center - Castle Rock	\$96,000
City of Lynden-Riverview road construction	\$850,000	DuPont historical museum renovation	\$46,000
City of Lynden-safe routes to school and Kaemingk trail gap elim.	\$300,000	East Tacoma community center	\$1,000,000
		Edmonds center for the arts: Gym climate control & roof repairs	\$250,000

Edmonds senior & community center	\$1,250,000	Kent east hill YMCA	\$500,000
Emergency generator for kidney resource center	\$226,000	Key Pen civics center	\$50,000
Enumclaw expo center	\$350,000	KiBe high school parking	\$125,000
Fairchild air force base protection & comm empowerment project	\$2,209,000	Kitsap humane society - shelter renovation	\$90,000
Federal Way PAC center	\$2,000,000	Lacey boys & girls club	\$29,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000	Lake Chelan land use plan	\$75,000
Franklin Pierce early learning center	\$2,000,000	LeMay car museum ADA access improvements	\$500,000
Gateway center project	\$1,000,000	Lyman city park renovation	\$167,000
Gilda club repairs	\$800,000	Lyon creek flood reduction project	\$400,000
Granite Falls boys & girls club	\$1,000,000	Marine terminal rail investments	\$1,000,000
Gratzer park ball fields	\$200,000	Martin Luther King Jr. family outreach center expansion project	\$85,000
Grays Harbor navigation improvement project	\$2,500,000	Mason county Belfair wastewater system rate relief	\$1,500,000
Green river gorge open space buffer, Kummer connection	\$750,000	McAllister museum	\$660,000
Guy Cole center revitalization	\$450,000	Mercer arena energy savings & sustainability funding	\$450,000
Historic renovation Maryhill museum	\$1,000,000	Mercy housing and health center at Sand Point	\$2,500,000
Hopelink at Ronald commons	\$750,000	Meridian center for health	\$2,500,000
Irvine slough storm water separation	\$500,000	Minor Road water reservoir replacement	\$1,500,000
Kahlotus highway sewer force main	\$2,625,000	Mountains to Sound Greenway Tiger Mountain access improvements	\$300,000
Kennewick boys and girls club	\$500,000		

Mountlake Terrace Main street revitalization project	\$1,300,000	Police station security/hardening	\$38,000
Mt. Spokane guest services building & preservation/maintenan ce of existing facilities	\$520,000	Port of Centralia - Centralia station	\$500,000
Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	\$1,000,000	PROVAIL TBI residential facility	\$450,000
Mukilteo tank farm clean-up	\$250,000	Quincy water reuse	\$1,500,000
New Shoreline medical-dental clinic	\$1,500,000	Redmond downtown park	\$3,000,000
Nordic heritage museum	\$2,000,000	Redondo boardwalk repairs	\$1,500,000
North Kitsap fishline foodbank	\$625,000	Renovate senior center	\$400,000
Northwest native canoe center project	\$250,000	Rochester boys & girls club	\$38,000
Oak Harbor clean water facility	\$2,500,000	Rockford wastewater treatment	\$1,200,000
Okanogan emergency communications	\$400,000	Roslyn renaissance- NW improve company bldg renovation project	\$900,000
Onalaska community tennis and sports courts	\$80,000	Sammamish rowing association boathouse	\$500,000
Opera house ADA elevator	\$357,000	SE 240th St. watermain system improvement project	\$700,000
Orcas Island library expansion	\$1,400,000	SE Seattle financial & economic opportunity center	\$1,500,000
Pacific community center	\$250,000	SeaTac international marketplace & transit- oriented community	\$1,250,000
PCAF's building for the future	\$350,000	Seattle theatre group	\$131,000
Pe Ell second street	\$197,000	Snohomish veterans memorial rebuild	\$10,000
Perry technical school	\$1,000,000	Snoqualmie riverfront project	\$1,520,000
Pike Place Market front project	\$800,000		

South 228th street inter-urban trail connector	\$500,000	Vancouver, Columbia waterfront project	\$2,500,000
Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000	Vantage point senior apartments	\$2,000,000
Spokane women's club	\$300,000	Veterans center	\$500,000
Springbrook park neighborhood connection project	\$300,000	Veterans helping veterans: Emergency transition shelter	\$600,000
SR 532 flood berm and bike/ped path	\$85,000	Waitsburg Main Street bridge replacement	\$1,700,000
St. Vincent food bank & community services construction project	\$400,000	Washington green schools	\$105,000
Stan & Joan cross park	\$750,000	Washougal roof repair	\$350,000
Steilacoom Sentinel Way repairs	\$450,000	Water meter and system improvement program	\$500,000
Stilly Valley youth project Arlington B&G club	\$2,242,000	Water reservoir and transmission main	\$500,000
Sunset neighborhood park	\$1,750,000	Wayne golf course land preservation	\$500,000
Support, advocacy & resource center for victims of violence	\$750,000	White River restoration project	\$850,000
The gathering house job training café	\$14,000	Willapa behavioral health safety improvement project	\$75,000
The Salvation Army Clark County: Corps community center	\$1,200,000	WSU LID frontage - local and economic benefits	\$500,000
Thurston county food bank	\$500,000	Yakima children's museum center	\$50,000
Tulalip water pipeline, (final of 8 segments)	\$2,000,000	Yakima SunDome	\$2,000,000
Twin Bridges museum rehab Lyle Wa	\$64,000	Yelm community center	\$500,000
Twisp civic building	\$500,000	Yelm senior center	\$80,000
		Youth wellness campus gymnasium renovation	\$1,000,000
		Total	\$130,169,000

Appropriation:

State Building Construction Account—
 State\$130,169,000
 Prior Biennia (Expenditures).....\$0
 Future Biennia (Projected Costs)...\$0
 TOTAL.....\$130,169,000

Sec. 1017. 2018 c 2 s 1026
 (uncodified) is amended to read as
 follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities
 (30000039)

Appropriation:

~~((State Building Construction Account—
 State\$1,229,000))~~

Thurston County Capital Facilities
 Account—State ~~(((\$1,229,000))~~

\$2,458,000

~~((Subtotal Appropriation. \$2,458,000))~~

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$2,458,000

Sec. 1018. 2018 c 2 s 1027
 (uncodified) is amended to read as
 follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

OFM Capital Budget Staff (30000040)

Appropriation:

~~((State Building Construction Account—
 State\$611,000))~~

Thurston County Capital Facilities
 Account—State ~~(((\$611,000))~~

\$1,222,000

~~((Subtotal Appropriation. \$1,222,000))~~

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$1,222,000

Sec. 1019. 2018 c 2 s 1031
 (uncodified) is amended to read as
 follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Evaluation of Law Enforcement Training
 by Community Colleges (92000022)

The appropriation in this section is
 subject to the following conditions and
 limitations: \$300,000 of the
 appropriation in this section is provided
 solely for the office of financial
 management to contract with an external
 consultant to develop a plan that
 provides required basic law enforcement
 training through student paid programs
 with training provided by community and
 technical colleges. The consultant must
 review the costs, benefits, and risks to
 the state of Washington and review models
 from other states. The consultant must
 provide a report with an implementation
 plan and recommendations to the governor
 and the appropriate committees of the
 legislature by ~~((December 10, 2018))~~
January 31, 2019.

Appropriation:

State Building Construction Account—
 State.....\$300,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....\$300,000

NEW SECTION. **Sec. 1020.** 2018 c 2 s
 1030 (uncodified) is repealed.

NEW SECTION. **Sec. 1021.** 2018 c 2 s
 1033 (uncodified) is repealed.

Sec. 1022. 2018 c 2 s 1032
 (uncodified) is amended to read as
 follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Behavioral Health Statewide Plan
 (91000434)

The appropriation in this section is
 subject to the following conditions and
 limitations: The office of financial
 management, in collaboration with the
 department of commerce, the health care
 authority, the department of social and
 health services, the department of
 health, and behavioral health
 organizations, shall establish a
 statewide plan to inform future grant
 allocations by assessing and
 prioritizing facility needs and gaps in
 the behavioral health continuum of care.
 The department must provide the plan to
 the fiscal committees of the legislature
 by ~~((September 1))~~ December 31, 2018. The
 plan must include:

(1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;

(2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;

(3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and

(4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:

State Building Construction Account—	
State	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$200,000

NEW SECTION. Sec. 1023. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Higher Education Facility Study (92000026)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall submit a higher education facility study to the governor and the appropriate legislative fiscal committees by December 1, 2018. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership, the state board for community and technical colleges, and the public four-year institutions of higher education.

The study must include:

(1) Learning space utilization standards for higher education

facilities. The standards may include, but are not limited to:

- (a) The percentage of hours utilized per scheduling window;
- (b) The percentage of seats utilized;
- (c) Square feet per seat; and
- (d) Type of technology utilized in learning spaces.

(2) Reasonableness of cost standards for higher education capital facilities. The standards may include, but are not limited to:

- (a) Costs per square feet per type of facility;
- (b) Expected life-cycle costs; and
- (c) Project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(3) A criteria scoring and prioritization matrix for use by four-year higher education institutions and other decision makers to produce single prioritized lists of higher education capital projects that consists of two components:

- (a) A numeric rating scale that assesses how well a particular project satisfies higher education capital project criteria; and
- (b) A numeric measure to weigh the importance of those criteria.

Appropriation:

State Building Construction Account—	
State.....	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$150,000

Sec. 1024. 2017 3rd sp.s. c 4 s 1048 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Construction Contingency Pool (90000300)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1077, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—
 State (~~(\$1,853,000)~~)
\$3,251,000
 Prior Biennia
 (Expenditures) (~~(\$6,147,000)~~)
\$4,749,000
 Future Biennia (Projected Costs)... \$0
 TOTAL..... \$8,000,000

Sec. 1025. 2018 c 2 s 1040
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF ENTERPRISE
 SERVICES**

Campus Physical Security and Safety
 Improvements (30000812)

\$550,000 of the appropriation in this
 section is provided solely for a study to
 include: (1) An assessment of current
 capitol campus security, to include
 infrastructure, technology, and
 staffing; (2) an assessment of security
 systems at comparable state capitol
 campuses; (3) options for security to
 meet the needs of the capitol campus; and
 (4) a phased plan for improving campus
 physical security and safety, including
 estimated costs. The following must be
 included in the development of the study:
 House of representatives security
 personnel, senate security personnel,
 legislative building facility and
 security personnel, and temple of justice
 security personnel. The study must be
 submitted to the office of financial
 management and the appropriate
 committees of the legislature by (~~August
 31~~) December 15, 2018.

Appropriation:

State Building Construction Account—
 State \$2,040,000
 Thurston County Capital Facilities
 Account—State (~~(\$550,000)~~)
\$710,000
Subtotal Appropriation..... \$2,750,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... ~~\$550,000~~
\$2,750,000

Sec. 1026. 2018 c 2 s 1041
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF ENTERPRISE
 SERVICES**

Statewide Minor Works - Preservation
 Projects (30000825)

Appropriation:

Enterprise Services Account—
 State.....\$314,000
 State Building Construction Account—
 State.....(~~(\$2,664,000)~~)
\$3,506,000
 State Vehicle Parking Account—
 State.....\$80,000
 Subtotal Appropriation. (~~(\$3,058,000)~~)
\$3,900,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected
 Costs).....\$9,970,000
 TOTAL.....~~\$13,028,000~~
\$13,870,000

Sec. 1027. 2018 c 2 s 1042
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF ENTERPRISE
 SERVICES**

Building Envelope Repairs (30000829)

Appropriation:

Capitol Building Construction Account—
 State.....(~~(\$3,364,000)~~)
\$2,611,000
 State Building Construction Account—
 State.....(~~(\$4,936,000)~~)
\$2,611,000
 Subtotal Appropriation. (~~(\$8,300,000)~~)
\$5,222,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs)...\$0
 TOTAL.....~~\$8,300,000~~
\$5,222,000

Sec. 1028. 2018 c 2 s 1043
 (uncodified) is amended to read as
 follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

\$14,000,000

Engineering and Architectural Services: Staffing (30000889)

Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL\$12,900,000
\$14,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The department shall create a plan for scheduled renovations on the capitol campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:

State Building Construction Account-State (~~(\$10,220,000)~~)
\$11,320,000

Thurston County Capital Facilities Account-State \$2,680,000

Subtotal Appropriation (~~(\$12,900,000)~~)

Sec. 1029. 2018 c 2 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: (~~(\$2,414,000)~~) \$1,560,000 is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:

Thurston County Capital Facilities
Account-State (~~(\$2,414,000)~~)
\$1,560,000

Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL\$2,414,000
\$1,560,000

NEW SECTION. **Sec. 1030.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Buy Clean Washington Pilot (91000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2018, the department must coordinate with the following projects: (a) Washington State University Tri-Cities academic building, project number 30001190; (b) Western Washington University sciences building addition and renovation, project number 30000768; (c) Shoreline Community College allied health, science, and manufacturing replacement, project number 30000990; (d) secretary of state library archive building, project number 30000033; and (e) the department of transportation SR9/Snohomish river bridge replacement, project number

N00900R. The awarding authorities for these projects must collaborate with the University of Washington college of built environments study in section 5014 of this act to test proposed methods and availability of environmental product declarations.

(2) An awarding authority for the projects listed in subsection (1) of this section shall require the successful bidder for a contract to submit current third-party verified environmental product declarations for the eligible materials used if available and currently utilized.

(3) The awarding authority shall report to the department the quantities and any environmental product declarations collected in this section.

(4)(a) The department shall provide a preliminary report to the fiscal committees of the legislature by June 30, 2019, of the findings in subsection (1) of this section, and on any obstacles to the implementation of this section, and the effectiveness of this section with respect to reducing carbon emissions.

(b) The department shall report any positive or negative impacts to project costs, based on the requirements in this section.

(c) The department shall report on any positive or negative economic impacts to Washington state based on where the eligible materials are purchased.

(5) For the purposes of this section:

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

(i) Concrete, including structural cast in place, shotcrete, and precast;

(ii) Unit masonry;

(iii) Metal of any type; and

(iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with

international organization for standardization standard 14025, industry acceptance, and integrity.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—	
State.....	\$65,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$65,000

NEW SECTION. Sec. 1031. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Roof Replacement - Cherberg and Insurance Buildings (40000032)

Appropriation:

State Building Construction Account—	
State.....	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$2,400,000

NEW SECTION. Sec. 1032. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Building Exterior Preservation Cleaning (40000033)

Appropriation:

State Building Construction Account—	
State.....	\$3,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$3,400,000

Sec. 1033. 2018 c 2 s 1049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Relocate Mural from GA to 1063 (92000018)

The appropriation in this section is subject to the following conditions and limitations: The general fund-private/local account appropriation is contingent upon the receipt of funds from nonstate entities to relocate the mosaic mural from the general administration building to the 1063 block replacement building.

Appropriation:

State Building Construction Account-State	\$275,000
General Fund-Private/Local...	\$118,000
Subtotal Appropriation.....	\$393,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$275,000
	<u>\$393,000</u>

Sec. 1034. 2018 c 2 s 1036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:

State Building Construction Account-State.....	(\$2,500,000)	
		<u>\$4,000,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs).....	(\$940,000)	
		\$0
TOTAL.....	\$3,440,000	
		<u>\$4,000,000</u>

NEW SECTION. Sec. 1035. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Newhouse Replacement (92000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates necessary to replace the Irv Newhouse Building and add house of representatives office space with a building or buildings to serve the legislative office needs on west campus.

(1) In determining the program space required the predesign will consider:

(a) The necessary program space required to support senate offices and support functions;

(b) The necessary program space required to support house offices and support functions; and

(c) Parking impacts of new office space construction.

(2) The study will consider, at a minimum the following three options:

(a) A 50,000 to 70,000 square foot office building to support senate offices, with four levels of underground parking, and a 50,000 to 70,000 square foot office building to support house offices to be located on the Pritchard Building parking lot, with necessary underground parking.

(b) A 115,000 to 140,000 square foot office building to support both house and senate offices with four levels of underground parking.

(c) A 50,000 to 70,000 square foot office building to support senate offices, with no parking.

(3) In conducting the study, the department must consult with the house of representatives, the senate, and the tenants.

(4) The buildings must be high performance buildings and meet net-zero-ready standards, with an energy use intensity of no greater than 35. The building construction must be procured using a performance-based method such as design build and must include an energy performance guarantee comparing actual performance data with the energy design target.

Appropriation:

State Building Construction Account—
State \$450,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$450,000

Sec. 1036. 2018 c 2 s 1050 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal..... \$33,315,000
State Building Construction Account—
State (~~\$7,863,000~~)
\$8,600,000
Military Department Capital Account—
State (~~\$375,000~~)
\$802,000
Subtotal Appropriation (~~(\$41,553,000)~~)
\$42,717,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... ~~\$41,553,000~~
\$42,717,000

Sec. 1037. 2018 c 2 s 1051 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal... (~~\$3,776,000~~)
\$3,933,000
State Building Construction Account—
State.....\$1,821,000
Military Department Capital Account—
State.....\$51,000
Subtotal Appropriation. (~~(\$5,597,000)~~)
\$5,805,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....~~\$5,597,000~~
\$5,805,000

Sec. 1038. 2018 c 2 s 1052 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program 2017-19 Biennium (30000812)

Appropriation:

General Fund—Federal.. (~~\$10,171,000~~)
\$21,961,000
Military Department Capital Account—
State.....\$75,000
State Building Construction Account—
State.....\$2,661,000
Subtotal Appropriation (~~(\$12,832,000)~~)
\$24,697,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....~~\$12,832,000~~
\$24,697,000

PART 2

HUMAN SERVICES

Sec. 2001. 2018 c 2 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (30000021)
 Appropriation:
 State Building Construction Account-
 State (~~\$740,000~~)
\$800,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... ~~\$740,000~~
\$800,000

Sec. 2002. 2018 c 2 s 2002
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES**

Behavioral Health: Compliance with
 Systems Improvement Agreement (30003849)

The reappropriation in this section is
 subject to the following conditions and
 limitations: The reappropriation is
 subject to the provisions of section
 6008, chapter 4, Laws of 2017, 3rd sp.
 sess.

Reappropriation:

State Building Construction Account-
 State \$2,720,000

Appropriation:

State Building Construction Account-
 State \$2,900,000
 Prior Biennia (Expenditures) \$3,280,000
 Future Biennia (Projected Costs)... \$0
 TOTAL..... ~~\$6,000,000~~
\$8,900,000

Sec. 2003. 2018 c 2 s 2006
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES**

Minor Works Preservation Projects:
 Statewide (30002235)

Appropriation:

State Building Construction Account-
 State (~~\$12,000,000~~)
\$12,530,000
 Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
 Costs).....\$171,510,000
 TOTAL.....~~\$183,510,000~~
\$184,040,000

Sec. 2004. 2018 c 2 s 2008
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES**

Echo Glen - Housing Unit: Acute Mental
 Health Unit (30002736)

Appropriation:

State Building Construction Account-
 State..... (~~\$9,520,000~~)
\$9,806,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs) ...\$0
 TOTAL..... ~~\$9,520,000~~
\$9,806,000

Sec. 2005. 2018 c 2 s 2009
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES**

Statewide - RA Community Facilities:
 Safety & Security Improvements
 (30002737)

Appropriation:

Charitable, Educational, Penal, and
 Reformatory
 Institutions Account-
 State..... (~~\$2,000,000~~)
\$200,000

State Building Construction Account-
 State.....\$1,800,000

Subtotal Appropriation\$2,000,000

Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs) ...\$0
 TOTAL.....\$2,000,000

NEW SECTION. Sec. 2006. A new section
 is added to 2018 c 2 (uncodified) to read
 as follows:**FOR THE DEPARTMENT OF SOCIAL
 AND HEALTH SERVICES**

Fircrest School - Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing building; and (iii) purchase of a recently closed nursing facility in King county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:

State Building Construction Account—	
State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,115,000
TOTAL.....	\$17,415,000

NEW SECTION. Sec. 2007. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School - Nursing Facility (92000027)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing

building; and (iii) purchase of a recently closed nursing facility in Pierce county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:

State Building Construction Account—	
State.....	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,115,000
TOTAL.....	\$17,415,000

Sec. 2008. 2018 c 2 s 2012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—	
State.....	(\$1,312,000)
	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL.....	\$12,312,000
	<u>\$12,200,000</u>

Sec. 2009. 2018 c 2 s 2013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:

\$7,075,000

Sec. 2014. 2018 c 2 s 2025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Forensic Ward (91000050)

Appropriation:

State Building Construction Account—State (~~(\$2,800,000)~~)

\$3,000,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$2,800,000~~

\$3,000,000

Sec. 2015. 2018 c 2 s 2026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (40000026)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,560,000 of the appropriation is for predesign and design of the building 29 civil to forensic capacity conversion project. However, the renovation of sixty beds in building 29 for forensic capacity is not subject to predesign requirements. The department must immediately start the sixty bed renovation project and may use a general contractor/construction manager or progressive design build for the renovation of the sixty beds.

Appropriation:

State Building Construction Account—State (~~(\$1,560,000)~~)

\$10,560,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$9,600,000

TOTAL.....~~\$11,160,000~~

\$20,160,000

NEW SECTION. Sec. 2016. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Appropriation:

State Building Construction Account—State.....\$400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$4,875,000

TOTAL.....\$5,275,000

NEW SECTION. Sec. 2017. 2018 c 2 s 2030 (uncodified) is repealed.

NEW SECTION. Sec. 2018. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State.....\$1,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$1,400,000

NEW SECTION. Sec. 2019. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Appropriation:

State Building Construction Account—State.....\$2,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,400,000

NEW SECTION. Sec. 2020. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital: Additional Forensic Ward (91000062)

Appropriation:

State Building Construction Account—State \$3,500,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$3,500,000

NEW SECTION. Sec. 2021. A new section is added to 2018 c 2 (uncodified) to read as follows:FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Confinement Facilities Expansion (92000028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall develop a predesign study that provides an assessment of beds required to support the requirements of legislation, including chapter . . . (Substitute House Bill No. 2895), Laws of 2018 and chapter . . . (Engrossed Second Substitute Senate Bill No. 6160), Laws of 2018.

(2) The study must assess (a) the inventory of available beds in any state facility or other public facility that may be available for this purpose including county facilities and surplus state facilities; (b) any costs required to make the beds useable for the purposes in this section; (c) the schedule for each facility to be available; and (d) any obstacles that may prevent the use of the facility.

Appropriation:

State Building Construction Account—State \$250,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$250,000

Sec. 2022. 2018 c 2 s 2031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Newborn Screening Wing Addition (30000301)

Appropriation:

State Building Construction Account—State..... ((\$2,510,000))

\$2,585,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,510,000

\$2,585,000

NEW SECTION. Sec. 2023. A new section is added to 2018 c 2 (uncodified) to read as follows:FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 10 (40000004)

Appropriation:

State Building Construction Account—State.....\$750,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$750,000

NEW SECTION. Sec. 2024. A new section is added to 2018 c 2 (uncodified) to read as follows:FOR THE DEPARTMENT OF VETERANS AFFAIRS

Soldiers Home Cemetery Restoration and Preservation (91000011)

Appropriation:

State Building Construction Account—State.....\$250,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$250,000

Sec. 2025. 2018 c 2 s 2042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The ((appropriation is provided solely for the department to develop a predesign. The)) department shall develop a predesign for replacing the current boilers. The alternatives must include replacing the current boiler configuration with three or ((less)) fewer boilers with a life cycle cost

analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the predesign before design funds are (~~allotted~~) allotted.

Appropriation:

State Building Construction Account—
State \$1,000,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$1,000,000

NEW SECTION. Sec. 2026. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

CBC: Replace Fire Alarm System (30000748)

Appropriation:

State Building Construction Account—
State \$355,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$355,000

NEW SECTION. Sec. 2027. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: Bldg E Roof Replacement (30000810)

Appropriation:

State Building Construction Account—
State \$2,696,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$2,696,000

Sec. 2028. 2018 c 2 s 2046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:

State Building Construction Account—
State..... (~~\$1,100,000~~)
\$2,180,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... ~~\$1,100,000~~
\$2,180,000

Sec. 2029. 2018 c 2 s 2047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WSP: Program and Support Building (30001101)

Appropriation:

State Building Construction Account—
State..... (~~\$8,685,000~~)
\$9,685,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... ~~\$8,685,000~~
\$9,685,000

Sec. 2030. 2018 c 2 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health

regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by ((October 15)) December 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$250,000

NEW SECTION. Sec. 2031. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Appropriation:

Accident Account—State.....	\$517,000
Medical Aid Account—State....	\$517,000
Subtotal Appropriation.....	\$1,034,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$2,900,000
TOTAL.....	\$3,934,000

PART 3

NATURAL RESOURCES

Sec. 3001. 2018 c 2 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$75,000 of the appropriation is provided solely for the department of ecology to convene and facilitate a stakeholder process to review and make recommendations for the statutory authorizations and improvements of the floodplains by design grant program.

(b) The review must include an analysis of:

(i) Statewide funding needs;

(ii) Program design, including criteria, information, and coordination required for projects to proceed through the selection and funding processes in a transparent and efficient manner; and

(iii) Mechanisms to improve efficiency and transparency of project funding and implementation.

(c) The department of ecology may convene stakeholders and facilitate activities as needed. The department must develop recommendations in consultation with the Puget Sound partnership. The department must seek input and meaningfully involve a broad base of tribal governments and interested stakeholders, including city and county governments, and agricultural, flood risk reduction, and conservation interests. The department must seek broad and diverse legislative input and invite interested legislators to provide information and ideas including, at a minimum, the majority and minority leadership of the committees responsible for the capital budget in the senate and house of representatives.

(d) The final report must include recommended statutory and policy changes to the appropriate committees of the legislature on or before December 1, 2018.

Appropriation:

State Building Construction Account—State.....	(\$35,389,000)
	\$35,464,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$35,389,000

\$35,464,000

NEW SECTION. Sec. 3002. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Remedial Action Grants (30000707)

Appropriation:

Local Toxics Control Account-
State \$5,877,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
Costs) \$80,000,000

TOTAL..... \$85,877,000

NEW SECTION. Sec. 3003. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:

State Toxics Control Account-
State \$1,740,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
Costs) \$40,000,000

TOTAL..... \$41,740,000

NEW SECTION. Sec. 3004. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2017-19 Clean Up Toxic Sites - Puget Sound (30000749)

Appropriation:

State Toxics Control Account-
State \$2,182,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
Costs) \$40,000,000

TOTAL..... \$42,182,000

Sec. 3005. 2018 c 2 s 3021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The appropriation in this section is subject to the following conditions and limitations: \$10,000,000 of the appropriation is provided solely for grants for stormwater retrofit projects consistent with the immediate actions and recommendations developed by the southern resident killer whale recovery efforts that reduce stormwater pollutants in areas where southern resident killer whales are regularly present.

Appropriation:

State Building Construction Account-
State.....\$25,000,000

State Toxics Control Account-
State.....\$11,400,000

Subtotal Appropriation\$36,400,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected
Costs).....\$120,000,000

TOTAL.....\$145,000,000

\$156,400,000

Sec. 3006. 2018 c 2 s 3015 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,000,000 of the appropriations are provided solely for the east Columbia basin irrigation district.

(2) \$5,000,000 of the appropriations are provided solely for a ((forty seven and one half mile pipeline for full capacity. Funds must be prioritized to constructing the distribution system to a capacity serving no less than eleven thousand acres)) ground water replacement distribution system with a pump station located at east low canal mile 47.5. Funds must be prioritized to include costs associated with the pump station, pumps and electrical/power grid system that has the capacity to ultimately serve 10,500 eligible acres in the distribution service area. Any remaining funds must be directed to the Odessa groundwater replacement program.

(3) \$2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) \$16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:

State Building Construction Account— State	\$19,550,000
Columbia River Basin Water Supply Development	
Account—State.....	\$12,250,000
Columbia River Basin Water Supply Revenue Recovery	
Account—State.....	\$2,000,000
Subtotal Appropriation....	\$33,800,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$72,000,000
TOTAL.....	\$105,800,000

Sec. 3007. 2018 c 2 s 3018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase

or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

(4) \$2,500,000 of the appropriation is provided solely for a grant to the Union Gap irrigation district to mitigate potential asset loss associated with Rattlesnake Ridge landslide in Yakima county and includes, but is not limited to, construction of a pumping station adjacent to the Sunnyside irrigation district canal and installation of pipe and conveyance under the Yakima Valley highway to the Union Gap irrigation canal. The grant must require that the Union Gap irrigation district should pursue funding or reimbursement of costs from potential sources of reimbursement. The grant must further require that, if the total proceeds exceed total mitigation costs for this work, the irrigation district must reimburse the difference up to the amount paid by the state to the state conservation commission.

Appropriation:

State Building Construction Account— State.....	(\$4,000,000)
	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$4,000,000
	\$6,500,000

Sec. 3008. 2018 c 2 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (4000018)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.~~

~~(2) (a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with direction in the consent decrees. The department shall provide ample opportunity using a variety of engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.~~

~~(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:~~

~~(i) The department of transportation's electric vehicle infrastructure bank program;~~

~~(ii) The state alternative fuel commercial vehicle tax credit;~~

~~(iii) The state sales and use tax exemption for clean vehicles; and~~

~~(iv) Public transportation grant programs administered by the department of transportation.~~

~~(e) (i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and in the Senate; the director of the department of ecology; and the secretary of the department of transportation.~~

~~(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.~~

~~(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but before the department submits the plan to the trustee.~~

~~(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.~~

~~(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:~~

~~(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;~~

~~(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;~~

~~(e) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;~~

~~(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;~~

~~(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and~~

~~(f) Priority must be given to projects that have the highest benefit cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.~~

~~(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:~~

~~(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;~~

~~(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;~~

~~(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;~~

~~(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;~~

~~(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean going vessels' shore power;~~

~~(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero emission vehicle supply equipment;~~

~~(vii) No more than twenty percent of funding provided during the 2017-2019~~

~~biennium for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and~~

~~(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.~~

~~(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.~~

~~(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.~~

~~(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.~~

~~(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.~~

~~(8) For the purposes of this section:~~

~~(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.~~

~~(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.)~~

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the requirements of the Volkswagen "clean diesel" marketing, sales practice, and products liability litigation settlement.

(2) All expenditures from this appropriation must:

(a) Be consistent with the terms of this settlement;

(b) Be consistent with the state of Washington beneficiary mitigation plan adopted by the department and approved by the Volkswagen settlement trustee; and

(c) Help achieve the state's results Washington goal of fifty thousand electric vehicles on the road by 2020.

(3) Fifteen percent of this appropriation must be spent on projects for the acquisition, installation, operation, and maintenance of new light duty zero emission vehicle supply equipment and infrastructure. The department of ecology shall work with the department of transportation to select projects and distribute funding contained in this subsection.

(4) The remaining eighty-five percent of this appropriation must be spent on projects as defined by the eligible categories in attachment A, appendix D-2 of the Volkswagen settlement and upon approval by the settlement trustee. The department of ecology shall use a competitive process to identify and select projects that maximize total air pollution reduction and health benefits; improve air quality in areas disproportionately affected by air pollution; leverage additional matching funds; achieve substantial emission reductions beyond what would occur absent this funding; accelerate fleet turnover to the cleanest engines, and accelerate adoption of electric vehicles, equipment, and vessels. The department of ecology shall work with the department of transportation as appropriate to select projects and distribute funding contained in this subsection.

Appropriation:

General Fund-
Private/Local ((~~\$20,000,000~~))
\$112,700,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ...\$0
TOTAL\$20,000,000
\$112,700,000

NEW SECTION. Sec. 3009. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Healthy Housing Remediation Program (40000108)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,100,000 of the appropriation is provided solely for the Mount Baker property cleanup project.

(2) (a) The department, in collaboration with the department of commerce, shall develop a competitive process to select projects for funding, to include scoring conducted by a group of qualified experts from the department of ecology and the department of commerce. The criteria used to determine the scoring and priority for funding must include, but are not limited to, the following:

(i) Contaminated sites must be within the urban growth area boundaries;

(ii) Contaminated sites must be zoned for residential or mixed-use;

(iii) Locational suitability of contaminated sites for the development of affordable housing;

(iv) Degree of contamination and complexity of contaminated sites;

(v) Timing of delivery of affordable housing units; and

(vi) The extent to which the project leverages other funds.

(b) Funding recipients must restrict the use of the cleaned up property to affordable housing.

(c) As part of the program, the department of ecology may enter into and administer grants or other funding agreements for contaminated site identification, planning, investigation, or cleanup eligible persons, to ensure the safe and healthy development of property suitable for affordable housing as defined in RCW 43.63A.510(3). Eligible persons means a local government, a potentially liable person, or a

prospective purchaser as each of these terms is defined in RCW 70.105D.020.

(d) By October 1, 2018, the department must submit a report to the office of financial management and the legislature. At a minimum, the report must identify:

(i) Program application and selection process;

(ii) The total number of applications and amount of funding requested for this program; and

(iii) A list of projects, description of projects, and location and number of affordable housing units developed or to be developed.

Appropriation:

State Toxics Control Account-	
State	\$5,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$20,400,000
TOTAL.....	\$25,500,000

NEW SECTION. Sec. 3010. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles and Vehicles Serving Ports (40000109)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles with low-emission and zero-emission vehicles.

(2) All expenditures from this appropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the appropriation is for scrapping and replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed

natural gas, zero emission, etc.) school buses that meet current federal emissions standards.

(4) Up to \$9,750,000 of the appropriation is for scrapping and replacing pre-2007 diesel, high polluting transit buses across the state with new electric, zero-emission buses.

(5) Up to \$5,450,000 of the appropriation is for replacing state government-owned gas or diesel powered passenger vehicles with all electric vehicles.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

Appropriation:

Air Pollution Control Account-	
State.....	\$28,400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$28,400,000

Sec. 3011. 2018 c 2 s 3027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If chapter 1 (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

(2) \$2,500,000 of the appropriation is provided solely for the Dungeness off-channel reservoir, including transaction-related expenses by the department of natural resources.

(3) \$900,000 of the appropriation is provided solely for the Methow valley piping, pressurization, and conveyance system consolidation project.

(4) \$3,000,000 of the appropriation is provided solely for the Colville river watershed plan update and water resource mitigation and enhancement project.

Appropriation:

Watershed Restoration and Enhancement Bond
 Account-State..... \$20,000,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$280,000,000
 TOTAL..... \$300,000,000

NEW SECTION. Sec. 3012. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Skagit Water (91000347)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$500,000 of the appropriation is provided solely for the department of agriculture, the department of fish and wildlife, and the department of ecology to jointly pursue studies to evaluate instream flow needs and existing and future out-of-stream water use demands within Skagit river water resource inventory area 4 (Upper Skagit) regulated by chapter 173-503 WAC. These studies must be completed and reported to the appropriate legislative committees and task force by December 1, 2019.

(b) These studies must be based on best available science and peer-reviewed by those with demonstrated instream flow expertise.

(2) \$2,000,000 of the appropriation is provided solely for studies identified by the task force established in section 7011 of this act.

Appropriation:

State Building Construction Account-State \$2,500,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs)... \$0
 TOTAL..... \$2,500,000

Sec. 3013. 2018 c 2 s 3029 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)

Appropriation:

PLIA Underground Storage Tank Revolving
 Account-State (~~\$20,000,000~~)
 Future Biennia (Projected Costs) \$12,700,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$80,000,000
 TOTAL..... ~~\$100,000,000~~
\$92,700,000

Sec. 3014. 2018 c 2 s 3030 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Leaking Tank Model Remedies (30000669)

The appropriation in this section is subject to the following conditions and limitations: The appropriation may be used for staff costs to support the program.

Appropriation:

State Building Construction Account-State..... \$1,106,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL..... \$1,106,000

Sec. 3015. 2018 c 2 s 3031 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (30000086)

Appropriation:

State Building Construction Account-State..... (~~\$471,000~~)
\$496,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$25,986,000
 TOTAL..... ~~\$26,457,000~~
\$26,482,000

Sec. 3016. 2018 c 2 s 3032 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)

Appropriation:

State Building Construction Account-State ((\$3,217,000))

\$3,386,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$3,823,000

TOTAL.....\$7,040,000

\$7,209,000

Sec. 3017. 2018 c 2 s 3033 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:

State Building Construction Account-State ((\$206,000))

\$217,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$1,399,000

TOTAL.....\$1,605,000

\$1,616,000

Sec. 3018. 2018 c 2 s 3034 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:

State Building Construction Account-State ((\$277,000))

\$292,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$1,478,000

TOTAL.....\$1,755,000

\$1,770,000

Sec. 3019. 2018 c 2 s 3035 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Appropriation:

State Building Construction Account-State..... ((\$1,516,000))

\$1,596,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$1,516,000

\$1,596,000

Sec. 3020. 2018 c 2 s 3036 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Appropriation:

State Building Construction Account-State..... ((\$541,000))

\$569,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs).....\$10,639,000

TOTAL.....\$11,180,000

\$11,208,000

Sec. 3021. 2018 c 2 s 3037 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Appropriation:

Sec. 3027. 2018 c 2 s 3046 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:

State Building Construction Account-State ((\$697,000))

\$734,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) \$9,072,000

TOTAL..... \$9,769,000

\$9,806,000

Sec. 3028. 2018 c 2 s 3047 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.))~~

Appropriation:

State Building Construction Account-State ((\$1,109,000))

\$1,167,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL..... \$1,109,000

\$1,167,000

Sec. 3029. 2018 c 2 s 3048 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:

State Building Construction Account-State..... ((\$2,018,000))

\$2,124,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$2,018,000

\$2,124,000

Sec. 3030. 2018 c 2 s 3049 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Appropriation:

State Building Construction Account-State..... ((\$1,093,000))

\$1,151,000

Prior Biennia (Expenditures) .\$121,000

Future Biennia (Projected Costs).....\$3,859,000

TOTAL.....\$5,073,000

\$5,131,000

Sec. 3031. 2018 c 2 s 3051 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Appropriation:

State Building Construction Account-State..... ((\$553,000))

\$582,000

Prior Biennia (Expenditures) .\$165,000

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$718,000

\$747,000

Sec. 3032. 2018 c 2 s 3055 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Program (30000979)

Appropriation:

State Building Construction Account—
State (~~(\$1,845,000)~~)

\$1,491,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$1,845,000~~

\$1,491,000

Sec. 3033. 2018 c 2 s 3056 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center -
Interpretive Facility (30000980)

Appropriation:

State Building Construction Account—
State (~~(\$964,000)~~)

\$1,015,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$964,000~~

\$1,015,000

Sec. 3034. 2018 c 2 s 3057 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements
(30000981)

Appropriation:

State Building Construction Account—
State (~~(\$428,000)~~)

\$450,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$428,000~~

\$450,000

Sec. 3035. 2018 c 2 s 3058 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation
(30000983)

Appropriation:

State Building Construction Account—
State..... (~~(\$209,000)~~)

\$220,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected
Costs)..... \$4,359,000

TOTAL..... ~~\$4,568,000~~

\$4,579,000

Sec. 3036. 2018 c 2 s 3059 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic
Area (30000984)

Appropriation:

State Building Construction Account—
State..... (~~(\$2,622,000)~~)

\$2,760,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$2,622,000~~

\$2,760,000

Sec. 3037. 2018 c 2 s 3060 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation
(30001016)

Appropriation:

State Building Construction Account—
State..... (~~(\$475,000)~~)

\$500,000

as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Comfort Station Pilot Project
(91000433)

The appropriation is provided solely for a pilot program for new fire light toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:

State Building Construction Account—
State \$1,167,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs)... \$0
TOTAL..... \$1,167,000

Sec. 3044. 2018 c 2 s 3067 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Step toe Butte Road Improvements
(30001076)

Appropriation:

State Building Construction Account—
State (~~\$443,000~~)
\$466,000
Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$3,789,000
TOTAL..... ~~\$4,232,000~~
\$4,255,000

Sec. 3045. 2018 c 2 s 3068 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head
Buildings and Ground Improvements
(40000005)

Appropriation:

State Building Construction Account—
State (~~\$2,560,000~~)

\$2,695,000

Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....~~\$2,560,000~~
\$2,695,000

NEW SECTION. **Sec. 3046.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal
(40000010)

Appropriation:

State Building Construction Account—
State.....\$300,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs)\$400,000
TOTAL.....\$700,000

NEW SECTION. **Sec. 3047.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide - ADA Compliance (30000985)

Appropriation:

State Building Construction Account—
State.....\$1,000,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs) ...\$0
TOTAL.....\$1,000,000

NEW SECTION. **Sec. 3048.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Appropriation:

State Building Construction Account—
State.....\$742,000
Prior Biennia (Expenditures)\$0
Future Biennia (Projected Costs).....\$2,829,000
TOTAL.....\$3,571,000

Sec. 3049. 2017 3rd sp.s. c 4 s 3072 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State \$2,707,000

Appropriation:

State Building Construction Account—State \$172,000

Prior Biennia (Expenditures). \$792,000

Future Biennia (Projected Costs)... \$0

TOTAL..... \$3,499,000

\$3,671,000

Sec. 3050. 2018 c 2 s 3075 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The appropriations in this section (~~is~~) are subject to the following conditions and limitations: The appropriations in this section (~~is~~) are provided solely for the (~~Barnum Point waterfront~~) list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Appropriation:

State Building Construction Account—State \$10,685,000

Aquatic Lands Enhancement Account—State (~~\$1,000,000~~)

\$1,600,000

Subtotal Appropriation.... \$12,285,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... \$1,000,000

\$12,285,000

NEW SECTION. Sec. 3051. A new section is added to 2018 c 2 (uncodified) to read

as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**

Recreational Assets of Statewide Significance (92000446)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the study required in section 7012 of this act.

Appropriation:

State Building Construction Account—State.....\$100,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$100,000

Sec. 3052. 2018 c 2 s 3091 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:

State Building Construction Account—State.....\$4,000,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$20,000,000

TOTAL.....\$24,000,000

Sec. 3053. 2018 c 2 s 3092 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account-state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account-State	(\$2,000,000)	\$4,000,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)	\$1,752,000	
TOTAL.....	\$3,752,000	\$5,752,000

Sec. 3054. 2018 c 2 s 3107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000782)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$130,000 of the appropriation is provided to review state hatcheries to identify opportunities to increase salmon production with a focus on the needs of the southern resident killer whale. The review must include a survey of existing hatcheries and cost estimates to increase salmon and steelhead production within existing capacity, and to identify where hatcheries could be expanded to increase production. The review must be consistent with the federal endangered species act requirements and tribal treaty obligations. The review must be conducted in consultation with tribal comanagers, the hatchery scientific review group, and appropriate federal agencies. The review must be provided to the governor's office, the office of financial

management, and the fiscal committees of the legislature by October 1, 2018.

(2) Up to \$30,000 is provided for the installation of 15 new fish screens to support the southern resident orca recovery.

(3) Up to \$665,000 is provided for hatchery improvements to increase chinook production to support the southern resident orca recovery.

Appropriation:

State Building Construction Account-State.....	(\$2,000,000)	\$2,825,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs) ...	\$0	
TOTAL	\$2,000,000	\$2,825,000

NEW SECTION. Sec. 3055. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Appropriation:

State Building Construction Account-State.....	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,849,000
TOTAL	\$6,649,000

NEW SECTION. Sec. 3056. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Scatter Creek Wildlife Area Fire Damage (40000005)

Appropriation:

State Building Construction Account-State.....	\$1,331,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$1,331,000

Sec. 3057. 2018 c 2 s 3119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (30000264)	
Appropriation:	
Resources Management Cost Account—State	\$30,000,000
Natural Resources Real Property Replacement—State.....	(\$30,000,000)
	<u>\$12,300,000</u>
Community and Technical College Forest Reserve	
Account—State.....	\$1,000,000
Subtotal Appropriation ((\$61,000,000))	
	<u>\$43,300,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	<u>\$61,000,000</u>
	<u>\$43,300,000</u>

Sec. 3058. 2018 c 2 s 3122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (30000269)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this section must be appraised and transferred at fair market value. By (~~September 30, 2018~~) June 30, 2019, the department must deposit in the common school construction account the portion of the appropriation

in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, (~~2018~~) 2019, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2019, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State.....	\$10,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)... \$0
 TOTAL..... \$10,000,000

Sec. 3059. 2018 c 2 s 3123 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

(i) With a population of twenty-five thousand or fewer; and

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal

endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—
 State..... (~~\$3,000,000~~)
\$4,500,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs) ...\$0
 TOTAL.....~~\$3,000,000~~
\$4,500,000

NEW SECTION. **Sec. 3060.** A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

NE Region Storm Damage Road Repair (40000002)

Appropriation:

State Building Construction Account—
 State.....\$429,000
 Prior Biennia (Expenditures)\$0
 Future Biennia (Projected Costs) ...\$0
 TOTAL.....\$429,000

NEW SECTION. Sec. 3061. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Paterson Pipeline (91000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for developing and constructing an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands pursuant to conditions and limitations described in section 7004 of this act.

(2) The legislature recognizes and declares that the appropriation in this section constitutes a loan from an asset of the common school trust. The legislature finds that the provisions in section 7004 of this act regarding review and approval of the Paterson pipeline, improvements to common school trust lands by the Paterson pipeline and associated increased value of those lands, eventual loan repayment to the common school trust assets held in the natural resources real property replacement account, and interest to the common school construction account ensure that the interest of the common school trust beneficiaries are protected.

(3) If moneys available in the natural resources real property replacement account that are attributable to the common school trust are not sufficient to achieve the intended purposes of this section, then the department must explore and report alternative solutions to the legislature, including:

(i) Establishing or joining a local improvement district;

(ii) Borrowing funds through an alternative financing process, that uses existing water certificates, timber cutting rights, or other trust asset value as a basis for a loan; or

(iii) Other alternatives as the department may suggest.

Appropriation:

Natural Resources Real Property Replacement

Account-State..... \$17,700,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$17,700,000

Sec. 3062. 2018 c 2 s 3132 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) A minimum of twenty-five public school facilities that have a capacity of two hundred fifty or more persons and are routinely used for ((student activities by)) the instruction of students in kindergarten through twelfth grade ((public schools)). The survey must be a representative sample of urban and rural school districts located in different geographical areas of the state; ~~((and))~~

(b) Public school facilities with capacity of fewer than two hundred fifty persons; and

(c) Fire stations located within a one-mile radius of a facility described in ((subsection (1))) (a) of this subsection.

(2) The department must coordinate survey efforts made under subsection (1) (a) and (b) of this section whenever possible.

(3) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsection((~~s~~)) (1) (a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of

the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

~~((3))~~ (4) ~~The department ((shall develop geographic information system databases of survey data and))~~ must collect and submit survey data to the superintendent of public instruction in a format compatible with the inventory and condition of schools database. The department must enter into an agreement with the superintendent of public instruction to make any necessary modifications to the inventory and condition of schools database to receive and report the survey data.

(5) The department must share that data with the governor((, the superintendent of public instruction,)) and the appropriate legislative committees.

~~((4))~~ (6) The department and the office of the superintendent of public instruction must provide technical assistance to the school facilities sampled to incorporate survey information into their school safety plans.

(7) A preliminary report on the progress of the statewide seismic needs assessment specified in this section shall be submitted to the ((office of financial management and the)) appropriate committees of the legislature by October 1, 2018. The final report and statewide seismic needs assessment shall be submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2019.

Appropriation:

State Building Construction Account—State.....	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 3063. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Community Forest Program Development (91000093)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$75,000 of the appropriation in this section is provided solely for the department to perform an economic and ownership modeling analysis using as a case study one or more projects proposed through the department's rural communities partnership initiative, and based on that analysis, further prioritize a list of community forest projects to submit to the legislature as required under chapter 79.155 RCW.

(2) The department must also consult with nonprofit stakeholders, counties, municipalities, tribes, and small and large private forest landowners, in developing a nonstate-owned community forest project list, including a process to prioritize and recommend to the legislature a list of nonstate-owned community forests. This project list must include projects solicited from both east and west of the crest of the Cascade mountains that have demonstrable community support.

(3) The department must develop a list composed of both nonstate-owned and state-owned community forest projects for legislative consideration by November 1, 2018.

Appropriation:

State Building Construction Account—State.....	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 3064. A new section is added to 2018 c 2 (uncodified) to read

as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Castle Rock/DNR Land Swap (91000094)
 Appropriation:
 State Building Construction Account—
 State \$13,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL \$13,000

NEW SECTION. Sec. 3065. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Port of Willapa Harbor Energy
 Innovation District (91000099)
 Appropriation:
 State Building Construction Account—
 State \$1,500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL \$1,500,000

NEW SECTION. Sec. 3066. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Assessing and Improving Economic
 Performance of Trust Lands (91000100)
 The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the asset valuation of state lands and state forestlands held in trust and managed by the department as required in section 7015 of this act.
 Appropriation:
 State Building Construction Account—
 State \$555,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL \$555,000

Sec. 3067. 2018 c 2 s 3135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Grants to Improve Safety and Access at Fairs (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the Grant county fairgrounds rodeo arena seating replacement.

(2) \$100,000 of the appropriation is provided solely for the Ellensburg rodeo project.

Appropriation:

State Building Construction Account—
 State (~~\$2,000,000~~)
 \$2,100,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL ~~\$2,000,000~~
 \$2,100,000

PART 4

TRANSPORTATION

Sec. 4001. 2018 c 2 s 4001 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater
 Remediation (30000030)
 Appropriation:
 Fire Service Training Account—
 State (~~\$3,000,000~~)
 \$3,132,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) ... \$0
 TOTAL ~~\$3,000,000~~
 \$3,132,000

Sec. 4002. 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 ~~((of this act)),~~ chapter 2, Laws of 2018 and section 7010 of this act for direct loans to ~~((political subdivisions of))~~ airport sponsors of public use airports in the state ~~((and privately owned airports))~~ for the purpose of improvements ~~((at public use airports))~~ that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the ~~((capital budget))~~ chairs and ranking minority members of the ~~((capital budget))~~ transportation committees of the house of representatives and the senate ~~((ways and means committee)),~~ and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans ~~((to privately owned airports))~~ for the purpose of airport improvements only if the state is receiving commensurate public benefit, ~~((such as guaranteed long term))~~ which must include, as a condition of the loan, a commitment to provide public access to the airport

~~((as))~~ for a ~~((condition))~~ period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" ~~((that primarily support general aviation activities))~~ means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account-State.....	(((\$5,000,000))
	<u>\$2,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	<u>\$5,000,000</u>

\$2,500,000

PART 5

EDUCATION

Sec. 5001. 2017 3rd sp.s. c 4 s 5011 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Account— State	(\$209,100,000)	
		<u>\$210,120,000</u>
State Building Construction Account— State	\$92,767,000	
Subtotal		
Reappropriation	(\$301,867,000)	
		<u>\$302,887,000</u>
Prior Biennia (Expenditures)	\$248,519,000	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	<u>\$550,386,000</u>	
		<u>\$551,406,000</u>

Sec. 5002. 2018 c 2 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids/Healthy Schools (30000184)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop criteria for providing funding for specific projects that are consistent

with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools may apply for grants but no single district may receive more than \$200,000 of the appropriation for grants awarded in subsections (3), (4), and (5) of this section;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(2) A maximum of \$1,000,000 of the appropriation may be used for the replacement of lead-contaminated drinking water fixtures.

(3) A maximum of \$1,000,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's physical health and may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.

(4) A maximum of \$250,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's awareness and participation in sustaining efficient schools and may include, but is not limited to: Dashboards that display energy savings, composting systems, and recycling stations.

(5) The remaining portion of the appropriation is provided solely to purchase equipment or make repairs related to improving children's nutrition and may include, but is not limited to: Garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:

Common School Construction Account— State.....	\$3,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs).....	\$24,000,000
TOTAL.....	<u>\$27,250,000</u>

Sec. 5003. 2018 c 2 s 5006 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account-state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account-State (~~(\$672,423,000)~~)
\$688,207,000

Common School Construction Account-State (~~(\$255,581,000)~~)
\$255,984,000

Common School Construction Account-Federal \$3,000,000

School Construction and Skill Centers Building

Account-State..... \$1,559,000

Subtotal
 Appropriation (~~(\$932,563,000)~~)
\$948,750,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$5,136,856,000

TOTAL..... ~~\$6,069,419,000~~
\$6,085,606,000

Sec. 5004. 2018 c 2 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (40000007)

Appropriation:

Common School Construction Account-State (~~(\$3,600,000)~~)
\$3,390,000

Prior Biennia (Expenditures)..... \$0

Future	Biennia	(Projected Costs).....	\$13,097,000
TOTAL.....			\$16,697,000
			<u>\$16,487,000</u>

Sec. 5005. 2018 c 2 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) \$50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) \$30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

~~(b) ((Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and~~

(e)) Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or school demonstrates that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$1,000,000

Sec. 5006. 2017 3rd sp.s. c 4 s 5016 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEWTECH Skill Center (Spokane Area Professional-Technical) (92000005)

Reappropriation:

State Building Construction Account—State	(\$387,000)
	\$339,000

School Construction and Skill Centers Building

Account—State.....	\$38,000
Subtotal Reappropriation.....	\$377,000
Prior Biennia (Expenditures)	(\$21,450,000)
	\$21,460,000
Future Biennia (Projected Costs)...	\$0
TOTAL.....	\$21,837,000

Sec. 5007. 2018 c 2 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address challenges related to extraordinary growth and to maintain and repair existing buildings.

(2) \$1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) \$500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

(4) \$7,900,000 of the appropriation in this section is provided solely for the Frantz H. Coe elementary school in Seattle.

(5) \$3,500,000 of the appropriation in this section is provided solely for the Chief Leschi school's auditorium.

(6) \$2,900,000 of the appropriation in this section is provided solely for the Glacier site middle school in the Highline school district.

(7) (a) \$10,000,000 of the appropriation in this section is provided solely for the Toledo school district;

(b) The Toledo school district must provide a local match equivalent to a minimum of \$7,000,000. The local match may consist of cash; furniture, finishes, and equipment; or like-kind.

(c) If the Toledo school district cannot demonstrate to the office of the superintendent of public instruction that a local match pursuant to (b) of this subsection has been secured by June 30, 2019, the appropriation in (a) of this subsection shall lapse.

Appropriation:

State Building Construction Account—State.....	(\$21,186,000)
	\$45,486,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$21,186,000
	\$45,486,000

Sec. 5008. 2018 c 2 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Rural District Modernization Grants (92000040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to assist small, rural school districts with total enrollments of one thousand students or less, with school facilities with significant building systems deficiencies, and with such low property values that replacing or modernizing the school facility through the school construction assistance program would present an extraordinary tax burden on property owners or would exceed allowable debt for the district.

(2) (~~(\$11,198,000)~~) \$15,349,000 of the appropriation is provided solely for projects in small rural districts where the school facility does not need to be replaced or require an extensive modernization, but does have significant building system deficiencies. Grants may not exceed \$5,000,000. The office of the superintendent of public instruction shall prepare an expedited grant application process in selecting the grant recipients funded by this subsection.

(3) (~~(\$23,802,000)~~) \$25,651,000 of the appropriation is provided solely for the following projects in the following amounts:

- Mount Adams School District K-8 Elementary \$14,277,000
- South Bend School District. \$7,712,000
- Lopez Island School District \$1,813,000
- Wishkah Valley School..... \$576,000
- Damman School..... \$1,273,000

(4) For projects in this section that are also eligible for funding through the school construction assistance program (SCAP), the office of the superintendent of public instruction must expedite and streamline the SCAP administrative requirements, timelines, and matching requirements in order for the funds provided in this section to be used

promptly. Funds provided in this section, plus state funds provided in the SCAP grant, plus available local funds, must not exceed total project costs.

Appropriation:

State Building Construction Account—State.....((\$35,000,000))	\$41,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL	<u>\$35,000,000</u>
	<u>\$41,000,000</u>

NEW SECTION. Sec. 5009. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

Academic and Physical Education Building (30000036)

The appropriation in this section is subject to the following conditions and limitations: A predesign study must provide options for modifying an existing building, or multiple buildings, on the campus that will house the elementary and secondary departments. Five aging and decayed buildings may be demolished with remaining amounts.

Appropriation:

State Building Construction Account—State.....	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs).....	\$45,445,000
TOTAL	\$46,445,000

Sec. 5010. 2018 c 2 s 5015 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

2017-19 Minor Public Works (30000029)

Appropriation:

State Building Construction Account—State.....((\$307,000))	\$1,218,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	(\$4,000,000)	\$0
TOTAL.....	\$4,307,000	<u>\$1,218,000</u>

Future Biennia (Projected Costs).....	\$30,000,000
TOTAL.....	<u>\$44,500,000</u>
	<u>\$47,500,000</u>

Sec. 5011. 2018 c 2 s 5016 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Burke Museum (20082850)

Appropriation:

State Building Construction Account—State	(\$24,200,000)	\$24,900,000
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Prior Biennia (Expenditures)	\$29,800,000	\$0
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	<u>\$54,000,000</u>	<u>\$54,700,000</u>

NEW SECTION. Sec. 5012. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

State Building Construction Account—State	\$600,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$49,000,000
TOTAL.....	\$49,600,000

Sec. 5013. 2018 c 2 s 5021 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Appropriation:

University of Washington Building Account—State	(\$14,500,000)	\$17,500,000
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Prior Biennia (Expenditures)..... \$0

NEW SECTION. Sec. 5014. A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE UNIVERSITY OF WASHINGTON**

Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington, led by the college of built environments, in collaboration with the Central Washington University construction management program, the Washington State University architecture and engineering school and the department of enterprise services, shall analyze existing embodied carbon policy and propose methods to categorize structural materials and report structural material quantities and origins.

(2) The colleges shall report to the legislature the methods developed in this section by December 31, 2018. The report must include potential impacts to project costs, both positive and negative, that use the proposed methods in subsection (1) of this section, and potential economic impacts, both positive and negative, to Washington state based on the origin of material purchased.

Appropriation:

State Building Construction Account—State.....	\$100,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) ...	\$0
TOTAL.....	\$100,000

Sec. 5015. 2017 3rd sp.s. c 4 s 5048 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Seminar I Renovation (30000125)

Reappropriation:

State Building Construction Account—State.....	(\$175,000)
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\$188,000

Clark College: North County Satellite (30000135)

Appropriation:

State Building Construction Account-State (~~(\$5,212,000)~~)

\$5,688,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) (~~(\$48,603,000)~~)

\$49,235,000

TOTAL..... ~~\$53,815,000~~

\$54,923,000

NEW SECTION. Sec. 5021. A new section is added to 2018 c 2 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Everett Community College: Learning Resource Center (30000136)

Appropriation:

State Building Construction Account-State \$4,015,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$45,080,000

TOTAL..... \$49,095,000

Sec. 5022. 2018 c 2 s 5058 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Appropriation:

State Building Construction Account-State (~~(\$37,757,000)~~)

\$39,257,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)... \$0

TOTAL..... ~~\$37,757,000~~

\$39,257,000

Sec. 5023. 2018 c 2 s 5059 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Appropriation:

State Building Construction Account-State..... (~~(\$33,960,000)~~)

\$34,952,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$33,960,000~~

\$34,952,000

Sec. 5024. 2018 c 2 s 5060 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend: Professional - Technical Education Center (30000981)

Appropriation:

State Building Construction Account-State..... (~~(\$35,063,000)~~)

\$35,346,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL.....~~\$35,063,000~~

\$35,346,000

Sec. 5025. 2018 c 2 s 5061 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Main Building South Wing Renovation (30000982)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for predesign, design, and construction, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle

costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 (~~of this act~~), chapter 2, Laws of 2018.

Appropriation:

State Building Construction Account— State	(\$24,919,000)	\$25,683,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	\$24,919,000	\$25,683,000

Sec. 5026. 2018 c 2 s 5062 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)

Appropriation:

State Building Construction Account— State	(\$23,372,000)	\$24,221,000
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs)...	\$0	
TOTAL.....	\$23,372,000	\$24,221,000

Sec. 5027. 2017 3rd sp.s. c 4 s 5076 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Center for Advanced Manufacturing Technologies (30000984)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation (~~is subject to the provisions of section 5140, chapter 3, Laws of 2015 3rd sp. sess~~) in

this section is provided solely for predesign and design, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Funding authorized pursuant to section 7002(7)(f) of this act for construction may be delivered using design-build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. The state may use state employees for services not related to building performance.

(3) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building may be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account— State.....	\$2,791,000
Prior Biennia (Expenditures)	\$353,000
Future Biennia (Projected Costs) ...	\$0
TOTAL	\$3,144,000

Sec. 5028. 2018 c 2 s 5063 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

State Building Construction Account— State.....	(\$2,772,000)	\$2,840,000
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs).....	(\$29,048,000)	\$29,340,000
TOTAL		\$31,820,000

\$32,180,000

Sec. 5029. 2018 c 2 s 5064 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—State (~~(\$929,000)~~)

\$953,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) (~~(\$7,369,000)~~)

\$7,594,000

TOTAL.....\$8,297,000

\$8,547,000

Sec. 5030. 2018 c 2 s 5065 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—State (~~(\$3,438,000)~~)

\$3,508,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) (~~(\$29,982,000)~~)

\$31,035,000

TOTAL.....\$33,420,000

\$34,543,000

Sec. 5031. 2018 c 2 s 5066 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Appropriation:

State Building Construction Account—State..... (~~(\$2,241,000)~~)

\$2,501,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) (~~(\$21,873,000)~~)

\$23,187,000

TOTAL.....\$24,114,000

\$25,688,000

Sec. 5032. 2018 c 2 s 5067 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State..... (~~(\$3,150,000)~~)

\$3,238,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) (~~(\$39,208,000)~~)

\$40,484,000

TOTAL.....\$42,358,000

\$43,722,000

Sec. 5033. 2018 c 2 s 5068 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Appropriation:

State Building Construction Account—State..... (~~(\$3,546,000)~~)

\$3,592,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs) (~~(\$35,972,000)~~)

\$36,138,000

TOTAL.....\$39,518,000

\$39,730,000

Sec. 5034. 2018 c 2 s 5070 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (30001293)

Appropriation:

Community/Technical Colleges Capital Projects

Account-State..... (~~(\$8,433,000)~~)
 \$5,307,000

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL..... ~~\$8,433,000~~
 \$5,307,000

Sec. 5035. 2018 c 2 s 5071 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (30001294)

Appropriation:

(~~(State Building Construction Account—State \$1,218,000)~~)

Community/Technical Colleges Capital Projects

Account-State..... (~~(\$25,458,000)~~)
 \$16,587,000

(~~(Subtotal Appropriation \$26,676,000)~~)

Prior Biennia (Expenditures).....\$0

Future Biennia (Projected Costs)...\$0

TOTAL..... ~~\$26,676,000~~
 \$16,587,000

Sec. 5036. 2018 c 2 s 5072 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (30001295)

Appropriation:

(~~(State Building Construction)~~)
Community/Technical

Colleges Capital Projects Account—State.....\$4,166,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL.....\$4,166,000

Sec. 5037. 2018 c 2 s 5073 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30001368)

Appropriation:

State Building Construction Account—State..... (~~(\$26,630,000)~~)

\$14,558,000

Community/Technical Colleges Capital Projects

Account-State\$1,831,000

Subtotal Appropriation ...\$16,389,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs) ...\$0

TOTAL ~~\$26,630,000~~
 \$16,389,000

NEW SECTION. **Sec. 5038.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

North Seattle Library Building Renovation (30001451)

Appropriation:

State Building Construction Account—State.....\$3,448,000

Prior Biennia (Expenditures)\$0

Future Biennia (Projected Costs).....\$28,359,000

TOTAL\$31,807,000

NEW SECTION. **Sec. 5039.** A new section is added to 2018 c 2 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Walla Walla Science and Technology Building Replacement (30001452)

Appropriation:

training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to \$5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to ~~(\$12,700,000)~~ \$12,504,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Department of social and health services: Enter into a financing contract for up to \$2,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

~~((6))~~ (7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Cascadia College for up to ~~(\$29,500,000)~~ \$30,225,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter

39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to \$31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

~~(e) ((Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.~~

~~(f))~~ Enter into a financing contract on behalf of Lower Columbia College for up to ~~(\$3,000,000)~~ \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

~~((g))~~ (f) Enter into a financing contract on behalf of Clover Park Technical College for up to ~~(\$33,288,000)~~ \$35,821,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

(g) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(h) Enter into a financing contract on behalf of Bellevue College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student success center.

(i) Enter into a financing contract on behalf of Whatcom Community College for up to \$26,475,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(j) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and wellness center.

(k) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property.

(1) Enter into a financing contract on behalf of Grays Harbor College for up to \$1,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a campus parking lot.

Sec. 7003. 2018 c 2 s 7022 (uncodified) is amended to read as follows:

STATE TREASURER TRANSFER AUTHORITY

State Toxics Control Account: For transfer

to the environmental legacy stewardship account,

\$13,000,000 for fiscal year 2018 and (~~(\$13,000,000)~~)

\$11,950,000 for fiscal year 2019 (~~(\$26,000,000)~~)

\$24,950,000

Local Toxics Control Account: For transfer

to the environmental legacy stewardship account,

\$15,250,000 in fiscal year 2018 and (~~(\$15,250,000)~~)

\$3,750,000 in fiscal year 2019 (~~(\$30,500,000)~~)

\$19,000,000

Local Toxics Control Account: For transfer

to the cleanup settlement account as repayment

of the loan provided in section 6015(2), chapter

35, Laws of 2016 sp. sess. (ESHB 2380, 2016

supplemental capital budget), \$8,150,000 for fiscal

year 2019..... \$8,150,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground storage tank revolving account the lesser of \$20,000,000 or the balance of the fund exceeding \$7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 7004. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to develop and construct an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands.

(2)(a) The development and construction of the Paterson pipeline must be reviewed and approved by the board of natural resources; and

(b) Any investment in the Paterson pipeline with moneys belonging to an asset of the common school trust constitutes a loan from the common school trust and may be made only if first determined to be a prudent investment by the board of natural resources.

(3) The board of natural resources may set the terms of the loan with the following conditions and limitations:

(a) A payment of principal and annual interest of no less than three percent and up to six percent on remaining principal of the loan described in subsection (2) (b) of this section must be paid annually to be disbursed as follows:

(i) The principal portion of the payment shall be deposited into the natural resources real property replacement account and credited to the common school trust;

(ii) The interest portion of the payment shall be deposited into the common school construction account;

(b) Interest begins to accrue on a date determined by the board of natural resources, but no later than the earlier of two years after the date the Paterson pipeline is completed or the date of the execution of the lease; and

(c) Once interest begins to accrue, the annual payment is due and payable on July 1st, following the completion of the state fiscal year, until the principal is fully repaid.

(4) Revenues generated from leases of the irrigated acreage in the common school trust improved by the Paterson pipeline are assumed to be dedicated for the payments on the loan principal and interest described in subsection (3) of this section until the loan is paid in full.

Sec. 7005. RCW 79.17.210 and 2013 2nd sp.s. c 19 s 7041 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2013-2015 fiscal biennium, funds in the account may also be

appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess. During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline in section 3061 of this act under the provisions of section 7004 of this act.

Sec. 7006. 2018 c 2 s 7007 (uncodified) is amended to read as follows:

(1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

~~((5) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.))~~

Sec. 7007. 2018 c 2 s 7017 (uncodified) is amended to read as follows:

NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter ~~((---))~~ 3, Laws of 2018, ~~((Senate))~~ House Bill No. ~~((---))~~ 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to

the state building construction account may be made.

Sec. 7008. 2018 c 2 s 7024 (uncodified) is amended to read as follows:

The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy ~~((recovery act))~~ efficiency account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

Sec. 7009. 2018 c 2 s 7026 (uncodified) is amended to read as follows:

JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION.

(1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and assistance. Members of such an advisory committee are not entitled to expense reimbursement.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled

to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by ~~((October 1))~~ December 15, 2018.

(9) This section expires June 30, 2019.

Sec. 7010. 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((this chapter))~~ section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018 must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 ~~((of this act))~~, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 7011.** A new section is added to 2018 c 2 (uncodified) to read as follows:

JOINT LEGISLATIVE TASK FORCE ON WATER SUPPLY.

(1) A joint legislative task force is established to review surface water and

groundwater needs and uses as they relate to agricultural uses, domestic potable water uses, and instream flows, and to develop and recommend studies.

(2) The task force consists of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) Two organizations representing the farming industry in Washington;

(ii) A representative designated by each county within water resource inventory areas 3 and 4;

(iii) A representative designated by each city within water resource inventory areas 3 and 4;

(iv) Two representatives from an environmental advocacy organization or organizations;

(v) A representative designated by each public utility district located in water resource inventory areas 3 and 4;

(vi) An organization representing business interests; and

(vii) Representatives from federally recognized Indian tribes with reservations and treaty fishing rights located within water resource inventory areas 3 and 4.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the

legislature, as those caucuses existed on the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018. The task force must immediately focus on water resource inventory area 4. The task force shall not meet regarding water resource inventory area 3 before January 1, 2019.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) Studies and selection of scientists or organizations to implement these studies must be based on recommendations of the joint legislative task force and must be made by a seventy-five percent majority of the members of the task force. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The funding provided in section 3012(2) of this act is provided solely for studies that are based on best available science and peer-reviewed, as identified by the task force to include:

(a) Reviewing existing hydrodynamic modeling and instream flow studies, or implementing new studies if necessary;

(b) Completing a gap analysis;

(c) Updating and reconciling data;

(d) Completing and providing missing data; and

(e) Potential installation of groundwater monitoring stations.

(9) The joint legislative task force expires June 30, 2019.

NEW SECTION. **Sec. 7012.** A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The legislature recognizes that outdoor recreation in Washington provides multiple benefits including significant business and retail tax revenue, business and job creation, improved physical and mental health, higher quality-of-life that attracts and retains businesses and workers from beyond the recreation sector, and conservation and education values. To fulfill the goals of the 2018 recreation and conservation plan for Washington state, the recreation and conservation office must conduct a study that identifies recreational assets of statewide significance, where gaps in recreational assets exist, and investment strategies and options for addressing those gaps. The study must address existing and projected future needs of the people of Washington state.

(2) The office must submit a report with its findings and recommendations to the appropriate committees of the legislature by June 30, 2019.

Sec. 7013. RCW 43.88D.010 and 2017 c 52 s 15 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning.

Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium, pursuant to subsection (1) of this section, by November 1, 2018, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2018, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

Sec. 7014. RCW 28B.77.070 and 2012 c 229 s 110 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

- (i) Office of financial management scores pursuant to chapter 43.88D RCW;
- (ii) Preserving assets;
- (iii) Degree production; and
- (iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

- (i) Include subpriorities;
- (ii) Be organized by category;
- (iii) Assume any state bond or building account biennial funding level to prioritize the list; or
- (iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by

November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

NEW SECTION. Sec. 7015. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The analysis required in subsections (3) and (4) of this section may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The analysis must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.

(4) For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report to the legislature by December 1, 2018. A follow up progress report is expected to be provided by December 1, 2019, and may include any initial recommendations. The final report is expected to be submitted by June 30, 2020, and must include options to:

(a) Improve the net rates of return on different classes of assets;

(b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and

(c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

Sec. 7016. RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art.

(2) During the 2017-2019 fiscal biennium, for projects funded in the capital budget, a state agency, working with the Washington state arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington state arts commission must be adjusted downward by the amount expended by a state agency during the design phase of the capital project.

(3) The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. **Sec. 7017.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7018.** 2018 c ... (SHB 1656) s 13 (uncodified) is repealed.

NEW SECTION. **Sec. 7019.** Section 7018 of this act takes effect when chapter . . . (Substitute House Bill No. 1656), Laws of 2018 takes effect.

NEW SECTION. **Sec. 7020.** Except for section 7018 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and DeBolt spoke in favor of the adoption of the striking amendment.

The striking amendment (1395) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger, DeBolt and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Fey and Jinkins.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1792, by Representatives Kagi and Ormsby

Establishing a fee for certification for the residential services and supports program to cover investigative costs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1792 was substituted for House Bill No. 1792 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1792 was read the second time.

Representative Kagi moved the adoption of amendment (1410):

On page 1, line 20, strike "2017" and insert "2018"

On page 3, line 2, after "July 1," strike "2017" and insert "2018"

Representatives Kagi and Dent spoke in favor of the adoption of the amendment.

Amendment (1410) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kagi and Kagi (again) spoke in favor of the passage of the bill.

Representatives Dent, Klippert and Stokesbary spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1792.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1792, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2269, by Representatives Kilduff, Muri, Kraft, Stanford, Eslick, McBride, Sawyer, Orcutt, Haler, Senn, Reeves, Young, Ryu and Doglio

Concerning tax relief for adaptive automotive equipment for veterans and service members with disabilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2269 was substituted for House Bill No. 2269 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2269 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilduff and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2269.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2269, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2269, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2271, by Representatives Muri, Kilduff, Fey, Sawyer, Klippert, Jinkins, Griffey and Kraft

Concerning the processes for reviewing sexually violent predators committed under chapter 71.09 RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Muri, Kilduff and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2271.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2271, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

HOUSE BILL NO. 2271, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2461, by Representatives Kagi, Goodman, Ormsby and Santos

Concerning the drug offense sentencing grid.

The bill was read the second time.

Representative Hayes moved the adoption of amendment (1061):

On page 2, after line 7, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The department shall reimburse county jails for the costs of post-conviction incarceration for any offender serving a sentence in a county jail for a drug offense with a seriousness level I designation under RCW 9.94A.518 where the offender had an offender score of three, four, or five for the present conviction. The department shall calculate the reimbursement required under this section and remit quarterly payments to county jails. A county jail receiving payment from the department under this section shall use the funds for the costs of incarcerating or providing treatment to drug offenders."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 2, line 8, after "2." strike "Section 1 of this" and insert "This"

Correct the title.

Representatives Hayes, Taylor, Klippert, Irwin, Johnson, Schmick, Dent, Walsh, Graves, McDonald, Smith and Pike spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

There being no objection, the House deferred action on HOUSE BILL NO. 2461, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2638, by Representatives Goodman, Pettigrew, Appleton and Ortiz-Self

Creating a graduated reentry program of partial confinement for certain offenders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2638 was substituted for House Bill No. 2638 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2638 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2638.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2638, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris,

McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, DeBolt, Kretz, Maycumber, McCaslin, Nealey, Orcutt, Pike, Shea, Taylor, Vick and Young.

SUBSTITUTE HOUSE BILL NO. 2638, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3002, by Representative Ormsby

Relating to making expenditures from the budget stabilization account for declared catastrophic events. Revised for 1st Substitute: Making expenditures from the budget stabilization account for declared catastrophic events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3002 was substituted for House Bill No. 3002 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3002 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

Representatives Chandler, Taylor, Stokesbary, MacEwen, Dent, Pike, Schmick, Barkis, Kraft and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3002.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3002, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter,

Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 3002, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bill previously acted upon was immediately transmitted to the Senate.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 6, 2018

E2SSB 6269 Prime Sponsor, Committee on Ways & Means: Strengthening oil transportation safety. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Graves; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford; Sullivan; Tharinger and Wilcox.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys; Condotta; Haler; Manweller; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary, Assistant Ranking Minority Member.

March 6, 2018

SSB 6317 Prime Sponsor, Committee on Agriculture, Water, Natural Resources & Parks: Increasing commercial fishing license fees for nonresidents. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins;

Kagi; Lytton; Pettigrew; Pollet; Senn; Springer; Stanford; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Graves; Haler; Sawyer; Schmick; Taylor; Vick and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Manweller and Wilcox.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2018

MR. SPEAKER:

The Senate has passed ENGROSSED HOUSE BILL NO. 2519, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.345 and 2015 c 130 s 2 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; and

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2)(a) Once the requirements in subsections (1) and (3) of this section

have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b) (i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If a family or household member has requested to be notified pursuant to RCW 9.41.340, a law enforcement agency must:

(a) Provide notice to the family or household member within one business day of verifying that the requirements in subsection (1) of this section have been met; and

(b) Hold the firearm in custody for seventy-two hours from the time notification has been provided.

(4) (a) A law enforcement agency may not return a concealed pistol license that has been surrendered to or impounded by the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) In confirming whether an individual is eligible to possess a firearm under this section, the law enforcement agency must review available records to determine whether the individual is an unlawful user of or addicted to any controlled substance and

therefore prohibited from possessing a firearm pursuant to Title 18 U.S.C. Sec. 922(g) (3).

(6) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 2. RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of

the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional

requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

A photograph of the applicant may be required as part of the application and printed on the face of the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) (a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of

licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-

of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 9.41.345; and reenacting and amending RCW 9.41.070."

and the same are herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2519 and asked the Senate to recede therefrom.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2334, by Representatives Sawyer and Kloba

Regulating the use of cannabinoid additives in marijuana products.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2334 was substituted for House Bill No. 2334 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2334 was read the second time.

Representative Shea moved the adoption of amendment (1412):

On page 2, beginning on line 7, after "(3)" strike all material through "section" on line 8 and insert the following:

"Subject to the requirements of this subsection (3), the liquor and cannabis board may enact rules necessary to implement the requirements of this section. Such rule-making is limited to regulations pertaining to laboratory testing and product safety standards for those cannabidiol products used by licensed producers and processors in the manufacture of marijuana products marketed by licensed retailers under chapter 69.50 RCW. The purpose of such rule-making must be to ensure the safety and purity of cannabidiol products used by marijuana producers and processors licensed under chapter 69.50 RCW and incorporated into products sold by licensed recreational marijuana retailers. This rule-making authority does not include the authority to enact rules regarding either the production or processing practices of the industrial hemp industry or any cannabidiol products that are sold or marketed outside of the regulatory framework established under chapter 69.50 RCW"

Representatives Shea and Sawyer spoke in favor of the adoption of the amendment.

Amendment (1412) was adopted.

Representative Walsh moved the adoption of amendment (1413):

On page 9, line 29, after "hundred" strike "eighty-one"

On page 10, at the beginning of line 11, strike "eighty-one"

On page 10, at the beginning of line 29, strike "eighty-one"

Representative Walsh spoke in favor of the adoption of the amendment.

Representative Sawyer spoke against the adoption of the amendment.

Amendment (1413) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sawyer spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2334.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2334, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Caldier, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Johnson, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Orcutt, Pike, Rodne, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2334, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2580, by Representatives Morris, Lytton, Fey and Doglio

Promoting renewable natural gas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2580 was substituted for House Bill No. 2580 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2580 was read the second time.

With the consent of the House, amendment (1274) was withdrawn.

Representative Harmsworth moved the adoption of amendment (1411):

On page 16, line 25, after "digester" insert "or the processing of biogas from a landfill into marketable coproducts"

Representatives Harmsworth and Morris spoke in favor of the adoption of the amendment.

HOUSE BILL NO. 2638
HOUSE BILL NO. 2989

Amendment (1411) was adopted.

There being no objection, the House adjourned until 7:30 a.m., March 7, 2018, the 59th Day of the Regular Session.

The bill was ordered engrossed.

FRANK CHOPP, Speaker

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

BERNARD DEAN, Chief Clerk

Representatives Morris and Harmsworth spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2580.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2580, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580 was immediately transmitted to the Senate.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1792
HOUSE BILL NO. 2269
HOUSE BILL NO. 2461
HOUSE BILL NO. 2580

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 7, 2018

The House was called to order at 7:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katie Astruon and David Banica. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Laurie Jenkins, 27th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 3012 by Representatives Stanford, Slatter, Wylie, Reeves, Kloba, Ryu, Gregerson, Dolan, Peterson, Hudgins, Appleton, Fitzgibbon, Ortiz-Self, Sells and Santos

AN ACT Relating to eliminating child marriage; amending RCW 26.04.010, 26.04.130, and 26.04.210; and creating a new section.

Referred to Committee on Judiciary.

HB 3013 by Representatives Morris and Santos

AN ACT Relating to expanding the scope and resources for public records access; amending RCW 42.56.010 and 42.56.070; adding a new section to chapter 42.56 RCW; adding a new section to chapter 44.04 RCW; repealing RCW 42.56.560; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government, Elections & Information Technology.

HCR 4415 by Representative Sullivan

Exempting SHB 3003 from the cutoff resolution.

There being no objection, the bills and concurrent resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4415 which was read the first time, and

under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 7, 2018

SB 6007 Prime Sponsor, Senator Takko: Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Orcutt, Ranking Minority Member; Condotta; Dolan; Nealey; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Pollet.

MINORITY recommendation: Without recommendation. Signed by Representative Frame, Vice Chair.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representative Sullivan

Exempting SHB 3003 from the cutoff resolution.

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representatives Sullivan and Hayes spoke in favor of the passage of the resolution.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted.

HOUSE BILL NO. 3003, by Representatives Goodman and Hayes

Relating to law enforcement. Revised for 1st Substitute: Concerning law enforcement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3003 was substituted for House Bill No. 3003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3003 was read the second time.

Representative Goodman moved the adoption of amendment (1421):

On page 8, line 27, after "effect" strike all material through "session" on line 31 and insert "June 8, 2018, only if chapter . . . (Initiative Measure No. 940), Laws of 2018, is passed by a vote of the legislature during the 2018 regular legislative session and a referendum on the initiative under Article II, section 1 of the state Constitution is not certified by the secretary of state. If the initiative is not approved during the 2018 regular legislative session, or if a referendum on the initiative is certified by the secretary of state"

Representatives Goodman and Hayes spoke in favor of the adoption of the amendment.

Amendment (1421) was adopted.

Representative Rodne moved the adoption of the striking amendment (1422):

Strike everything after the enacting clause and insert the following:

"PART I

TITLE AND INTENT

NEW SECTION. **Sec. 1.** This act may be known and cited as the law enforcement training and community safety act.

NEW SECTION. **Sec. 2.** The intent of the people in enacting this act is to make our communities safer. This is accomplished by requiring law enforcement officers to obtain violence de-escalation and mental health

training, so that officers will have greater skills to resolve conflicts without the use of physical or deadly force. Law enforcement officers will receive first aid training and be required to render first aid, which will save lives and be a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts. Finally, the initiative adopts a "good faith" standard for officer criminal liability in those exceptional circumstances where deadly force is used, so that officers using deadly force in carrying out their duties in good faith will not face prosecution.

PART II

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE VIOLENCE DE-ESCALATION TRAINING

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law enforcement officers in the state of Washington must receive violence de-escalation training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing violence de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and violence de-escalation strategies.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

PART III

REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE MENTAL HEALTH TRAINING

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Beginning one year after the effective date of this section, all law

enforcement officers in the state of Washington must receive mental health training. Law enforcement officers beginning employment after the effective date of this section must successfully complete such training within the first fifteen months of employment. The commission shall set the date by which other law enforcement officers must successfully complete such training.

(2) All law enforcement officers shall periodically receive continuing mental health training to update their knowledge about mental health issues and associated legal requirements, and to update and practice skills for interacting with people with mental health issues.

(3) The commission shall set training requirements through the procedures in section 5 of this act.

PART IV

TRAINING REQUIREMENTS SHALL BE SET IN CONSULTATION WITH LAW ENFORCEMENT AND COMMUNITY STAKEHOLDERS

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Within six months after the effective date of this section, the commission must consult with law enforcement agencies and community stakeholders and adopt rules for carrying out the training requirements of sections 3 and 4 of this act. Such rules must, at a minimum:

(a) Adopt training hour requirements and curriculum for initial violence de-escalation trainings required by this act;

(b) Adopt training hour requirements and curriculum for initial mental health trainings required by this act, which may include all or part of the mental health training curricula established under RCW 43.101.227 and 43.101.427;

(c) Adopt annual training hour requirements and curricula for continuing trainings required by this act;

(d) Establish means by which law enforcement officers will receive trainings required by this act; and

(e) Require compliance with this act's training requirements.

(2) In developing curricula, the commission shall consider inclusion of the following:

(a) De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence;

(b) Alternatives to jail booking, arrest, or citation in situations where appropriate;

(c) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;

(d) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities and/or behavioral health issues;

(e) "Shoot/don't shoot" scenario training;

(f) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(g) Mental health and policing, including bias and stigma; and

(h) Using public service, including rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

(3) The initial violence de-escalation training must educate officers on the good faith standard for use of deadly force established by this act and how that standard advances violence de-escalation goals.

(4) The commission may provide trainings, alone or in partnership with private parties or law enforcement agencies, authorize private parties or law enforcement agencies to provide trainings, or any combination thereof. The entity providing the training may charge a reasonable fee.

PART V

ESTABLISHING LAW ENFORCEMENT OFFICERS' DUTY TO RENDER FIRST AID

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.28A RCW to read as follows:

(1) It is the policy of the state of Washington that all law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement.

(2) Within one year after the effective date of this section, the Washington state criminal justice training commission, in consultation with the Washington state patrol, the Washington association of sheriffs and police chiefs, organizations representing state and local law enforcement officers, health providers and/or health policy organizations, tribes, and community stakeholders, shall develop guidelines for implementing the duty to render first aid adopted in this section. The guidelines must:

(a) Adopt first aid training requirements;

(b) Address best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to anyone injured in a scene controlled by law enforcement or as a result of law enforcement action; and

(c) Assist agencies and law enforcement officers in balancing the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

PART VI

ADOPTING A "GOOD FAITH" STANDARD FOR LAW ENFORCEMENT OFFICER USE OF DEADLY FORCE

Sec. 7. RCW 9A.16.040 and 1986 c 209 s 2 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer applies deadly force (~~(is acting)~~) in obedience to the judgment of a competent court; or

(b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or

officer, or in the discharge of a legal duty (~~(=)~~); or

(c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; (~~(=)~~)

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

(3) A public officer (~~(or peace officer)~~) covered by subsection (1)(a) of this section shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

(5) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

NEW SECTION. Sec. 8. Except as required by federal consent decree, federal settlement agreement, or federal court order, where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was involved in the use of deadly force. The criminal justice training commission must adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section.

NEW SECTION. Sec. 9. Whenever a law enforcement officer's application of force results in the death of a person who is an enrolled member of a federally recognized Indian tribe, the law enforcement agency must notify the governor's office of Indian affairs. Notice by the law enforcement agency to the governor's office of Indian affairs must be made within a reasonable period of time, but not more than twenty-four hours after the law enforcement agency has good reason to believe that the person was an enrolled member of a

federally recognized Indian tribe. Notice provided under this section must include sufficient information for the governor's office of Indian affairs to attempt to identify the deceased person and his or her tribal affiliation. Nothing in this section requires a law enforcement agency to disclose any information that could compromise the integrity of any criminal investigation. The governor's office of Indian affairs must establish a means to receive the notice required under this section, including outside of regular business hours, and must immediately notify the tribe of which the person was enrolled.

NEW SECTION. Sec. 10. A new section is added to chapter 9A.16 RCW to read as follows:

(1) When a peace officer who is charged with a crime is found not guilty or charges are dismissed by reason of justifiable homicide or use of deadly force under RCW 9A.16.040, or by reason of self-defense, for actions taken while on duty or otherwise within the scope of his or her authority as a peace officer, the state of Washington shall reimburse the defendant for all reasonable costs, including loss of time, legal fees incurred, and other expenses involved in his or her defense. This reimbursement is not an independent cause of action.

(2) If the trier of fact makes a determination of justifiable homicide, justifiable use of deadly force, or self-defense, the judge shall determine the amount of the award.

(3) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section is decided by a judge, or whenever charges against a peace officer are dismissed based on the merits, the judge shall consider the same questions as must be answered in the special verdict under subsection (4) of this section.

(4) Whenever the issue of justifiable homicide, justifiable use of deadly force, or self-defense under this section has been submitted to a jury, and the jury has found the defendant not guilty, the court shall instruct the jury to return a special verdict in substantially the following form:

answer yes
or no

1. Was the defendant on duty or otherwise acting within the scope of his or her authority as a peace officer?

2. Was the finding of not guilty based upon justifiable homicide, justifiable use of deadly force, or self-defense?

(5) Nothing in this section precludes the legislature from using the sundry claims process to grant an award where none was granted under this section or otherwise where the charge was dismissed prior to trial, or to grant a higher award than one granted under this section.

PART VII

MISCELLANEOUS

NEW SECTION. Sec. 11. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act. Nothing in this act precludes local jurisdictions or law enforcement agencies from enacting additional training requirements or requiring law enforcement officers to provide first aid in more circumstances than required by this act or guidelines adopted under this act.

NEW SECTION. Sec. 12. Except where a different timeline is provided in this act, the Washington state criminal justice training commission must adopt any rules necessary for carrying out the requirements of this act within one year after the effective date of this section. In carrying out all rule making under this act, the commission shall seek input from the attorney general, law enforcement agencies, the Washington council of police and sheriffs, the Washington state fraternal order of police, the council of metropolitan

police and sheriffs, the Washington state patrol troopers association, at least one association representing law enforcement who represent traditionally underrepresented communities including the black law enforcement association of Washington, de-escalate Washington, tribes, and community stakeholders. The commission shall consider the use of negotiated rule making.

Where this act requires involvement of community stakeholders, input must be sought from organizations advocating for: Persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; non-citizens; native Americans; youth; and formerly incarcerated persons.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 8 and 9 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 15. For constitutional purposes, the subject of this act is "law enforcement."

NEW SECTION. Sec. 16. This act constitutes an alternative to Initiative Measure No. 940. The secretary of state shall place this act on the ballot in conjunction with Initiative Measure No. 940, pursuant to Article II, section 1(a) of the state Constitution."

Correct the title.

Representative Rodne spoke in favor of the adoption of the striking amendment.

Representative Goodman spoke against the adoption of the striking amendment.

The striking amendment (1422) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Hayes and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3003, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Holy, Hudgins, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Vick, Volz, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Graves, Hargrove, Irwin, Kretz, Maycumber, McCaslin, McCabe, Muri, Orcutt, Pike, Rodne, Shea, Stambaugh, Steele, Stokesbary, Taylor, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003 was immediately transmitted to the Senate.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

March 6, 2018

MR. SPEAKER:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 1506, and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

CONFERENCE COMMITTEE REPORT

March 6, 2018
Engrossed House Bill No. 1506

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 1506, addressing workplace practices to achieve gender pay equity, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (S-6138.2/18) be adopted and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's designated representative.

(4) "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

Sec. 3. RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

(1) Any employer in this state (~~employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males~~) who discriminates in any way in providing compensation based on gender between similarly employed (~~(, or in any employment formerly performed by males, shall be)~~) employees of the employer is guilty of a misdemeanor. If any (~~female~~) employee (~~shall~~) receives less compensation because of (~~being discriminated against~~) discrimination on account of (~~her sex, and~~) gender in violation of this section, (~~she shall be~~) that employee is entitled to (~~recover in a civil action the full amount of compensation that she would have received had she not been discriminated against~~) the remedies in sections 7 and 8 of this act. In such action, however, the employer shall be credited with any compensation which has been paid to (~~her~~) the employee upon account. (~~A differential in wages between employees based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of RCW 49.12.010 through 49.12.180.~~)

(2) For purposes of this section, employees are similarly employed if the individuals work for the same employer, the performance of the job requires similar skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not

determinative of whether employees are similarly employed.

(3) (a) Discrimination within the meaning of this section does not include a differential in compensation based in good faith on a bona fide job-related factor or factors that:

(i) Are consistent with business necessity;

(ii) Are not based on or derived from a gender-based differential; and

(iii) Account for the entire differential. More than one factor may account for the differential.

(b) Such bona fide factors include, but are not limited to:

(i) Education, training, or experience;

(ii) A seniority system;

(iii) A merit system;

(iv) A system that measures earnings by quantity or quality of production; or

(v) A bona fide regional difference in compensation levels.

(c) A differential in compensation based in good faith on a local government ordinance providing for a minimum wage different from state law does not constitute discrimination under this section.

(d) An individual's previous wage or salary history is not a defense under this section.

(e) The employer carries the burden of proof on these defenses.

NEW SECTION. Sec. 4. (1) The legislature finds that equality of opportunity for advancement is key to reducing income disparities based on gender. The legislature further finds that using gender as a factor in advancement contributes to pay inequity.

(2) An employer may not, on the basis of gender, limit or deprive an employee of career advancement opportunities that would otherwise be available.

(3) A differential in career advancement based on a bona fide job-related factor or factors that meet the criteria in RCW 49.12.175(3) (a) (i) through (iii) (as recodified by this act) does not constitute discrimination

within the meaning of this section. Such bona fide factors include, but are not limited to, the factors specified in RCW 49.12.175(3)(b) (i) through (iv) (as recodified by this act).

(4)(a) If it is determined that an employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the employee is entitled to the remedies in this section and in section 8 of this act.

(b) Upon complaint by an employee, the director must investigate to determine if there has been compliance with this section and the rules adopted to implement this section. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of this section and the rules adopted to implement this section. The director may require the testimony of witnesses and production of documents as part of an investigation.

(c) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(d) If no agreement is reached to resolve the violation and the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may issue a citation and notice of assessment and order:

(i) The employer to pay to the employee actual damages, statutory damages equal to the actual damages or five thousand dollars, whichever is greater, and interest of one percent per month on all compensation owed;

(ii) The employer to pay to the department the costs of investigation and enforcement; and

(iii) Any other appropriate relief.

(e) In addition to the citation and notice of assessment, if the director determines that the employer committed a pattern of violations of this section as to an employee or committed a violation of this section through application of a formal or informal employer policy or practice, the director may order payment

to the department of a civil penalty. The violation as to each affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(f) Section 7 (3), (4), and (5) of this act applies to this section.

NEW SECTION. **Sec. 5.** (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or lack of opportunity for advancement; or

(c) Aiding or encouraging an employee to exercise his or her rights under this section.

(3) An employer may prohibit an employee who has access to compensation information of other employees or applicants as part of such employee's essential job functions from disclosing the wages of the other employees or applicants to individuals who do not otherwise have access to such information, unless the disclosure is in response to a complaint or charge, in furtherance of an investigation, or consistent with the employer's legal duty to provide the information and the disclosure is part of the employee's essential job functions. An employee described in this subsection otherwise has the protections of this section, including to disclose the employee's wages without retaliation.

(4) This section does not require an employee to disclose the employee's compensation.

(5) This section does not permit an employee to violate the requirements in chapter 49.17 RCW and rules adopted under that chapter.

NEW SECTION. **Sec. 6.** An employer may not retaliate, discharge, or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

NEW SECTION. **Sec. 7.** (1) Upon complaint by an employee, the director must investigate to determine if there has been compliance with RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director, upon complaint, may also initiate an investigation on behalf of one or more employees for a violation of RCW 49.12.175 (as recodified by this act), sections 5 and 6 of this act, and the rules adopted under this chapter. The director may require the testimony of witnesses and production of documents as part of an investigation.

(2) If the director determines that a violation occurred, the director shall attempt to resolve the violation by conference and conciliation.

(a) If no agreement is reached to resolve the violation, the director may issue a citation and notice of assessment and order the employer to pay to the complainant actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; payment to the department of the costs of investigation and enforcement; and any other appropriate relief.

(b) In addition to the citation and notice of assessment, the director may order payment to the department of a civil penalty. For purposes of a civil penalty for violation of RCW 49.12.175 (as recodified by this act) and section 6 of this act, the violation as to each

affected employee constitutes a separate violation.

(i) For a first violation, the civil penalty may not exceed five hundred dollars.

(ii) For a repeat violation, the civil penalty may not exceed one thousand dollars or ten percent of the damages, whichever is greater.

(3) An appeal from the director's determination may be taken in accordance with chapter 34.05 RCW. An employee who prevails is entitled to costs and reasonable attorneys' fees.

(4) The department must deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5) Any wages and interest owed must be calculated from four years from the last violation before the complaint.

NEW SECTION. **Sec. 8.** (1) Subject to subsection (2) of this section, an employee may bring a civil action against an employer for violation of RCW 49.12.175 (as recodified by this act) and sections 4 through 6 of this act for actual damages; statutory damages equal to the actual damages or five thousand dollars, whichever is greater; interest of one percent per month on all compensation owed; and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief. The employee must bring a civil action within three years of the date of the alleged violation of this chapter regardless of whether the employee pursued an administrative complaint. Filing a civil action under this chapter shall terminate the director's processing of the complaint under section 4 or 7 of this act. Recovery of any wages and interest owed must be calculated from four years from the last violation prior to the date of filing the civil action.

(2) An employee alleging a violation of section 4 of this act is entitled to relief only if the court determines that the employer committed a pattern of violations as to the employee or committed a violation through application of a formal or informal employer policy or practice.

NEW SECTION. **Sec. 9.** A violation of this chapter occurs when a discriminatory

compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

NEW SECTION. Sec. 10. The department shall include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 11. The department may adopt rules to implement sections 1 and 4 through 7 of this act and RCW 49.12.175 (as recodified by this act).

NEW SECTION. Sec. 12. RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in section 13 of this act).

NEW SECTION. Sec. 13. Sections 1, 2, and 4 through 11 of this act constitute a new chapter in Title 49 RCW."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "amending RCW 49.12.175; adding a new chapter to Title 49 RCW; recodifying RCW 49.12.175; and prescribing penalties."

Senators Keiser, Cleveland and Baumgartner
Representatives Sells, Senn and McCabe

There being no objection, the House adopted the conference committee report on SECOND SUBSTITUTE HOUSE BILL NO. 1506 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Senn and McCabe spoke in favor of the passage of the bill, as recommended by the conference committee.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1506, as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1506, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 70; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Condotta, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Hayes, Holy, Jenkin, Klippert, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick, Volz and Wilcox.

ENGROSSED HOUSE BILL NO. 1506, as recommended by the conference committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1896, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 1896 to second reading for purpose of amendment(s). The Senate further adopted amendment 1896-S2 AMS WELL S6129.1 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 14. The legislature finds that effective civics education teaches students how to be active, informed, and engaged citizens. The legislature recognizes that RCW 28A.150.210 identifies civics as one component of a basic education and that one-half credit in civics is required for high school graduation. The required civics content, however, may be embedded in another social studies course.

Civics requirements are meant to ensure that every student receives a high-quality civics education from kindergarten through twelfth grade. The legislature also recognizes, however, that two factors limit the effectiveness of civics education.

First, when the one-half civics credit is embedded in other courses rather than taught in a stand-alone civics course, the required content is easily diluted or ignored altogether. Pressure to emphasize other areas of the curriculum can relegate civics education to a lesser role.

Second, professional development opportunities for teachers in civics education are rare. In many districts, due to limited budgets and competing demands for funding, opportunities for teachers to deepen instructional and curricular practices in civics do not exist.

The legislature, therefore, intends to: Require school districts to provide a mandatory stand-alone civics course for all high school students; and support the development of an in-depth and interactive teacher professional development program to improve the ability of teachers throughout the state to provide students with an effective civics education from kindergarten through twelfth grade. This expanded civics education program seeks to ensure that students have basic knowledge about national, state, tribal, and local governments, and that they develop the skills and dispositions needed to become informed and engaged citizens.

NEW SECTION. Sec. 15. A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

NEW SECTION. Sec. 16. A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, an expanded civics education teacher training program is established within the office of the superintendent of public instruction.

(2) The program must provide for the selection of a team of qualified social studies teachers, and when appropriate, civics education specialists, from across the state who will:

(a) Develop teacher training materials using existing open educational resources (OERs) that include civics information on national, state, tribal, and local government, and the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens;

(b) Provide teacher training across the state, consistent with provisions in this chapter, and using the tools established by the office of the superintendent of public instruction including the college, career, and civic life (C3) framework and the six proven

instructional practices for enhancing civic education; and

(c) Provide professional learning opportunities as described in section 2(3), chapter 77, Laws of 2016, which states that professional learning shall incorporate differentiated, coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills into their practice.

(3) The program shall assure an increase in the number of:

(a) Teachers with the knowledge and skills to effectively engage students in civics education;

(b) Students who have a basic understanding of how governments work; and

(c) Students from every demographic and socioeconomic group who know their rights and responsibilities within society and are prepared to exercise them.

(4) The office of the superintendent of public instruction may accept gifts and grants to assist with the establishment and implementation of the program established in this section.

NEW SECTION. Sec. 17. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select two school districts that are diverse in size and in geographic and demographic makeup to serve as demonstration sites for enhanced civics education. These demonstration sites will:

(1) Implement and assess an in-depth civics education program that includes the six proven instructional practices for enhancing civic education in kindergarten through twelfth grade classrooms;

(2) Collaborate with programs and agencies in the local community in order to expand after-school and summer civics education opportunities;

(3) Monitor and report the level of penetration of civics education in school and out-of-school programs;

(4) Ensure that underserved students including rural, low-income, immigrant, and refugee students are prioritized in the implementation of programs;

(5) Develop evaluation standards and a procedure for endorsing civics education curriculum that can be recommended for use in other school districts and out-of-school programs; and

(6) Provide an annual report on the demonstration sites by December 1st each year to the governor and the committees of the legislature with oversight over K-12 education.

NEW SECTION. Sec. 18. A new section is added to chapter 28A.300 RCW to read as follows:

(1)(a) Effective July 1, 2018, responsibility for administering the Washington history day program is transferred from the Washington state historical society to the office of the superintendent of public instruction. In accordance with this subsection (1)(a), and subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction is responsible for the administration and coordination of the Washington history day program, a program affiliated with the national history day organization, including providing necessary staff support.

(b) Subject to the requirements and limits of (a) of this subsection, the Washington history day program must be operated as a partnership between the office of the superintendent of public instruction, the Washington state historical society, and private parties interested in providing funding and in-kind support for the program. The Washington state historical society must, in coordination with the office of the superintendent of public instruction, promote the program and provide access and support for students who are conducting primary and secondary research of historical Washington state documents and commentary.

(2) The Washington history day account is created in the custody of the state treasurer. In collaboration with private and philanthropic partners, private matching funds will be procured to

support Washington history day. All receipts from gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the Washington history day program. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 19. RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington

advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park

trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 20. RCW 28A.230.093 (Social studies course credits—Civics coursework) and 2009 c 223 s 3 are each repealed."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 43.79A.040; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.093."

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1896 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dolan, Manweller, Kagi, Kraft, Eslick and McCaslin spoke in favor of the passage of the bill.

Representative Santos spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1896, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1896, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Caldier, Harris and Santos.

SECOND SUBSTITUTE HOUSE BILL NO. 1896, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009 to second reading for purpose of amendment(s). The Senate further adopted amendment 2009-S2.E AMS RANK S6146.1 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"Sec. 21. RCW 28B.15.621 and 2017 c 127 s 1 are each amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled as a result of serving in active federal military or naval service, or who is determined by

the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(f) Subject to amounts appropriated, recipients who receive a waiver under subsection (4) of this section shall also receive a stipend for textbooks and course materials in the amount of five hundred dollars per academic year, to be divided equally among academic terms and prorated for part-time enrollment.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or conflict fought on foreign soil or in international waters or in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

(c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

(d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding

the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

(a) Total number of waivers;

(b) Total amount of tuition waived;

(c) Total amount of fees waived;

(d) Average amount of tuition and fees waived per recipient;

(e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and

(f) Recipient income level, to the extent possible."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and amending RCW 28B.15.621."

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Reeves and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2009, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2009, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton,

Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2009, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406 to second reading for purpose of amendment(s). The Senate further adopted amendment 2406-S.E AMS HUNT S6134.1 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 22. It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process.

Sec. 23. RCW 29A.60.185 and 2005 c 242 s 5 are each amended to read as follows:

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of duplicated ballots in accordance with subsection (2) of this section, and an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting

devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any

particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c) (iii) (A) and (B) of this subsection.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.

(2) Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated under RCW 29A.60.125. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots.

(3) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(4) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

Sec. 24. RCW 29A.60.170 and 2011 c 10 s 55 are each amended to read as follows:

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment (~~may~~) must be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The

random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(4), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board (~~and~~). The random check procedures must include a process, consistent with RCW 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

Sec. 25. RCW 29A.60.110 and 2013 c 11 s 61 are each amended to read as follows:

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

Sec. 26. RCW 29A.12.005 and 2013 c 11 s 21 are each amended to read as follows:

As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

(a) To define ballots;

(b) To cast and count votes;

(c) To report or display election results from the voting system; (~~and~~)

(d) To maintain and produce any audit trail information; and

(e) To perform an audit under RCW 29A.60.185; and

(2) The practices and associated documentation used:

(a) To identify system components and versions of such components;

(b) To test the system during its development and maintenance;

(c) To maintain records of system errors and defects;

(d) To determine specific system changes to be made to a system after the initial qualification of the system; and

(e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

NEW SECTION. Sec. 27. A new section is added to chapter 29A.12 RCW to read as follows:

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.010.

(2) Notification under subsection (1) of this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. Sec. 28. A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines;

(b) The system or component was materially misrepresented in the certification application;

(c) The applicant has installed unauthorized modifications to the certified software or hardware; or

(d) Any other reason authorized by rule adopted by the secretary of state.

(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of section 6 of this act.

Sec. 29. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, ~~((or))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 30. RCW 29A.60.235 and 2017 c 300 s 1 are each amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;
- (s) The number of nonoverseas and nonservice ballots that were rejected for:
 - (i) Failing to send an original or hard copy of the ballot by the certification deadline; or

(ii) Any other reason, including the reason for rejection;

(t) The number of voters credited with voting; ~~(and)~~

(u) The number of replacement ballots requested;

(v) The number of replacement ballots issued;

(w) The number of replacement ballots received;

(x) The number of replacement ballots counted;

(y) The number of replacement ballots rejected; and

(z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader

comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 29A.60.185, 29A.60.170, 29A.60.110, 29A.12.005, 29A.60.125, and 29A.60.235; adding new sections to chapter 29A.12 RCW; and creating a new section."

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2406, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2406, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595 to second reading for purpose of amendment(s). The Senate further adopted amendment 2595-S2.E AMS HUNT S6133.2 and passed the measure as amended.

and the same are herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 31.** This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. **Sec. 32.** (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I

Sec. 101. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

The department of licensing shall implement an automatic voter registration system so that a person age eighteen years or older who meets requirements for voter registration and has received or is renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or identicard pursuant to RCW

46.20.205 may be registered to vote or update voter registration information at the time of registration, renewal, or change of address, by automated process if the department of licensing record associated with the applicant contains the data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010, other information as required by the secretary of state, and includes a signature image. The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 102 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 104. A new section is added to chapter 29A.08 RCW to read as follows:

(1) (a) For persons age eighteen years and older registering under section 102 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing

such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 105. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and

have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 106. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 107. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and identify the incorrect information.

PART II

NEW SECTION. **Sec. 201.** A new section is added to chapter 29A.04 RCW to read as follows:

(1) Beginning July 1, 2019, the health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Mailing addresses, if different from the traditional or nontraditional residential address; and

(d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.

(4) If the health benefit exchange determines, in consultation with the health care authority, that implementation of this act requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.

NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) The governor shall make a decision, in consultation with the office

of the secretary of state, as to whether each agency identified in subsection (3) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

(2)(a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:

(i) Steps needed to implement automatic voter registration under this act by July 1, 2019;

(ii) Barriers to implementation, including ways to mitigate those barriers; and

(iii) Applicable federal and state privacy protections for voter registration information.

(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.

(3) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Dates of birth;

(d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(4) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

(5) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

NEW SECTION. **Sec. 203.** A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under section 102 or 201 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under section 102 or 201 of this act, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under section 102 or 201 of this act or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 204. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration;
(~~or~~)

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to an agency designated under section 202 of this act once automatic voter registration is implemented at the agency.

Sec. 205. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or an agency designated under section 202 of this act once automatic voter registration is implemented at the agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 206. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the health benefit exchange, the department of licensing, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or

secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. **Sec. 207.** A new section is added to chapter 29A.08 RCW to read as follows:

The office of the secretary of state may adopt rules to implement automatic voter registration under this act.

NEW SECTION. **Sec. 208.** Sections 101 through 107 of this act take effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.110, 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, and 29A.08.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 29A.04 RCW; creating new sections; and providing an effective date."

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND

SUBSTITUTE HOUSE BILL NO 2595 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hudgins spoke in favor of the passage of the bill.

Representatives Kraft and Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2595, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2595, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610 to second reading for purpose of amendment(s). The Senate further adopted amendment 2610-S.E AMS WELL S6136.1 and passed the measure as amended.

and the same is herewith transmitted,

Brad Hendrickson, Secretary

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 209. A new section is added to chapter 28A.235 RCW to read as follows:

(1) (a) Except as provided otherwise in subsection (2) of this section, each school that participates in the national school lunch program, the school breakfast program, or both, shall annually distribute and collect an application for all households of children in kindergarten through grade twelve to determine student eligibility for free or reduced-price meals. If a parent or guardian of a student needs assistance with application materials in a language other than English, the school shall offer appropriate assistance to the parent or guardian.

(b) If a student who, based on information available to the school, is likely eligible for free or reduced-price meals but has not submitted an application to determine eligibility, the school shall, in accordance with the authority granted under 7 C.F.R. Sec. 245.6(d), complete and submit the application for the student.

(2) Subsection (1) of this section does not apply to a school that provides free meals to all students in a year in which the school does not collect applications to determine student eligibility for free or reduced-price meals.

NEW SECTION. Sec. 210. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Local liaisons for homeless children and youths designated by districts in accordance with the federal McKinney-Vento homeless assistance act 42 U.S.C. Sec. 11431 et seq. must improve systems to identify homeless students and coordinate with the applicable school nutrition program to ensure that each homeless student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(2) Schools and school districts shall improve systems to identify students in foster care, runaway students, and migrant students to ensure that each

student has proper access to free school meals and that applicable accountability and reporting requirements are satisfied.

(3) At least monthly, schools and school districts shall directly certify students for free school meals if the students qualify because of enrollment in assistance programs, including but not limited to the supplemental nutrition assistance program, the temporary assistance for needy families, and medicaid.

NEW SECTION. Sec. 211. A new section is added to chapter 28A.235 RCW to read as follows:

If a student has not paid for five or more previous meals, the school shall:

(1) Determine whether the student is categorically eligible for free meals;

(2) If no application has been submitted for the student to determine his or her eligibility for free or reduced-price meals, make no fewer than two attempts to contact the student's parent or guardian to have him or her submit an application; and

(3) Have a principal, assistant principal, or school counselor contact the parent or guardian for the purpose of: (a) Offering assistance with completing an application to determine the student's eligibility for free or reduced-price meals; (b) determining whether there are any household issues that may prevent the student from having sufficient funds for school meals; and (c) offering any appropriate assistance.

NEW SECTION. Sec. 212. A new section is added to chapter 28A.235 RCW to read as follows:

(1) No school or school district personnel or school volunteer may:

(a) Take any action that would publicly identify a student who cannot pay for a school meal or for meals previously served to the student, including but not limited to requiring the student to wear a wristband, hand stamp, or other identifying marker, or by serving the student an alternative meal;

(b) Require a student who cannot pay for a school meal or for meals previously served to the student to perform chores

or other actions in exchange for a meal or for the reduction or elimination of a school meal debt, unless all students perform similar chores or work;

(c) Require a student to dispose of an already served meal because of the student's inability to pay for the meal or because of money owed for meals previously served to the student;

(d) Allow any disciplinary action that is taken against a student to result in the denial or delay of a nutritionally adequate meal to the student; or

(e) Require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.

(2) Communications from a school or school district about amounts owed for meals previously served to a student under the age of fifteen may only be directed to the student's parent or guardian. Nothing in this subsection prohibits a school or school district from sending a student home with a notification that is addressed to the student's parent or guardian.

(3)(a) A school district shall notify a parent or guardian of the negative balance of a student's school meal account no later than ten days after the student's school meal account has reached a negative balance. Within thirty days of sending this notification, the school district shall exhaust all options to directly certify the student for free or reduced-price meals. Within these thirty days, while the school district is attempting to certify the student for free or reduced-price meals, the student may not be denied access to a school meal unless the school district determines that the student is ineligible for free or reduced-price meals.

(b) If the school district is unable to directly certify the student for free or reduced-price meals, the school district shall provide the parent or guardian with a paper copy of or an electronic link to an application for free or reduced-price meals with the notification required by (a) of this subsection and encourage the parent or guardian to submit the application.

NEW SECTION. Sec. 213. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall collect, analyze, and promote to school districts and applicable community-based organizations best practices in local meal charge policies that are required by the United States department of agriculture in memorandum SP 46-2016.

NEW SECTION. Sec. 214. A new section is added to chapter 28A.235 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, 2019, the office of the superintendent of public instruction shall convene the organizations working

jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by September 1st of each year. The report shall identify:

- (a) Any barriers to implementation;
- (b) Recommendations on policy and legislative solutions to overcome barriers to implementation;
- (c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and
- (d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. **Sec. 215.** This act may be known and cited as the hunger-free students' bill of rights act."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding new sections to chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Valdez and Harris spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2610, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2610, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kretz, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Haler, Hargrove, Holy, Jenkin, Klippert, Kraft, Kristiansen, MacEwen, Manweller, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Taylor, Van Werven, Vick, Volz and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6317, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, King, Rivers, Takko, Hasegawa and Saldaña)

Increasing commercial fishing license fees for nonresidents.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buys, Blake and Dent spoke in favor of the passage of the bill.

Representative Jenkin spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6317.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6317, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, Macri, Manweller, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Graves, Haler, Hargrove, Harris, Jenkin, Kraft, MacEwen, McCaslin, Nealey, Rodne, Santos, Sawyer, Shea, Stokesbary, Vick and Volz.

SUBSTITUTE SENATE BILL NO. 6317, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate insists on its position in the House amendment to SENATE BILL NO. 6032 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Braun, Billig and Rolfes,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 6032. The Speaker appointed the following members as Conferees: Representatives Ormsby, Sullivan and Chandler.

With the consent of the House, SENATE BILL NO. 6032 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bill and passed the bill as amended by the House: SUBSTITUTE SENATE BILL NO. 6452

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2367, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 6, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5598,
ENGROSSED SENATE BILL NO. 5917,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6162,
SECOND SUBSTITUTE SENATE BILL NO. 6274,
SUBSTITUTE SENATE BILL NO. 6313,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6329,
SUBSTITUTE SENATE BILL NO. 6334,
SUBSTITUTE SENATE BILL NO. 6388,
SENATE BILL NO. 6407,
SUBSTITUTE SENATE BILL NO. 6419,
SENATE BILL NO. 6471,
SUBSTITUTE SENATE BILL NO. 6474,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6493,
SUBSTITUTE SENATE BILL NO. 6514,
SUBSTITUTE SENATE BILL NO. 6560,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

CONFERENCE COMMITTEE REPORT

March 7, 2018
Senate Bill No. 6106

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6106, making 2017-2019 supplemental transportation appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5166.3/18) be adopted and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

**"2017-2019 FISCAL BIENNIUM
GENERAL GOVERNMENT AGENCIES-OPERATING**

Sec. 101. 2017 c 313 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor	Vehicle	Account-State
Appropriation	.....	((\$496,000))
		<u>\$512,000</u>

Sec. 102. 2017 c 313 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor	Vehicle	Account-State
Appropriation	.....	((\$1,580,000))
		<u>\$3,890,000</u>

Puget Sound Ferry Operations Account-State Appropriation \$116,000

TOTAL APPROPRIATION..... ~~\$1,696,000~~
\$4,006,000

The appropriations in this section are subject to the following conditions and limitations: ((~~\$300,000~~)) \$2,570,000 of the motor vehicle account-state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must provide a joint

status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.

Sec. 103. 2017 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor	Vehicle	Account-State
Appropriation	.....	((\$1,254,000))
		<u>\$1,303,000</u>

The appropriation in this section is subject to the following conditions and limitations: Within the amount provided in this section, the department shall conduct a pilot program to consist of the following activities:

(1) The department shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, with any other notice displayed or required by department rule to be displayed on motor fuel pumps.

(3) The department shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

Sec. 104. 2017 c 313 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor	Vehicle	Account-State
Appropriation	.....	(\$597,000)
		<u>\$612,000</u>

Sec. 105. 2017 c 313 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Multimodal Transportation Account-State Appropriation	\$1,100,000
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The appropriation in this section is subject to the following conditions and limitations: \$1,100,000 of the multimodal transportation account-state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account (~~solely for the expenditure of self insurance premiums~~);

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

NEW SECTION. **Sec. 106.** A new section is added to 2017 c 313 (uncodified) to

read as follows:**FOR THE DEPARTMENT OF ECOLOGY**

Motor	Vehicle	Account-State
Appropriation	.....	\$30,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 of the motor vehicle account-state appropriation is provided solely for the department to convene a work group to establish principles, review options, and develop recommendations regarding the establishment of a statewide program with a purpose of reducing fluid leakage from motor vehicles.

(1) The work group must be comprised of public, private, and nonprofit stakeholders and must include at least the Washington stormwater center, stormwater outreach for regional municipalities, the association of Washington cities, and the Washington state association of counties.

(2) The work group shall use the statewide don't drip and drive program established by the department as a model for creating this new program. The work group shall establish principles, review options, and develop recommendations regarding the new program. Recommendations made by the work group shall include, but are not limited to:

(a) Identifying an entity to manage the program;

(b) Potential public, private, and nonprofit partners;

(c) The potential scope of the program; and

(d) Funding requirements and potential funding sources for the program.

(3) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by November 1, 2018.

Sec. 107. 2017 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account-State Appropriation	\$1,604,000
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<u>Pilotage Account-State Appropriation</u>	<u>\$50,000</u>
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TOTAL APPROPRIATION.....\$1,654,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the pilotage account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 (marine pilotage tariffs). If chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 is not enacted by June 30, 2018, the amount lapses.

NEW SECTION. Sec. 108. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE HOUSE OF REPRESENTATIVES**

Motor	Vehicle	Account-State
Appropriation	.....	((\$2,126,000))
		<u>\$2,120,000</u>

NEW SECTION. Sec. 109. A new section is added to 2017 c 313 (uncodified) to read as follows:**FOR THE SENATE**

Motor	Vehicle	Account-State
Appropriation	.....	((\$2,029,000))
		<u>\$2,027,000</u>

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2017 3rd sp.s. c 1 s 995 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway	Safety	Account-State
Appropriation	.....	((\$4,266,000))
		<u>\$4,329,000</u>

Highway	Safety	Account-Federal
Appropriation	.....	((\$22,048,000))
		<u>\$22,205,000</u>

Highway	Safety	Account-Private/Local
Appropriation	.....	\$118,000

School	Zone	Safety	Account-State
Appropriation	.....		\$850,000

TOTAL APPROPRIATION.....\$27,282,000
\$27,502,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the highway safety account-state appropriation is provided

solely for the implementation of chapter 324, Laws of 2017 (~~(Substitute Senate Bill No. 5402))~~) (bicyclist safety advisory council).

(2) \$1,000,000 of the highway safety account-state appropriation is provided solely for the implementation of section 13(4), chapter 336, Laws of 2017 (~~(Engrossed Second Substitute House Bill No. 1614))~~) (impaired driving). The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the fee, described in section 13(4), chapter 336, Laws of 2017 (~~(Engrossed Second Substitute House Bill No. 1614))~~) (impaired driving), sufficient to cover the costs of administering the program.

Sec. 202. 2017 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust	Account-State
Appropriation	.....((\$1,022,000))
	<u>\$1,056,000</u>

Motor	Vehicle	Account-State
Appropriation	.....	((\$2,504,000))
		<u>\$2,720,000</u>

County Arterial Preservation	Account-State
Appropriation	.....((\$1,541,000))
	<u>\$1,592,000</u>

TOTAL APPROPRIATION.....\$5,067,000
\$5,368,000

Sec. 203. 2017 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement	Account-State
Appropriation	.....((\$4,089,000))

\$4,317,000

Sec. 204. 2017 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Highway	Safety	Account-State
Appropriation		<u>\$150,000</u>
Motor	Vehicle	Account-State
Appropriation		(\$1,589,000)
		<u>\$2,030,000</u>
Multimodal	Transportation	Account-State
Appropriation.....		(\$700,000)
		<u>\$1,570,000</u>
TOTAL APPROPRIATION.....		\$2,289,000
		<u>\$3,750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$200,000 of the multimodal transportation account-state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight and management of pilotage activities. The study must include the following:

(i) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the

legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account-state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account-state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account-state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to

the transportation committees of the legislature by December 31, 2017.

(5) (a) \$360,000 of the motor vehicle account-state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for the joint transportation committee to conduct a study to assess the current state of city transportation funding, identify emerging issues, and recommend funding sources to meet current and future needs. As part of the study, the joint transportation committee shall:

(i) Identify current city transportation funding responsibilities, sources, and gaps;

(ii) Identify emerging issues that may add additional strain on city costs and funding capacity;

(iii) Identify future city funding needs;

(iv) Evaluate alternative sources of funding; and

(v) Recommend sources of funding to address those needs and gaps.

(b) In considering alternative sources of funding, the study shall evaluate sources available outside of the state of Washington that currently are not available in Washington.

(c) In conducting the study, the joint transportation committee must consult with:

(i) City representatives;

(ii) A representative from the department of transportation local programs division;

(iii) A representative from the transportation improvement board;

(iv) A representative from the department of transportation/metropolitan planning organization/regional transportation planning organization coordinating committee; and

(v) Others as appropriate.

(d) The association of Washington cities and the department of transportation shall provide technical support to the study.

(e) The joint transportation committee must issue a report of its findings and recommendations to the transportation

committees of the legislature by June 30, 2019.

(6) (a) \$315,000 of the multimodal transportation account-state appropriation is for a consultant study of the capital needs of public transportation systems operated by public transportation benefit areas, metropolitan municipal corporations, cities, counties, and county transportation authorities. The study must include:

(i) An inventory of each agency's vehicle fleet;

(ii) An inventory of each agency's facilities, including the state of repair;

(iii) The replacement and expansion needs of each agency's vehicle fleet, as well as the associated costs, over the next ten years;

(iv) The replacement and expansion needs for each agency's facilities including, but not limited to, such facilities as park and rides, transit centers, and maintenance buildings;

(v) The source of funding, if known, planned to cover the cost of the bus and facilities replacement and expansion needs including, but not limited to, local revenue, state grants, and federal grants;

(vi) The amount of service that could be provided with the local funds that are currently required for each agency's total capital needs; and

(vii) A list of potential state, federal, or local revenue sources that public transportation agencies could access or implement in order to meet agencies' capital needs. These revenue sources may be either currently available sources or sources that would need legislative authorization.

(b) The Washington state transit association and the Washington state department of transportation shall provide technical support to the study.

(c) The joint transportation committee shall issue a report of its findings and recommendations to the transportation committees of the legislature by March 1, 2019.

(7) \$255,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to conduct a

study regarding the regulation of transportation network companies within the state of Washington. In conducting the study, the joint transportation committee must consult with relevant representatives of the department of licensing, the utilities and transportation commission, the Washington state patrol, local governments involved in the regulation of transportation network companies, entities providing transportation network services, and other relevant stakeholders. The study must include a review of the regulatory framework used by local jurisdictions within Washington state and in other states, an evaluation of the most effective public safety aspects of a regulatory framework, including among other aspects, the type of required background checks, and an assessment of the most effective and efficient state and local regulatory structure for regulation of transportation network companies. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(8) \$300,000 of the multimodal transportation account-state appropriation is for the joint transportation committee to conduct a study regarding the regulation of taxi and for hire services regulated by state, local governments, and port districts. The study must compare state and local regulations in the state of Washington that govern these private passenger transportation services and may include recommendations for improving the consistency or overall effectiveness and competitive fairness of the current regulatory frameworks. In conducting the study, the joint transportation committee shall consult with the department of licensing, the utilities and transportation commission, the Washington state patrol, appropriate local entities engaged in the regulation of commercial passenger transportation services, and other relevant stakeholders. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(9) (a) \$150,000 of the highway safety account-state appropriation is for the joint transportation committee to assess and recommend methods for setting state

medical standards in the areas listed in (b) of this subsection for commercial driver's license holders and applicants, when these standards are not governed by specific criteria under federal law, to help reduce the current shortage of licensed commercial motor vehicle drivers in the state.

(b) This review must consist of an assessment of possible approaches for developing a method by which to set state standards for:

(i) Medical certification requirements for excepted interstate commercial driver's license holders and applicants, as this class is defined under 49 C.F.R. 383.71, who are not required to obtain medical certification under federal law; and

(ii) Medical waiver requirements for intrastate nonexcepted commercial driver's license holders and applicants, which must be set in a manner consistent with the requirements of 49 C.F.R. Sec. 350.341(h) (2) .

(c) The review must include consideration and evaluation of the relevant practices, laws, and regulations of other states. The review must also ensure that recommendations made are consistent with federal law and do not jeopardize federal funding, and that they incorporate relevant safety considerations.

(d) The joint transportation committee must consult with the department of licensing, the Washington state patrol, the traffic safety commission, the state department of health, and stakeholders who rely on the state's commercial driver's license medical certification process.

(e) The joint transportation committee must issue a report of its findings and recommendations, including an indication of statutory changes needed to implement the recommendations, to the transportation committees of the legislature and the governor by January 14, 2019.

Sec. 205. 2017 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account-State
Appropriation ((\$2,074,000))

	<u>\$2,291,000</u>
Multimodal Transportation Account— State Appropriation	\$462,000
TOTAL APPROPRIATION.....	\$2,536,000 <u>\$2,753,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work until stage 2 of the road usage charge pilot project begins. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following

completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the ~~((majority leader and minority leader))~~ president of the senate for a senate member vacancy.

(c) Once stage 2 of the road usage charge pilot project begins, the commission shall periodically report to the steering committee with updates on the progress of the Washington state road usage charge pilot project, which is scheduled to be completed in February of 2019.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinance opportunities for the Tacoma Narrows bridge. The work group must include participation from the Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the Tacoma Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work group must be reimbursed for travel expenses by the commission. The work group must submit a report with its preferred and prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

(3) \$150,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2970), Laws of 2018 (autonomous vehicle work group) for the commission to fund the facilitation and coordination of work group activities. The funding provided is for the purpose of a facilitator for the work group and not for consultants. If chapter . . . (Substitute House Bill No. 2970), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) The commission shall not consider the facility renewal and replacement costs in determining toll rates as part of the initial toll rate setting process

on the deep bore tunnel portion of state route number 99.

Sec. 206. 2017 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account-State
 Appropriation (~~(\$818,000)~~)
\$835,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account-state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

Sec. 207. 2017 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account-State
 Appropriation (~~(\$480,926,000)~~)
\$490,359,000

State Patrol Highway Account-Federal
 Appropriation (~~(\$14,025,000)~~)
\$14,571,000

State Patrol Highway Account-Private/Local
 Appropriation (~~(\$3,863,000)~~)
\$4,011,000

Highway Safety Account-State
 Appropriation (~~(\$1,067,000)~~)
\$1,074,000

Ignition Interlock Device Revolving
 Account-State
 Appropriation \$510,000

Multimodal Transportation Account-State
 Appropriation \$276,000

TOTAL APPROPRIATION ~~\$500,667,000~~
\$510,801,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account-state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account-state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. The assessment must be submitted to the

governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) (~~(\$510,000)~~) \$580,000 of the state patrol highway account-state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than \$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(25) (~~(of this act)~~), chapter 313, Laws of 2017.

(7) \$600,000 of the state patrol highway account-state appropriation is provided solely for the implementation of chapter (~~(Senate Bill No. 5274)~~) 181, Laws of 2017 (WSPRS salary definition). (~~(If chapter . . . (Senate Bill No. 5274), Laws of 2017 is not~~

~~enacted by June 30, 2017, the amount in this subsection lapses.)~~

(8) \$100,000 of the state patrol highway account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections in government). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(9) \$4,354,000 of the state patrol highway account-state appropriation is provided solely for an additional cadet class, consisting of the 35th arming class and 111th trooper basic training class, in the 2017-2019 fiscal biennium.

Sec. 208. 2017 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account-State Appropriation	\$34,000
Motorcycle Safety Education Account-State Appropriation	(\$4,523,000)
	<u>\$4,607,000</u>
State Wildlife Account-State Appropriation	(\$1,030,000)
	<u>\$888,000</u>
Highway Safety Account-State Appropriation	(\$202,973,000)
	<u>\$254,301,000</u>
Highway Safety Account-Federal Appropriation	\$3,215,000
Motor Vehicle Account-State Appropriation	(\$90,659,000)
	<u>\$83,871,000</u>
Motor Vehicle Account-Federal Appropriation	\$329,000
Motor Vehicle Account-Private/Local Appropriation	(\$2,048,000)
	<u>\$5,224,000</u>
Ignition Interlock Device Revolving Account-State Appropriation	(\$5,250,000)
	<u>\$5,261,000</u>

savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) ~~(((\$350,000))~~ \$550,000 of the highway safety account-state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. At least thirty-five percent of this appropriation must be used by the department for outreach efforts to communities that would not otherwise be served by traditional media outlets.

(7) \$19,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Substitute Senate Bill No. 5289))~~ 334, Laws of 2017 (distracted driving). ~~((If chapter . . . (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(8) \$57,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ~~((. . . (House Bill No. 1400))~~ 11, Laws of 2017 (aviation license plate). ~~((If chapter . . . (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(9) \$572,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Substitute House Bill No. 1481))~~ 197, Laws of 2017 (driver education uniformity). ~~((If chapter . . . (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(10) \$39,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Substitute House Bill No. 1568))~~ 25, Laws of 2017 (Fred Hutch license plate). ~~((If chapter . . . (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(11) \$104,000 of the ignition interlock device revolving account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Second Substitute House Bill No. 1614))~~ 336, Laws of 2017 (impaired driving). ~~((If chapter . . . (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(12) \$500,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Substitute House Bill No. 1808))~~ 206, Laws of 2017 (foster youth/driving). ~~((If chapter . . . (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.))~~

(13) \$61,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Senate Bill No. 5008))~~ 310, Laws of 2017 (REAL ID compliance). ~~((If chapter . . . (Engrossed Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) \$30,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Senate Bill No. 5382))~~ 122, Laws of 2017 (reduced-cost identicards). ~~((If chapter . . . (Senate Bill No. 5382), Laws of 2017 is not enacted by~~

~~June 30, 2017, the amount in this subsection lapses-))~~

(16) \$112,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Engrossed Substitute Senate Bill No. 5338))~~ 218, Laws of 2017 (registration enforcement). ~~((If chapter . . . (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses-))~~

(17) \$30,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter ~~((. . . (Substitute Senate Bill No. 5343))~~ 43, Laws of 2017 (tow truck notices). ~~((If chapter . . . (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses-))~~

(18) \$230,000 of the highway safety account-state appropriation is provided solely for developing an application program interface service. This work must result in a mobile browser based application for use on tablet devices at licensing services offices.

(a) The application must be able to be used by licensing services offices staff for:

(i) Prescreening customers and directing them to the most efficient service line;

(ii) Performing any transaction within the department's online services;

(iii) Answering customer questions regarding license status and reinstatement; and

(iv) Providing a queue ticket to customers waiting for service inside and outside the office.

(b) Additionally, the application must be:

(i) Able to add a feature allowing customers to get in line via an online application and receive a mobile text message when their turn is approaching; and

(ii) Scalable to add other features to mobile devices to expedite customer service.

(19) Within amounts provided in this section, the department, in consultation with the county auditors, shall convene a work group to assess the current

licensing services system and the establishment of a new licensing services partnership committee. The purpose of the licensing services partnership committee will be to provide a forum for communication between licensing partners regarding Washington's licensing services system.

(a) The work group must consist of, but is not limited to, a representative from the department, a county auditor, a county licensing manager, a subagent representative who is a small office manager, a subagent representative from eastern Washington, and a subagent representative from western Washington.

(b) The work group must consider, at a minimum, and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, enhancing electronic title and renewal options, the current financial environment for subagents and county auditors, and the establishment of the licensing service partnership committee.

(c) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by December 1, 2018. Recommendations must be made on the policy options listed in (b) of this subsection. Recommendations regarding the licensing services partnership committee must also include whether or not to implement a pilot project for the committee, and if the pilot project is implemented, whether or not the pilot project should have a fixed term.

(20) \$27,796,000 of the highway safety account-state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report will include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing

transactions and wait times, including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the keep your customer initiative.

(21) \$45,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 (enhancing youth voter registration). If chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(22) \$43,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(23) \$70,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 (procedures in order to automatically register citizens to vote). If chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(24) \$26,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2612), Laws of 2018 (tow truck operators). If chapter . . . (Substitute House Bill No. 2612), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(25) \$17,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2653), Laws of 2018 (alternative fuel vehicle exemption) or chapter . . . (Senate Bill No. 6080), Laws of 2018 (electrification of transportation). If neither chapter . . . (House Bill No. 2653), Laws of 2018 or chapter . . . (Senate Bill No. 6080), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(26) \$20,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter

. . . (Substitute House Bill No. 2975), Laws of 2018 (snow bikes). If chapter . . . (Substitute House Bill No. 2975), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(27) \$34,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 (concerning the association of Washington generals). If chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(28) \$27,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 (issuance of personalized collector vehicle license plates). If chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(29) \$25,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 (electric motorcycle registration renewal fees). If chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(30) \$150,000 of the driver licensing technology support account-state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 (suspended or revoked driver's license provisions). If chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(31) \$17,000 of the highway safety account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 (bone marrow donation information). If chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(32) \$172,000 of the abandoned recreational vehicle disposal account-state appropriation is provided solely

for the implementation of chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 (disposal of recreational vehicles abandoned on public property). If chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(33) \$13,000 of the motor vehicle account-state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 (clarifying the collection process for existing vehicle service transactions). If chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(34) The department shall within the department's appropriations, conduct a study to evaluate options and potential methods for allowing digital license plates. The report must include information on the durability and legibility of digital license plates in different weather conditions, costs, data security, tolling and vehicle fees, protection of personal and vehicle information, and other implementation issues. This will include an evaluation of how the digital license plates can contain tamper-resistant and antitheft features, but can continue to display the unique license plate number assigned to the vehicle at all times. The department of licensing must consult with the Washington state patrol, the department of transportation, and other appropriate entities in conducting the study. The department of licensing must present a report to the standing transportation committees of the legislature by January 1, 2019.

(35) \$200,000 of the highway safety account-state appropriation is provided solely for the department to implement employee training and other activities related to improving the protection of private information and increasing racial and cultural awareness by employees in administering licensing responsibilities.

Sec. 209. 2017 c 313 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TOLL OPERATIONS AND MAINTENANCE-PROGRAM B

High Occupancy Toll Lanes Operations Account-State	
Appropriation	(\$4,033,000)
	\$4,462,000
Motor Vehicle Account-State	
Appropriation	\$513,000
State Route Number 520 Corridor Account-State	
Appropriation	(\$52,671,000)
	\$57,123,000
State Route Number 520 Civil Penalties Account-State	
Appropriation	(\$4,328,000)
	\$4,129,000
Tacoma Narrows Toll Bridge Account-State	
Appropriation	(\$32,134,000)
	\$33,618,000
Interstate 405 Express Toll Lanes Operations	
Account-State	Appropriation
.....	(\$22,194,000)
	\$21,757,000
Alaskan Way Viaduct Replacement Project Account-State	
Appropriation	(\$6,506,000)
	\$13,938,000
TOTAL APPROPRIATION	\$122,379,000
	\$135,540,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account-state appropriation and \$9,048,000 of the state route number 520 corridor account-state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and

maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account-state appropriation, \$1,498,000 of the state route number 520 corridor account-state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account-state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) (~~(\$4,328,000)~~) \$4,131,000 of the state route number 520 civil penalties account-state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account-state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account-state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a)

of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account-state appropriation, \$11,527,000 of the state route number 520 corridor account-state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account-state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account-state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account-state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 (~~(of this act)~~), chapter 313, Laws of 2017.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account-state appropriation are provided through a transfer from the motor vehicle account-state in section 408(26) (~~(of this act)~~), chapter 313, Laws of 2017. These funds are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division,

consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

(8) (~~(\$13,617,000)~~) \$13,179,000 of the Interstate 405 express toll lanes operations account-state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

(9) In 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2017-2019 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of

lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(10) \$5,583,000 of the Alaskan Way viaduct replacement project account-state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected proportional share of collecting toll revenues, operating customer services, and maintaining toll collection systems for the last seven months of the biennium. Due to the uncertainty of the new state route number 99 tunnel toll facility timeline, the legislature is holding the other tolled facilities' administrative cost shares constant for this biennium. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(11) \$1,849,000 of the Alaskan Way viaduct replacement project account-state appropriation is provided solely for the costs associated with the sale of transponders for the opening of the new state route number 99 tunnel toll facility in Seattle. The office of financial management shall place \$510,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department if it determines the transponder inventory will otherwise not be sufficient for facility ramp up.

Sec. 210. 2017 c 313 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION-
INFORMATION TECHNOLOGY-PROGRAM C**

Transportation Partnership Account-State Appropriation	\$1,460,000
Motor Vehicle Account-State Appropriation	(\$83,572,000)
	\$87,865,000
Puget Sound Ferry Operations Account-State Appropriation	\$263,000
Multimodal Transportation Account-State Appropriation	(\$2,876,000)
	\$2,878,000
Transportation 2003 Account (Nickel Account)-State Appropriation	\$1,460,000
TOTAL APPROPRIATION	\$89,631,000
	\$93,926,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,588,000 of the motor vehicle account-state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 (~~of this act~~), chapter 313, Laws of 2017. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account-state appropriation is provided

solely for the development of ferries network systems support.

(3) \$365,000 of the motor vehicle account-state appropriation is provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

Sec. 211. 2017 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION-PROGRAM D-OPERATING

Motor Vehicle Account-State Appropriation	(\$28,146,000)	\$29,368,000
State Route Number 520 Corridor Account-State		
Appropriation	\$34,000	
TOTAL APPROPRIATION.....	\$28,180,000	\$29,402,000

Sec. 212. 2017 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-AVIATION-PROGRAM F

Aeronautics Account-State Appropriation	(\$6,749,000)	\$7,326,000
Aeronautics Account-Federal Appropriation	(\$4,900,000)	\$6,855,000
Aeronautics Account-Private/Local Appropriation	\$171,000	
<u>Public Use General Aviation Airport Loan Revolving</u>		
<u>Account-State Appropriation...</u>	\$35,000	
TOTAL APPROPRIATION.....	\$11,820,000	\$14,387,000

The appropriations in this section are subject to the following conditions and limitations:

(~~(\$2,637,000)~~) (1) \$3,122,000 of the aeronautics account-state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

(2) The entire public use general aviation airport loan revolving account-state appropriation is provided solely for the department to support and implement the public use general aviation airport loan program prior to the creation of the community aviation revitalization board.

(3) \$35,000 of the aeronautics account-state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 (electric aircraft). If chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) Within amounts appropriated in this section, the department shall convene an electric aircraft work group to analyze the state of the electrically powered aircraft industry and assess infrastructure needs related to the deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The work group must consider, at a minimum, and make recommendations on the feasibility of electric or hybrid-electric flight given: Federal certification requirements; current and anticipated advancements to battery technology; infrastructure requirements and capacity impacts at primary airports; the need for and feasibility of industry incentives; the potential for public-private partnerships; impacts to revenues generated from aviation fuel sales; educational requirements for maintaining electric or hybrid-electric powered aircraft; homeland security

checkpoint requirements; public acceptance of the technology; a cost comparison of fossil fuel and electric or hybrid-electric aircraft engines; emission reduction potential; and policy changes needed to facilitate electric or hybrid-electric powered aircraft use for commercial air travel in Washington state.

(c) The work group must report its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

Sec. 213. 2017 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PROGRAM DELIVERY MANAGEMENT AND SUPPORT-PROGRAM H

Motor Vehicle	Account-State
Appropriation	(\$54,512,000)
	\$56,408,000
Motor Vehicle	Account-Federal
Appropriation	\$500,000
Multimodal Transportation	Account-State
Appropriation	(\$252,000)
	\$256,000
TOTAL APPROPRIATION.....	\$55,264,000
	\$57,164,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account-state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle

safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

Sec. 214. 2017 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle	Account—State
Appropriation	(\$622,000)
	<u>\$639,000</u>
Electric Vehicle	Charging
Infrastructure	
Account—State	Appropriation
	\$1,000,000
Multimodal Transportation	Account—
State	
Appropriation.....	(\$535,000)
	<u>\$610,000</u>
TOTAL APPROPRIATION.....	<u>\$2,157,000</u>
	<u>\$2,249,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures, including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one

million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account—state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

(i) Identify and discuss options to construct the facility as currently scoped;

(ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;

(iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter 19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;

(iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(5) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the Puget Sound Clean Air Agency to conduct a study that identifies and evaluates

opportunities to facilitate low-income utilization of electric vehicles. The study must include, but is not limited to, development and evaluation of an electric vehicle car-sharing program for low-income housing sites that is designed to maximize the use of electric vehicles by residents of these sites, and that must consider any infrastructure needs that will need to be met to support the use of electric vehicles at these sites. The department must provide a report detailing the findings of this study to the transportation committees of the legislature by December 1, 2018.

Sec. 215. 2017 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle	Account-State	
Appropriation	(\$434,781,000)	
		\$451,660,000
Motor Vehicle	Account-Federal	
Appropriation	\$7,000,000	
State Route Number 520 Corridor		
Account-State		
Appropriation	\$4,447,000	
Tacoma Narrows Toll Bridge	Account-State	
Appropriation	\$1,233,000	
Alaskan Way Viaduct Replacement		
Project		
<u>Account-State</u>	<u>Appropriation</u>	
.....	\$2,982,000	
TOTAL APPROPRIATION.....	\$447,461,000	\$467,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$7,092,000)~~ \$8,000,000 of the motor vehicle account-state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account-state appropriation is provided solely to maintain the state route number 520

floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account-state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account-state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) ~~(\$250,000)~~ \$631,000 of the motor vehicle account-state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium. \$381,000 of the amount provided in this subsection is provided solely for one-time equipment procurement needed to implement this subsection.

Sec. 216. 2017 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle	Account-State	
Appropriation	(\$62,578,000)	
		\$65,743,000
Motor Vehicle	Account-Federal	
Appropriation	\$2,050,000	
Motor Vehicle	Account-Private/Local	
Appropriation	\$250,000	
TOTAL APPROPRIATION.....	\$64,878,000	\$68,043,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account-state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account-state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5)(a) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: ~~((a))~~ (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; ~~((b))~~ (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; ~~((c))~~ (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and ~~((d))~~ (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public

infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection (5) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for high occupancy toll lanes.

Sec. 217. 2017 c 313 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION MANAGEMENT AND SUPPORT-PROGRAM S

Motor Vehicle Account-State
Appropriation ((\$32,794,000))
\$34,198,000

Motor Vehicle Account-Federal
Appropriation \$1,656,000

Multimodal Transportation Account-State

Appropriation (~~(\$1,128,000)~~)
 \$1,129,000

TOTAL APPROPRIATION..... ~~\$35,578,000~~
 \$36,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle account-state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account-state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$150,000 of the motor vehicle account-state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Spokane county. The reason for the geographic selection of Spokane county for the pilot is based on the high utilization of studded tires in this jurisdiction. The public information campaign must primarily focus on making the consumer aware of the road deterioration, financial impact for taxpayers, the safety implications for other drivers, and, secondarily, the alternatives to studded tires. The pilot must begin by September 1, 2018. By January 14, 2019, the department shall provide the transportation committees of

the legislature an update on the pilot public information program. It is the intent of the legislature that the public information campaign will be a two-year pilot program with a report to the legislature upon completion of the pilot program.

Sec. 218. 2017 c 313 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRANSPORTATION PLANNING, DATA, AND RESEARCH-PROGRAM T

Motor Vehicle Account-State
 Appropriation (~~(\$23,117,000)~~)
 \$28,073,000

Motor Vehicle Account-Federal
 Appropriation (~~(\$35,182,000)~~)
 \$39,782,000

Motor Vehicle Account-Local
Appropriation.....\$100,000

Multimodal Transportation Account-State
 Appropriation\$711,000

Multimodal Transportation Account-Federal
 Appropriation\$2,809,000

Multimodal Transportation Account-Private/Local
 Appropriation\$100,000

TOTAL APPROPRIATION.....~~\$61,919,000~~
 \$71,575,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account-state appropriation and \$250,000 of the motor vehicle account-federal appropriation are provided solely for a study that details a cost estimate for

replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

(3) \$181,000 of the motor vehicle account-state appropriation is provided solely for the department, in coordination with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from bridge expansion joints. The study must examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature by October 15, 2018.

(4) \$200,000 of the motor vehicle account-state appropriation is provided solely for implementation of a practical solutions study for the state route number 162 and state route number 410 interchange, based on the recommendations of the SR-162 Study/Design project (L2000107). The study must include short, medium, and long-term phase recommendations and must be submitted to the transportation

committees of the legislature by January 1, 2019.

(5) \$500,000 of the motor vehicle account-state appropriation is provided solely for implementation of a state route number 518 corridor study to be conducted in partnership with the Port of Seattle, Sound Transit and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor including evaluation of solutions to the rapid growth of traffic in the corridor and how that growth impacts access to the Seattle-Tacoma international airport and the surrounding communities. The study must be submitted to the transportation committees of the legislature by June 30, 2019.

(6) \$500,000 of the motor vehicle account-state appropriation and \$50,000 of the motor vehicle account-local appropriation are provided solely for implementation of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(7) Among the options studied as part of the SR 410 Corridor Study, the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

(8) Within existing resources, the department shall meet with local stakeholders in south Pierce county and North Thurston county to discuss potential solutions to traffic congestion; emergency management concerns regarding routes away from natural disasters and around incidents similar to the train derailment that occurred on December 18, 2017; and what state transportation investments would benefit the economic development of the area. The department shall provide regular updates on its progress to the joint transportation committee.

Sec. 219. 2017 c 313 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
CHARGES FROM OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account-State Appropriation	((<u>\$69,997,000</u>))	<u>\$75,058,000</u>
Multimodal Transportation Account-State Appropriation	((<u>\$1,285,000</u>))	<u>\$1,982,000</u>
TOTAL APPROPRIATION.....	<u>\$71,282,000</u>	<u>\$77,040,000</u>

Sec. 220. 2017 c 313 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PUBLIC TRANSPORTATION—PROGRAM V**

State Vehicle Parking Account-State Appropriation	((<u>\$754,000</u>))	<u>\$784,000</u>
Regional Mobility Grant Program Account-State Appropriation	((<u>\$93,920,000</u>))	<u>\$101,786,000</u>
Rural Mobility Grant Program Account-State Appropriation	<u>\$32,223,000</u>	
Multimodal Transportation Account-State Appropriation	((<u>\$92,437,000</u>))	<u>\$98,381,000</u>
Multimodal Transportation Account-Federal Appropriation	<u>\$3,574,000</u>	
TOTAL APPROPRIATION.....	<u>\$222,909,000</u>	<u>\$236,748,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,679,000 of the multimodal transportation account-state appropriation is provided solely for a grant program for special needs transportation provided by transit

agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account-state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account-state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account-state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account-state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) ~~((\$10,290,000))~~ \$10,702,000 of the multimodal transportation account-state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not

allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$16,241,000)~~) \$24,107,000 of the regional mobility grant program account-state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018, Program - Public Transportation Program (V). Of the amounts provided in this subsection, \$757,000 of the regional mobility grant program account-state appropriation is reappropriated for the Kitsap Transit, SR 305 Interchange Improvements at Suquamish Way Park and Ride (Project 20130101).

(5) (a) \$77,679,000 of the regional mobility grant program account-state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the

scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) (~~(\$5,920,000)~~) \$7,170,000 of the multimodal transportation account-state appropriation and (~~(\$754,000)~~) \$784,000 of the state vehicle parking account-state appropriation are provided solely for CTR grants and activities. Of this amount (~~(, - \$250,000)~~):

(a) \$500,000 of the multimodal transportation account-state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, state route number 167, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(b) \$1,000,000 of the multimodal transportation account-state appropriation is provided solely for the

department to direct a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall report to the transportation committees of the legislature on the impact of the program by June 30, 2019, and may adopt rules to administer the program; and

(c) \$30,000 of the state vehicle parking account-state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County.

(8) (~~(\$17,590,000)~~) \$20,891,000 of the multimodal transportation account-state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018. It is the intent of the legislature that entities identified to receive funding in the LEAP document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account-state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account-state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Spokane Transit - Spokane Central City Line (G2000034);

(iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or

(v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify

the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(13) \$300,000 of the multimodal transportation account-state appropriation is provided solely for Pierce Transit to procure and install digital transit information technology at various transit centers, in order to provide transit riders with real-time arrival and departure information.

(14) \$750,000 of the multimodal transportation account-state appropriation is provided solely for the Intercity Transit Dash shuttle program.

Sec. 221. 2017 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-MARINE-PROGRAM X

Puget Sound Ferry Operations Account-State

Appropriation (~~(\$496,307,000)~~)
\$509,954,000

Puget Sound Ferry Operations Account-Federal

Appropriation \$8,743,000

Puget Sound Ferry Operations Account-Private/Local

Appropriation \$121,000

TOTAL APPROPRIATION..... ~~\$505,171,000~~
\$518,818,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in

the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) (~~(\$69,049,000)~~) \$71,004,000 of the Puget Sound ferry operations account-state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 (~~(of this act)~~) chapter 313, Laws of 2017. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account-state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account-state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(6) \$25,000 of the Puget Sound ferry operations account-state appropriation is provided solely for additional hours of traffic control assistance by a uniformed officer at the Fauntleroy ferry terminal.

(7) \$75,000 of the Puget Sound ferry operations account-state appropriation is provided solely for the department to contract with the University of

Washington to conduct an analysis of loading procedures at the Fauntleroy ferry terminal. The department must share the results of the analysis with the governor's office and the transportation committees of the legislature by December 31, 2018.

Sec. 222. 2017 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y-OPERATING

Multimodal Transportation Account-State	
Appropriation	(\$80,146,000)
	\$81,013,000
Multimodal Transportation Account-Private/Local	
Appropriation	(\$46,000)
	\$496,000
TOTAL APPROPRIATION.....	\$80,192,000
	\$81,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the multimodal transportation account-state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

~~((1))~~ (a) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

~~((2))~~ (b) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California; and

~~((3))~~ (c) An analysis of the following key elements:

~~((a))~~ (i) Economic feasibility;

~~((b))~~ (ii) Forecasted demand;

~~((c))~~ (iii) Corridor identification;

~~((d))~~ (iv) Land use and economic development and environmental implications;

~~((e))~~ (v) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

~~((f))~~ (vi) Technological options for ultra high-speed ground transportation, both foreign and domestic;

~~((g))~~ (vii) Required specifications for speed, safety, access, and frequency;

~~((h))~~ (viii) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional rights-of-way that may be needed and the process for acquiring those rights-of-way;

~~((i))~~ (ix) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

~~((j))~~ (x) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

(2) (a) \$450,000 of the multimodal transportation account-private/local appropriation and \$750,000 of the multimodal transportation account-state appropriation is provided solely for a consultant business case analysis of ultra high-speed ground transportation. The business case analysis must build on the results of the 2017 Washington state ultra high-speed ground transportation feasibility study.

(b) The business case analysis must include an advisory group with members as provided in this subsection. The president of the senate shall appoint one member from each of the two largest caucuses of the senate; the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of

representatives; the governor or his or her designee; the secretary of transportation or his or her designee; the director of the department of commerce or his or her designee; the rail director of the department of transportation or his or her designee; and representatives from communities and stakeholders from public and private sectors relevant to the analysis, including from the province of British Columbia and the state of Oregon.

(c) The department shall provide a report of its findings to the governor and transportation committees of the legislature by June 30, 2019.

Sec. 223. 2017 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-LOCAL PROGRAMS-PROGRAM Z-OPERATING

Motor	Vehicle	Account-State	
Appropriation		((\$10,644,000))	
			<u>\$11,347,000</u>
Motor	Vehicle	Account-Federal	
Appropriation		\$2,567,000	
Multiuse Roadway Safety	Account-State		
Appropriation		\$132,000	
TOTAL APPROPRIATION.....		\$13,343,000	
			<u>\$14,046,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account-state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES-CAPITAL

Sec. 301. 2017 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account-State	
Appropriation	((\$22,462,000))
	<u>\$22,507,000</u>
Highway Safety Account-State	
Appropriation	((\$1,900,000))
	<u>\$2,000,000</u>
Motor Vehicle Account-Federal	
Appropriation	\$3,250,000
Freight Mobility Multimodal Account-State	
Appropriation	((\$21,843,000))
	<u>\$22,283,000</u>
Freight Mobility Multimodal Account-Private/Local	
Appropriation	\$1,320,000
TOTAL APPROPRIATION.....	\$50,775,000
	<u>\$51,360,000</u>

Sec. 302. 2017 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account-State	
Appropriation	((\$3,103,000))
	<u>\$4,503,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

- (1) \$250,000 for emergency repairs;
- (2) \$728,000 for roof replacements;
- (3) ~~((~~\$2,000,000~~ for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system; and~~
- ~~(4))~~ \$125,000 for the Whiskey Ridge generator shelter;
- (4) \$200,000 for replacement of the HVAC system at the state patrol academy in Shelton;

(5) \$700,000 for repair of the training tank at the state patrol academy in Shelton; and

(6) \$2,500,000 for the replacement of the skid pan at the state patrol academy in Shelton.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

Sec. 303. 2017 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account-State Appropriation	(\$58,186,000)	<u>\$63,186,000</u>
Motor Vehicle Account-State Appropriation	\$706,000	
County Arterial Preservation Account-State Appropriation	(\$35,434,000)	<u>\$38,434,000</u>
TOTAL APPROPRIATION.....	\$94,326,000	<u>\$102,326,000</u>

Sec. 304. 2017 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account-State Appropriation	\$5,780,000
Transportation Improvement Account-State Appropriation	(\$240,300,000)
	<u>\$279,300,000</u>
Multimodal Transportation Account-State Appropriation	\$14,670,000

TOTAL APPROPRIATION.....~~\$260,750,000~~
\$299,750,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire multimodal transportation account-state appropriation is provided solely for the complete streets program.

(2) \$9,687,000 of the transportation improvement account-state appropriation is provided solely for:

(a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(b) The small city pavement program to help cities meet urgent preservation needs; and

(c) The small city low-energy street light retrofit program.

Sec. 305. 2017 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-FACILITIES-PROGRAM D-(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)-CAPITAL

Motor Vehicle Account-State Appropriation	(\$6,087,000)	<u>\$10,070,000</u>
Connecting Washington Account-State Appropriation	(\$24,257,000)	<u>\$26,537,000</u>

Transportation Partnership Account-State

Appropriation \$17,000
TOTAL APPROPRIATION.....~~\$30,344,000~~
\$36,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$16,170,000)~~ \$17,237,000 of the connecting Washington account-state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) ~~(\$8,087,000)~~ \$9,300,000 of the connecting Washington account-state

appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

(3) (a) \$3,400,000 of the motor vehicle account-state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in Shoreline. This appropriation is contingent upon the department of ecology and department of licensing signing a not less than twenty-year agreement to pay proportional shares of an annual amount equal to any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of licensing and department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

Sec. 306. 2017 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-IMPROVEMENTS-PROGRAM I

Transportation Partnership Account-State

Appropriation (~~(\$570,992,000)~~)
\$689,745,000

Motor Vehicle Account-State
 Appropriation (~~(\$47,406,000)~~)
\$72,967,000

Motor Vehicle Account-Federal
 Appropriation (~~(\$216,647,000)~~)
\$253,410,000

Motor Vehicle Account-Private/Local
 Appropriation (~~(\$24,209,000)~~)
\$49,330,000

Connecting Washington Account-State
 Appropriation (~~(\$1,159,822,000)~~)
\$1,215,013,000

Special Category C Account-State
 Appropriation (~~(\$6,146,000)~~)
\$11,000,000

Multimodal Transportation Account-State
 Appropriation (~~(\$15,162,000)~~)
\$16,299,000

Alaskan Way Viaduct Replacement Project Account-State

Appropriation (~~(\$122,046,000)~~)
\$122,047,000

Transportation 2003 Account (Nickel Account)-State

Appropriation (~~(\$51,115,000)~~)
\$52,457,000

Interstate 405 Express Toll Lanes Operations Account-State

Appropriation (~~(\$12,000,000)~~)
\$6,258,000

TOTAL APPROPRIATION ~~\$2,225,545,000~~
\$2,488,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account-state appropriation and the entire transportation partnership account-state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2017-1~~) 2018-1 as developed ((~~April 20, 2017~~) March 5, 2018, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)-state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2017-1~~) 2018-1 as developed ((~~April 20, 2017~~) March 5, 2018, Program - Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account-state appropriation and motor vehicle account-federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a

specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ~~((2017))~~ funds transferred in the prior fiscal year using this subsection as part of the department's ~~((2018))~~ annual budget submittal.

(5) The connecting Washington account—state appropriation includes up to ~~((\$360,433,000))~~ \$323,175,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to ~~((\$51,115,000))~~ \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account—state appropriation includes up to ~~((\$325,748,000))~~ \$367,622,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. ~~((of this amount, \$122,046,000 must be transferred to the Alaskan Way viaduct replacement project account.))~~

(8) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$122,047,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(9) The motor vehicle account—state appropriation includes up to \$43,448,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

~~((\$159,407,000))~~ (10) \$194,258,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, ~~((\$8,000,000))~~ \$27,903,000 of the motor vehicle account—private/local appropriation, ~~((\$29,100,000))~~ \$30,097,000 of the transportation 2003 account (nickel account)—state appropriation, ~~((\$122,046,000))~~ \$122,047,000 of the Alaskan Way viaduct replacement project account—state appropriation, and ~~((\$2,662,000))~~ \$2,663,000 of the multimodal transportation account—state appropriation are provided solely for the

SR 99/Alaskan Way Viaduct Replacement project (809936Z).

~~((\$9))~~ (11) \$12,500,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

~~((\$10))~~ (12) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

~~((\$11 \$5,804,000))~~ (13) \$7,769,000 of the transportation partnership account—state appropriation, ~~((\$5,162,000))~~ \$6,744,000 of the transportation 2003 account (nickel account)—state appropriation, \$215,000 of the motor vehicle account—federal appropriation, and ~~((\$146,000))~~ \$5,000,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

~~((\$12 \$26,601,000))~~ (14) \$27,415,000 of the transportation partnership account—state appropriation and ~~((\$10,956,000))~~ \$13,158,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or

the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

~~((13) \$1,500,000))~~ (15) \$4,960,000 of the transportation partnership account-state appropriation ((13)) and \$3,000,000 of the Interstate 405 express toll lanes operations account-state appropriation are provided solely for ((preliminary engineering)) the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. The transportation partnership account-state appropriation funding is a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

~~((14))~~ (16)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) ~~((14,311,000))~~ \$78,958,000 of the transportation partnership account-state appropriation ((13)), \$12,296,000 of the motor vehicle account-federal appropriation, and \$232,000 of the motor vehicle account-local appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

~~((15))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's ~~((2018))~~ annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((16))~~ (18) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

~~((18))~~ (19) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((19) \$93,500,000))~~ (20) \$93,651,000 of the connecting Washington account-state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

~~((20))~~ (21)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for

eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of the requirements outlined in this subsection (~~((20))~~) (21)(b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any benefits to be gained by moving the project schedule forward. ~~((Additionally, the department must consider completing))~~ It is the legislature's intent that if the department identifies any savings after the funding gap on the base project is closed as part of the proposal to expedite the project, that these cost savings shall go toward construction of a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the funding gap on the base project is closed, the funds must be applied toward the completion of these two full single-point urban interchanges.

(d) For the SR 167/SR 509 Puget Sound Gateway project (M00600R) the department is strongly encouraged to work to relocate any significant businesses currently located within the planned path of the state route number 509/Interstate 5 under-crossing to a location within the Kent city limits. The department shall provide regular updates on its progress to the joint transportation committee and affected stakeholders.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

~~((21))~~ (22) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of

significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((22) \$600,000))~~ (23) (a) \$2,000,000 of the transportation partnership account-state appropriation and \$942,000 of the motor vehicle account-state appropriation are provided solely for the U.S. 2 Trestle IJR project (L1000158).

(b) Of the amounts provided in this subsection, \$942,000 of the motor vehicle account-state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle (~~(L1000158))~~), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

~~((23))~~ (24) (a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high

occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

~~((24) \$2,000,000))~~ (25) \$3,258,000 of the Interstate 405 express toll lanes operations account-state appropriation is provided solely for the I-405 NB Hard Shoulder Running - SR 527 to I-5 project (L1000163).

~~((25))~~ (26) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((26))~~ (27) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

~~((27) It is the intent of the legislature that for the I-5/Slater Road Interchange Improvements project (L1000099), \$2,000,000 of connecting Washington account-state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account-state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly.))~~

(28) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);

(ii) I-5/Marvin Road/SR 510 Interchange (L1100110);

(iii) I-5/Northbound On-ramp at Bakerview (L2000119);

(iv) US 395/Ridgeline Intersection (L2000127);

(v) I-90/Eastside Restripe Shoulders (L2000201);

(vi) SR 240/Richland Corridor Improvements (L2000202);

(vii) SR 14/Bingen Overpass (L2220062);

(viii) US Hwy 2 Safety (N00200R);

(ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);

(x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);

(xi) I-5/Rebuild Chamber((=)) Way Interchange Improvements (L2000223);

(xii) SR 28 East Wenatchee Corridor Improvements (T10300R);

(xiii) ~~((SR 3/Belfair Bypass New Alignment))~~ SR 3 Freight Corridor (T30400R); or

(xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

~~(30) ((Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumelaw and Buckley to four lanes and removing the trestle.))~~ The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system.

To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its direction to the department to lead the way in advancing the reuse and recycling of construction aggregate and recycled concrete materials whenever readily available, to use these recycled products when cost competitive, and to work with industry implementation partners to remove obstacles that unnecessarily preclude or inhibit their use and implement strategies for the reuse and recycling of construction aggregate and recycled concrete materials.

Specific steps and efforts made to achieve these objectives and accomplishments shall be included in the annual report to the legislature as required by RCW 70.95.807.

(31) Within existing resources, the department shall implement a safety solution after evaluating barrier and mitigation options on state route number 167 between the intersections with 50th

Ave E and E 40th Street in Pierce county to prevent vehicles from leaving the roadway and entering private property below the grade of the highway.

(32) \$350,000 of the motor vehicle account-state appropriation is provided solely for implementation of chapter 288 (Substitute Senate Bill No. 5806), Laws of 2017 (I-5 Columbia river bridge), listed as Replacement Bridge on Interstate 5 across the Columbia River project number (L2000259).

(33) For the SR 520 Seattle Corridor Improvements - West End project (M00400R), the legislature recognizes the department must acquire the entirety of parcel number 1-23190 for construction of the project. The department shall work with its design-build contractor to ensure to the maximum extent practicable that the building housing any grocery store or market currently located on parcel number 1-23190 will be preserved. The legislature recognizes the city of Seattle has requirements in the project area that the department must address and that those requirements may affect the use of parcel number 1-23190 and may affect the ability of the department to preserve any grocery store or market currently located on the property. The department shall meet and confer regularly with residents in the vicinity of the parcel regarding the status of the project and its effects on any grocery store or market currently located on the property. The legislature strongly encourages the city to utilize maximum flexibility in how the department meets the city's requirements and to be an equal partner in efforts to preserve any grocery store or market on parcel number 1-23190.

Sec. 307. 2017 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-PRESERVATION-PROGRAM P

Recreational Vehicle Account-State Appropriation	(\$2,480,000)
	\$3,584,000
High-Occupancy Toll Lanes Operations Account-State	
Appropriation	\$161,000
Transportation Partnership Account-State	

Appropriation	(\$204,000)	
		<u>\$12,785,000</u>
Motor Vehicle Account-State Appropriation	(\$49,192,000)	
		<u>\$63,246,000</u>
Motor Vehicle Account-Federal Appropriation	(\$515,368,000)	
		<u>\$579,624,000</u>
Motor Vehicle Account-Private/Local Appropriation	(\$10,400,000)	
		<u>\$11,739,000</u>
State Route Number 520 Corridor Account-State Appropriation	(\$498,000)	
		<u>\$1,747,000</u>
Connecting Washington Account-State Appropriation	(\$185,030,000)	
		<u>\$204,242,000</u>
Tacoma Narrows Toll Bridge Account- State Appropriation	(\$384,000)	
		<u>\$856,000</u>
Transportation 2003 Account (Nickel Account)-State Appropriation	(\$58,894,000)	
		<u>\$57,849,000</u>
TOTAL APPROPRIATION.....	\$822,450,000	
		<u>\$935,833,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire connecting Washington account-state appropriation and the entire transportation partnership account-state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)-state appropriation is provided solely for the

projects and activities as listed in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account-state appropriation and motor vehicle account-federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account-state appropriation and motor vehicle account-federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ((2017)) funds transferred in the prior fiscal year using this subsection as part of the department's ((2018)) annual budget submittal.

(5) The transportation 2003 account (nickel account)-state appropriation includes up to ((\$13,395,000)) \$29,553,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) The motor vehicle account-state appropriation includes up to \$29,985,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

((~~\$7,200,000~~)) (7) \$11,553,000 of the connecting Washington account-state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((of this act)), chapter 313, Laws of 2017. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or

leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

~~((7))~~ (8) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

~~((8) \$22,620,000)~~ (9) \$20,755,000 of the motor vehicle account—federal appropriation and ~~((663,000))~~ \$844,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its ~~((2018))~~ annual agency budget request.

~~((9))~~ (10) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

~~((10))~~ (11) (a) ~~((4,820,000))~~ \$9,014,000 of the motor vehicle account—federal appropriation and ~~((182,000))~~ \$217,000 of the motor vehicle account—state appropriation are provided solely for weigh station preservation (OBP3006). These amounts must be held in unallotted status, except that the

director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

~~((11))~~ (12) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

~~((12))~~ (13) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

~~((13))~~ (14) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

~~((14))~~ (15) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the

legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(16) Within the connecting Washington account-state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 308. 2017 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-TRAFFIC OPERATIONS-PROGRAM Q-CAPITAL

Motor Vehicle Account-State	Appropriation	(\$4,913,000)
		\$6,636,000
Motor Vehicle Account-Federal	Appropriation	(\$5,106,000)
		\$5,566,000
Motor Vehicle Account-Private/Local	Appropriation	(\$500,000)
		\$649,000
TOTAL APPROPRIATION.....		\$10,519,000
		\$12,851,000

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account-state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2017 c 313 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-WASHINGTON STATE FERRIES CONSTRUCTION-PROGRAM W

Puget Sound Capital Construction Account-State	Appropriation	(\$59,924,000)
		\$72,024,000
Puget Sound Capital Construction Account-Federal	Appropriation	(\$152,838,000)
		\$205,032,000
Puget Sound Capital Construction Account-Private/Local	Appropriation	(\$15,654,000)
		\$27,196,000
Transportation Partnership Account-State	Appropriation	\$2,923,000
Connecting Washington Account-State	Appropriation	(\$142,837,000)
		\$136,918,000
Multimodal Transportation Account-State	Appropriation.....	\$2,734,000
Transportation 2003 Account (Nickel Account)-State	Appropriation.....	\$4,169,000
TOTAL APPROPRIATION.....		\$374,176,000
		\$450,996,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) (~~(\$26,252,000)~~) \$27,825,000 of the Puget Sound capital construction account-federal appropriation ((~~and \$63,804,000)~~), \$44,485,000 of the connecting Washington account-state appropriation, and \$1,483,000 of the Puget Sound capital construction account-state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy

building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction. Of the amounts provided in this subsection, \$750,000 of the Puget Sound capital construction account—state appropriation is provided solely for additional photovoltaic panels for this project.

(3) (~~(\$61,729,000)~~) \$94,671,000 of the Puget Sound capital construction account—federal appropriation, (\$36,529,000) \$46,919,000 of the connecting Washington account—state appropriation, ((and—\$15,554,000)) \$26,949,000 of the Puget Sound capital construction account—private/local appropriation, \$2,734,000 of the multimodal transportation account—state appropriation, \$511,000 of the Puget Sound capital construction account—state appropriation, and \$679,000 of the transportation 2003 (nickel account)—state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) (~~(\$775,000)~~) \$950,000 of the Puget Sound capital construction account—state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by

January 1, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

(i) Identify changes in the demographics of users of the system;

(ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;

(iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;

(iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:

(A) Anticipated crewing requirements;

(B) Fuel type;

(C) Other operating and maintenance costs;

(v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;

(vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;

(vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;

(viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and

(ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

(c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the

legislature by June 30, 2018, and a final report by January 1, 2019.

(7) \$600,000 of the Puget Sound capital construction account-state appropriation is provided solely for development of a request for proposal to convert the three ferry vessels in the Jumbo Mark II class to hybrid electric propulsion and make associated necessary modifications to the Seattle, Bainbridge, Edmonds, and Kingston terminals. The department is directed to explore capital project financing options to include, but not be limited to, federal funding opportunities, private or local contributions, application for Volkswagen settlement funds, and energy-savings performance contracting to be repaid in whole or in part by fuel-cost savings. The department will report total capital cost estimates, optimal construction schedule, annual capital and operating savings or costs, and a recommended funding option to the governor and to the transportation committees of the legislature by June 30, 2019.

Sec. 310. 2017 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-RAIL-PROGRAM Y-CAPITAL

Essential Rail Assistance Account-State Appropriation	(\$424,000)
	\$845,000
Transportation Infrastructure Account-State Appropriation	(\$5,367,000)
	\$7,575,000
Multimodal Transportation Account-State Appropriation	(\$51,665,000)
	\$79,357,000
Multimodal Transportation Account-Federal Appropriation	(\$1,487,000)
	\$59,814,000
TOTAL APPROPRIATION.....	\$58,943,000
	\$147,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Rail Program (Y).

(2) ~~(\$5,000,000)~~ \$7,009,000 of the transportation infrastructure account-state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account-state appropriation and \$24,000 of the essential rail assistance account-state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account-state appropriation and \$1,100,000 of the multimodal transportation account-state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5) (a) (~~(\$400,000)~~) \$686,000 of the essential rail assistance account—state appropriation (~~(and \$305,000)~~), \$422,000 of the multimodal transportation account—state appropriation, and \$21,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property (~~(pursuant to RCW 47.76.290)~~) relating to the Palouse river and Coulee City railroad; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the

projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

Sec. 311. 2017 c 313 s 311 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation(~~(\$293,000)~~)
\$1,083,000

Highway Infrastructure Account—Federal Appropriation(~~(\$218,000)~~)
\$488,000

Transportation Partnership Account—State Appropriation(~~(\$1,143,000)~~)
\$2,321,000

Highway Safety Account—State Appropriation(~~(\$2,388,000)~~)
\$4,287,000

Motor Vehicle Account—State Appropriation(~~(\$15,080,000)~~)
\$28,659,000

Motor Vehicle Account—Federal Appropriation(~~(\$65,187,000)~~)
\$71,614,000

Motor Vehicle Account—Private/Local Appropriation\$18,000,000

Connecting Washington Account—State Appropriation(~~(\$118,293,000)~~)
\$137,387,000

Multimodal Transportation Account—State Appropriation(~~(\$56,079,000)~~)

\$82,382,000

TOTAL APPROPRIATION.....\$276,681,000

\$346,221,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account-state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ((~~\$6,432,000~~)) \$14,219,000 of the multimodal transportation account-state appropriation and ((~~\$1,143,000~~)) \$1,846,000 of the transportation partnership account-state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account-federal appropriation and \$7,750,000 of the multimodal transportation account-state appropriation are provided solely for newly selected safe routes to school projects. ((~~\$6,372,000~~)) \$11,181,000 of the motor vehicle account-federal appropriation, ((~~\$923,000~~)) \$1,394,000 of the multimodal transportation account-state appropriation, and ((~~\$2,388,000~~)) \$4,287,000 of the highway safety account-state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while

ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) ((~~\$18,741,000~~)) \$32,984,000 of the multimodal transportation account-state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account-federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account-state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8) (a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);
- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

~~((9) \$1,500,000 of the motor vehicle account state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project.~~

~~((10) \$280,000 of the motor vehicle account state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.))~~

Sec. 312. 2017 c 313 s 312 (uncodified) is amended to read as follows:

ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its annual budget submittal (~~((for the 2018 supplemental budget))~~), the department of transportation shall provide an update to the report provided to the legislature in ~~((2017))~~ the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its annual budget submittal (~~((for the 2018 supplemental budget))~~), the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

(3) Working in concert with the office of financial management and local governments, the department will work to identify local agency concerns regarding services provided by the department to local governments for which a fee is charged. The department will provide a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on the identified services and associated fee(s). The report must include, but is not limited to, a description of the identified project services provided to local agencies, estimates of the associated charges for the service, and an accounting of expenditures charged to local agencies associated with the identified services during the previous two fiscal years.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2017 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State

Appropriation..... (~~(\$2,239,000)~~)
 \$4,646,000

Motor Vehicle Account—State
Appropriation \$736,000

Connecting Washington Account—State
 Appropriation (~~(\$1,802,000)~~)
 \$3,199,000

Highway Bond Retirement Account—State
 Appropriation..... (~~(\$1,238,072,000)~~)
 \$1,229,874,000

Ferry Bond Retirement Account—State
 Appropriation \$28,873,000

Transportation Improvement Board Bond Retirement

Account—State
 Appropriation \$13,254,000

Nondebt-Limit Reimbursable Bond Retirement

Account—State
 Appropriation..... (~~(\$26,609,000)~~)
 \$26,391,000

Toll Facility Bond Retirement Account—State

Appropriation \$86,493,000

Transportation 2003 Account (Nickel Account)—State

Appropriation (~~(\$323,000)~~)
 \$450,000

TOTAL APPROPRIATION ~~\$1,397,665,000~~
 \$1,393,916,000

Sec. 402. 2017 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State

Appropriation (~~(\$448,000)~~)
 \$939,000

Motor Vehicle Account—State
Appropriation..... \$147,000

Connecting Washington Account—State
 Appropriation..... (~~(\$360,000)~~)
 \$640,000

Transportation 2003 Account (Nickel Account)—State

Appropriation (~~(\$65,000)~~)
 \$94,000

TOTAL APPROPRIATION ~~\$873,000~~
 \$1,820,000

Sec. 403. 2017 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State
 Appropriation:

For motor vehicle fuel tax distributions to

cities and counties .. (~~(\$514,648,000)~~)

\$508,182,000

Sec. 404. 2017 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and statutory transfers (~~(\$2,196,693,000)~~)
\$2,145,972,000

Sec. 405. 2017 c 313 s 407 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and transfers..... (~~(\$200,747,000)~~)
\$203,535,000

Sec. 406. 2017 c 313 s 408 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) (~~State Patrol Highway Account—State~~)

~~Appropriation: For transfer to the Connecting~~

~~Washington Account—State (\$21,221,000)~~

Highway Safety Account—State
Appropriation: For

transfer to the Motor Vehicle Account—State \$30,000,000

(2) Transportation Partnership Account—State

Appropriation: For transfer to the Connecting

Washington Account—State.. \$10,946,000

(3) (~~Highway Safety Account—State~~)

~~Appropriation: For transfer to the Multimodal~~

~~Transportation~~ Account—State \$57,000,000

~~(4))~~ Motor Vehicle Account—State Appropriation:

For transfer to the Connecting Washington

Account—State.....\$56,464,000

~~((5))~~ (4) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State.....\$8,511,000

~~((6))~~ (5) Motor Vehicle Account—State Appropriation:

For transfer to the Puget Sound Capital

Construction Account—State \$20,000,000

~~((7))~~ (6) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust

Account—State.....\$4,844,000

~~((8))~~ (7) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State.....\$9,688,000

~~((9) Motor Vehicle Account—State Appropriation:~~

~~For transfer to the State Patrol Highway~~

~~Account—State.....\$43,000,000)~~

(8) Highway Safety Account—State Appropriation: For

transfer to the State Patrol Highway Account—State.....\$33,000,000

~~((10))~~ (9) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Connecting

Washington Account—State...\$1,305,000

~~((11))~~ (10) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State.....\$3,000,000

~~((12))~~ (11) State Route Number 520 Civil Penalties

Account-State Appropriation: For transfer to

the State Route Number 520 Corridor
 Account-State..... (~~(\$1,240,000)~~)
\$2,000,000

~~((13))~~ (12) Capital Vessel Replacement Account-State

Appropriation: For transfer to the Connecting

Washington Account-State.. \$36,500,000
~~((14))~~ (13) Multimodal Transportation Account-State

Appropriation: For transfer to the Freight

Mobility Multimodal Account-State \$8,511,000

~~((15))~~ (14) Multimodal Transportation Account-State

Appropriation: For transfer to the Puget Sound

Capital Construction Account-State (~~(\$32,000,000)~~)
\$34,000,000

~~((16))~~ (15) Multimodal Transportation Account-State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account-State \$20,000,000

~~((17))~~ (16) Multimodal Transportation Account-State

Appropriation: For transfer to the Regional

Mobility Grant Program Account-State \$27,679,000

~~((18))~~ (17) Multimodal Transportation Account-State

Appropriation: For transfer to the Rural

Mobility Grant Program Account-State \$15,223,000

~~((19))~~ (18) Tacoma Narrows Toll Bridge Account-State

Appropriation: For transfer to the Motor

Vehicle Account-State..... \$950,000

~~((20))~~ (19) Transportation 2003 Account (Nickel Account)-

State Appropriation: For transfer to the Connecting

Washington Account-State..\$22,970,000
~~((21))~~ (20) (a) Interstate 405 Express Toll Lanes Operations

Account-State Appropriation: For transfer to the

Motor Vehicle Account-State \$2,019,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account-state appropriation loan from section 407(19), chapter 222, Laws of 2014.

~~((22))~~ (21) (a) Transportation Partnership Account-State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account-State.....(~~(\$122,046,000)~~)
\$122,047,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

~~((23))~~ (22) (a) Motor Vehicle Account-State

Appropriation: For transfer to the Tacoma Narrows Toll

Bridge Account-State.....\$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur in November 2019.

~~((24))~~ (23) Motor Vehicle Account-State

Appropriation: For transfer to the County Arterial

Preservation Account-State.\$4,844,000

~~((25))~~ (24) (a) General Fund Account-State Appropriation:

For transfer to the State Patrol Highway

Account-State..... \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

~~((26))~~ (25)(a) Motor Vehicle Account-State Appropriation:

For transfer to the Alaskan Way Viaduct Replacement

Project Account-State.. (~~(\$6,506,000)~~)
\$11,337,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account-state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account-state at a later date when the portion of state route number 99 that is a deep bore tunnel is operational.

(26) Multimodal Transportation Account-State

Appropriation: For transfer to the Highway Safety

Account-State..... \$7,000,000

(27)(a) Alaskan Way Viaduct Replacement Project

Account-State Appropriation: For transfer to the

Transportation Partnership Account-State \$2,400,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement Project (809936Z).

COMPENSATION

Sec. 501. 2017 3rd sp.s. c 1 s 726 (uncodified) is amended to read as follows:

TRANSPORTATION-WASHINGTON FEDERATION OF STATE EMPLOYEES

~~((Motor Vehicle Account State Appropriation~~ \$18,443,000

~~State Patrol Highway Account State Appropriation~~ \$1,199,000

~~State Patrol Highway Account Federal Appropriation~~ \$22,000

~~Puget Sound Ferry Operations Account State Appropriation.....~~ \$73,000

~~Highway Safety Account State Appropriation.....~~ \$2,613,000

~~Motorcycle Safety Education Account State Appropriation.....~~ \$37,000

~~State Wildlife Account State Appropriation.....~~ \$14,000

~~Ignition Interlock Device Revolving Account State Appropriation~~ \$5,000

~~Department of Licensing Services Account State~~

~~Appropriation~~ \$102,000

~~Aeronautics Account State Appropriation.....~~ \$3,000

~~Interstate 405 Express Toll Lanes Operations Account State~~

~~Appropriation~~ \$27,000

~~State Route Number 520 Corridor Account State~~

~~Appropriation~~ \$51,000

~~State Route Number 520 Civil Penalties Account State~~

~~Appropriation~~ \$16,000

~~Multimodal Transportation Account State Appropriation.....~~ \$40,000

~~Tacoma Narrows Toll Bridge Account State Appropriation.....~~ \$22,000

~~TOTAL APPROPRIATION~~ \$22,667,000

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ~~((Senate Bill No. 5969))~~ chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective

~~Motorcycle Safety Education Account
 State Appropriation \$10,000
 TOTAL APPROPRIATION..... \$9,741,000~~

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse-))

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017T)) this act to fund the provisions of this agreement.

Sec. 504. 2017 3rd sp.s. c 1 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION-THE COALITION OF UNIONS AGREEMENT

~~((State Patrol Highway Account State Appropriation \$309,000
 State Patrol Highway Account Federal Appropriation \$44,000
 TOTAL APPROPRIATION..... \$353,000~~

~~The appropriation in this section is subject to the following conditions and limitations:))~~

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse-))

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017T)) this act to fund the provisions of this agreement.

Sec. 505. 2017 3rd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION-GENERAL WAGE INCREASE-STATE EMPLOYEES

~~((Motor Vehicle Account State Appropriation.....\$5,163,000
 State Patrol Highway Account State Appropriation.....\$812,000
 State Patrol Highway Account Federal Appropriation.....\$8,000
 State Patrol Highway Account Private/Local Appropriation.....\$1,000~~

Puget Sound Ferry Operations Account	
State Appropriation	\$460,000
Highway Safety Account State	
Appropriation	\$655,000
Highway Safety Account Federal	
Appropriation	\$119,000
Motorcycle Safety Education Account	
State Appropriation	\$12,000
State Wildlife Account State	
Appropriation	\$8,000
Department of Licensing Services	
Account State	
Appropriation.....	\$21,000
Aeronautics Account State	
Appropriation	\$53,000
State Route Number 520 Corridor	
Account State	
Appropriation.....	\$102,000
Multimodal Transportation Account	
State Appropriation	\$302,000
Rural Arterial Trust Account State	
Appropriation	\$32,000
County Arterial Preservation Account	
State Appropriation	\$33,000
Transportation Improvement Account	
State Appropriation	\$84,000
TOTAL APPROPRIATION.....	\$7,865,000

~~The appropriations in this section are subject to the following conditions and limitations:)~~

~~(1) Funding is provided for state agency employee compensation for employees funded in the 2017-2019 omnibus transportation appropriations act who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))~~

(2) Funding is provided for a two percent general wage increase effective July 1, 2017, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management.

The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2017, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a two percent general wage increase effective July 1, 2018, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2018, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a two percent general wage increase effective January 1, 2019, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective January 1, 2019, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(5) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 2017#)) this act to fund the provisions of this section.

Sec. 506. 2017 3rd sp.s. c 1 s 731 (uncodified) is amended to read as follows:

TRANSPORTATION-TARGETED COMPENSATION INCREASES-NONREPRESENTED JOB CLASS SPECIFIC

((Motor Vehicle Account State	
Appropriation.....	\$629,000
Puget Sound Ferry Operations Account	
State Appropriation.....	\$14,000
Transportation Improvement Account	
State Appropriation.....	\$90,000

~~County Arterial Preservation Account
State Appropriation \$16,000~~

~~State Route Number 520 Corridor
Account State~~

~~Appropriation..... \$16,000~~

~~TOTAL APPROPRIATION..... \$765,000~~

~~The appropriations in this section are
subject to the following conditions and
limitations:))~~

(1) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2017-2019 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Funding is contingent upon the enactment of ((~~Senate Bill No. 5969~~)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~))

(2) Appropriations for state agencies are increased by the amounts specified in ((~~LEAP Transportation Document 713 2017P~~)) this act to fund the provisions of this section.

Sec. 507. 2017 3rd sp.s. c 1 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION-ORCA TRANSIT PASSES- WASHINGTON FEDERATION OF STATE EMPLOYEES

~~((Motor Vehicle Account State
Appropriation \$410,000~~

~~State Patrol Highway Account State
Appropriation \$32,000~~

~~Puget Sound Ferry Operations Account
State Appropriation \$8,000~~

~~Highway Safety Account State
Appropriation \$30,000~~

~~State Route Number 520 Corridor
Account State Appropriation \$8,000~~

~~State Route Number 520 Civil Penalties
Account State~~

~~Appropriation..... \$2,000~~

~~Tacoma Narrows Toll Bridge Account
State Appropriation \$2,000~~

~~Interstate 405 Express Toll Lanes
Operations Account State~~

~~Appropriation..... \$6,000~~

~~TOTAL APPROPRIATION..... \$498,000~~

~~The appropriations in this section are
subject to the following conditions and
limitations:))~~

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, who are represented by the Washington Federation of State Employees. Funding is contingent upon the enactment of ((~~Senate Bill No. 5969~~)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~))

(2) Appropriations for state agencies are increased by the amounts specified in ((~~LEAP Transportation Document 713 2017P~~)) this act to fund the provisions of this section.

Sec. 508. 2017 3rd sp.s. c 1 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION-ORCA TRANSIT PASSES

~~((Motor Vehicle Account State
Appropriation..... \$142,000~~

~~State Patrol Highway Account State
Appropriation..... \$252,000~~

~~State Patrol Highway Account Federal
Appropriation..... \$6,000~~

~~State Patrol Highway Account Local
Appropriation..... \$8,000~~

~~Puget Sound Ferry Operations Account
State Appropriation..... \$1,548,000~~

~~Highway Safety Account State
Appropriation..... \$76,000~~

~~State Route Number 520 Corridor
Account State Appropriation..... \$16,000~~

~~Tacoma Narrows Toll Bridge Account
State Appropriation..... \$4,000~~

~~Multimodal Transportation Account
State~~

~~Appropriation..... \$10,000~~

~~TOTAL APPROPRIATION..... \$2,062,000~~

~~The appropriations in this section
are subject to the following conditions
and limitations:))~~

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, and who are not covered by a collective bargaining agreement. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 - 2017F~~) this act to fund the provisions of this section.

Sec. 509. 2017 3rd sp.s. c 1 s 735 (uncodified) is amended to read as follows:

TRANSPORTATION-COMPENSATION-REPRESENTED EMPLOYEES-INSURANCE BENEFITS

(Aeronautics Account State	Appropriation	\$3,000
State Patrol Highway Account State	Appropriation	\$711,000
State Patrol Highway Account Federal	Appropriation	\$38,000
State Patrol Highway Account Private/Local	Appropriation	\$15,000
Motorcycle Safety Education Account State	Appropriation	\$7,000
State Wildlife Account State	Appropriation	\$4,000
Highway Safety Account State	Appropriation	\$821,000
Motor Vehicle Account State	Appropriation	\$2,955,000
Puget Sound Ferry Operations Account State	Appropriation	\$1,872,000
Ignition Interlock Device Revolving Account State	Appropriation.....	\$1,000
State Route Number 520 Corridor Account State	Appropriation	\$20,000
State Route Number 520 Civil Penalties Account State	Appropriation.....	\$4,000
Department of Licensing Services Account State	Appropriation	\$18,000

Multimodal Transportation Account State	Appropriation.....	\$18,000
Tacoma Narrows Toll Bridge Account State	Appropriation.....	\$9,000
I-405 Express Toll Lanes Operations Account State	Appropriation.....	\$8,000
TOTAL APPROPRIATION .....	.....	\$6,504,000

~~The appropriations in this section are subject to the following conditions and limitations:)~~

Collective bargaining agreements were reached for the 2017-2019 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2017-2019 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 2017~~) this act to fund the provisions of this agreement.

Sec. 510. 2017 3rd sp.s. c 1 s 736 (uncodified) is amended to read as follows:

**~~TRANSPORTATION-COMPENSATION-
NONREPRESENTED EMPLOYEES-INSURANCE
BENEFITS~~**

((Aeronautics	Account State	Appropriation	.....	\$9,000
State Patrol Highway	Account State	Appropriation	.....	\$1,414,000
State Patrol Highway	Account Federal	Appropriation	.....	\$14,000

Motorcycle Safety Education Account	State Appropriation	.....	\$2,000
Rural Arterial Trust Account	State Appropriation	.....	\$4,000
State Wildlife Account	State Appropriation	.....	\$1,000
Highway Safety Account	State Appropriation	.....	\$111,000
Highway Safety Account	Federal Appropriation	.....	\$20,000
Motor Vehicle Account	State Appropriation	.....	\$781,000
Puget Sound Ferry Operations Account	State Appropriation	.....	\$68,000
Transportation Improvement Account	State Appropriation	.....	\$12,000
State Route Number 520 Corridor Account	State Appropriation	.....	\$16,000
County Arterial Preservation Account	State Appropriation	.....	\$4,000
Department of Licensing Services Account	State Appropriation	.....	\$3,000
Multimodal Transportation Account	State Appropriation	.....	\$45,000
TOTAL APPROPRIATION	.....	\$2,504,000	

~~The appropriations in this section are subject to the following conditions and limitations:))~~

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month

surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713~~ ~~2017~~) this act to fund the provisions of this agreement.

IMPLEMENTING PROVISIONS

Sec. 601. 2017 c 313 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2017-1)~~) 2018-1 as developed (~~(April 20, 2017)~~) March 5, 2018, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as

attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the

transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2017 c 313 s 606 (uncodified) is amended to read as follows:

(1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2017-2~~) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~) March 5, 2018). The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

Sec. 701. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

The pilotage account is hereby redesignated as a nonappropriated account, and is therefore created in the custody of the state treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. Only the board or the board's designee may authorize expenditures from the account, except that during the 2017-2019 fiscal biennium an amount up to \$50,000 may be expended by the utilities and transportation

commission for the development of a marine pilotage tariff rate-setting process and associated rate-setting. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 702. A new section is added to 2017 c 313 (uncodified) to read as follows: **ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS**

(1) The department of transportation is authorized, subject to the conditions in section 305(3) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline.

NEW SECTION. Sec. 703. 2017 c 288 s 5 (uncodified) is repealed.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety,

or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 88.16.061; amending 2017 c 313 ss 101, 103, 105, 106, 108, 102, 202-223, 301-312, 401, 402, 404, 406-408, 601, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 995, 726-733, 735, and 736 (uncodified); adding new sections to 2017 c 313 (uncodified); repealing 2017 c 288 s 5 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

Senators Hobbs, King and Saldaña
Representatives Clibborn, Fey and Orcutt

There being no objection, the House adopted the conference committee report on SENATE BILL NO. 6106 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Clibborn, Orcutt, Tarleton, Hargrove, Slatter and Fey spoke in favor of the passage of the bill as recommended by the conference committee.

MOTION

On motion of Representative Hayes, Representative Manweller was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be final passage of Senate Bill No. 6106, as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6106, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier,

Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Bergquist.

Excused: Representative Manweller.

SENATE BILL NO. 6106, as recommended by the conference committee, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Clibborn: "Thank you Madame Speaker, point of personal privilege. This is a very special budget. This will be my last, and I want everybody to know that it was a wonderful time, working with everybody here. I've sort of been blown away because I've enjoyed so much of everything that we've done this year, but I will not be running again and I leave this in very good hands because I'm so proud of all the people who are working so hard and I think that we are well served by the people who will come and take my place. I appreciate everything and I do not want a whole lot of speeches. Thank you."

Mr. Speaker: "Judy told me about this yesterday and I, just from the bottom of our heart, we will miss you and I've got to say a number of things. First of all, there are few legislators in the history of the state that have had such a beneficial impact to the people of Washington state. That's the god's honest truth. As chair of Transportation, she's put together budgets and revenue packages that literally created tens of thousands of public works jobs. Employing all sorts of people in so many beneficial ways. She's improved our roads, our ferries, our transit systems, etcetera. And the other thing about it which is really remarkable nowadays is that she did this in a bipartisan manner. You've heard it today, numerous times, not just today but for years in the past as well. She's always looked for that middle ground between that aisle to try to figure out how we can all work together for the benefit of the people of the state. So therefore, I'm calling for an immediate emergency resolution to prohibit the previous announcement."

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate insists on its position in the House amendment to ENGROSSED HOUSE BILL NO. 2519 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Dhingra, Pedersen and Padden,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED HOUSE BILL NO. 2519. The Speaker appointed the

following members as Conferees: Representatives Jinkins, Lovick and Taylor.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Rolfes, Carlyle, Darneille, Hasegawa, Pedersen, Conway, Keiser, Hunt, Frockt, Kuderer, Chase, Liias and Saldaña)

Strengthening oil transportation safety.

The bill was read the second time.

Representative Pike moved the adoption of amendment (1408):

On page 1, line 18, after "(b)" insert "Industry has taken substantial steps to provide safe transport of oil in Washington state including the implementation of international, federal, local, and industry standards, which have had a significant effect in reducing the risk of oil spills. Since the use of double hulls, there has not been a spill in Washington waters since 1984 caused by the structural failure of a tank vessel.

(c) "

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Pike spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (1408) was not adopted.

Representative Buys moved the adoption of amendment (1409):

On page 1, beginning on line 18, strike all of subsection (b)

Renumber the remaining subsections consecutively and correct any internal references accordingly

On page 2, beginning on line 27, after "to" strike all material through "well as" on line 29

Representative Buys spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1409) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1409) was not adopted.

Representative MacEwen moved the adoption of amendment (1407):

On page 6, line 29, after "agency;" strike "and"

On page 6, line 30, after "2019" insert "; (5) a review of activities including inspections of vessels to determine if overlapping or duplicative activities are occurring with oil spill or prevention partners and regulators at the state or federal level or with branches of the military; and (6) recommendations for efficiencies, cost savings, and performance benchmarks"

Representative MacEwen and MacEwen (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1407) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1407) was not adopted.

Representative Taylor moved the adoption of amendment (1391):

On page 6, after line 30, insert the following:

"Sec. 105. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the 2015-2017 biennium, the legislature may transfer up to two million two hundred twenty-five thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the

director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

(6) A favorable vote of at least two-thirds of the members of each house of the legislature is required in order to authorize the transfer of funds from the oil spill response account to any other account in the state treasury.

Sec. 106. RCW 90.56.510 and 2015 c 274 s 7 are each amended to read as follows:

(1) The oil spill prevention account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any calendar month, the balance of the oil spill response account is greater than nine million dollars and the balance of the oil spill prevention account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two

consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to one million dollars from the oil spill response account to the oil spill prevention account to support appropriations made from the oil spill prevention account in the omnibus appropriations act adopted not later than June 30, 1999.

(2) Expenditures from the oil spill prevention account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. In addition, until June 30, 2019, expenditures from the oil spill prevention account may be used, subject to amounts appropriated specifically for this purpose, for the development and annual review of local emergency planning committee emergency response plans in RCW 38.52.040(3). Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill prevention account. Costs of prevention include the costs of:

(a) Routine responses not covered under RCW 90.56.500;

(b) Management and staff development activities;

(c) Development of rules and policies and the statewide plan provided for in RCW 90.56.060;

(d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(e) Interagency coordination and public outreach and education;

(f) Collection and administration of the tax provided for in chapter 82.23B RCW; and

(g) Appropriate travel, goods and services, contracts, and equipment.

(3) Before expending moneys from the account for a response under subsection (2)(a) of this section, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under

this section from the person responsible for the spill and from other sources, including the federal government.

(4) A favorable vote of at least two-thirds of the members of each house of the legislature is required in order to authorize the transfer of funds from the oil spill prevention account to any other account in the state treasury."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1391) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1391) was not adopted.

Representative Taylor moved the adoption of amendment (1405):

On page 11, line 3, after "31," strike "2019" and insert "2020"

On page 20, after line 28, insert the following:

"(4) The department shall contract, if practicable, with eligible independent third parties to complete state and federal geographic response plans, and updates to such plans."

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1405) was not adopted.

Representative MacEwen moved the adoption of amendment (1406):

On page 12, line 5, after "department" strike "must" and insert "may"

On page 13, line 7, after "department" strike "must conduct specialized reviews and prioritize adding capacity" and insert "may conduct specialize reviews"

On page 21, line 18, after "department" strike "must" and insert "may"

Representative MacEwen spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (1406) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Peterson spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6269.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6269, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hayes, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kristiansen, Lovick, Lytton, Macri, McBride, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McDonald, Nealey, Orcutt, Pike, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Vick, Volz, Walsh, Wilcox and Young.
Excused: Representative Manweller.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6269 was immediately transmitted to the Senate.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

The House previously granted the Senate's request for a Conference on SENATE BILL NO. 6032 and the Speaker appointed Representatives Ormsby, Sullivan and Chandler as Conferees.

The Speaker (Representative Orwall presiding) appointed Representative Robinson as Conferee, replacing Representative Sullivan.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6340 and the bill was placed on the second reading calendar:

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO.
5251,
ENGROSSED SENATE BILL NO. 5518,
SUBSTITUTE SENATE BILL NO. 6126,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
SENATE BILL NO. 6298,
SENATE BILL NO. 6363,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6413,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5987 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 5987 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SENATE BILL NO. 5987, by Senator Padden

Concerning pretrial release programs.

Representative Goodman moved the adoption of amendment (1457):

On page 2, beginning on line 30, after "to" strike all material through "Prevent" on line 33 and insert "assure the appearance of the defendant at trial or to prevent"

On page 4, after line 13, insert the following:

"NEW SECTION. **Sec. 6.** A new section is added to chapter 10.21 RCW to read as follows:

A judicial officer in a municipal, district, or superior court imposing conditions of pretrial release for a defendant accused of a misdemeanor, gross misdemeanor, or felony offense, may prohibit the defendant from possessing or consuming any intoxicating liquors or drugs not prescribed to the defendant, and require the defendant to submit to testing to determine the defendant's compliance with this condition, when the judicial officer determines that such condition is

necessary to protect the public from harm."

Correct the title.

Representatives Goodman and Klippert spoke in favor of the adoption of the amendment.

Amendment (1457) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5987, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5987, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SENATE BILL NO. 5987, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6007, by Senators Takko, Sheldon, Van De Wege and Warnick

Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, DeBolt, Walsh and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6007.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6007, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Frame, Pollet and Stanford.
Excused: Representative Manweller.

SENATE BILL NO. 6007, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6340, by Senate Committee on Ways & Means (originally sponsored by Senators Conway, Bailey, Hobbs, Walsh, Hasegawa, Hunt, Mullet, Keiser, Palumbo and Saldaña)

Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

The bill was read the second time.

With the consent of the House, the Appropriations committee amendment was not adopted (For committee amendment, see Journal, Day 50, February 26, 2018)

With the consent of the House, amendments (1301) and (1324) were withdrawn.

Representative MacEwen moved the adoption of amendment (1456):

On page 1, line 11, after "benefit of" strike "two" and insert "three"

On page 2, line 1, after "of" strike "two" and insert "three"

Representatives MacEwen, Jenkin, Haler, Irwin, Orcutt, Muri, Young, MacEwen (again) and Condotta spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1456) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Voting nay: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Excused: Representative Manweller.

Amendment (1456) was not adopted.

Representative Ormsby moved the adoption of amendment (1454):

On page 1, line 11, after "benefit of" strike "two" and insert "one and one-half"

On page 2, line 1, after "of" strike "two" and insert "one and one-half"

Representative Ormsby spoke in favor of the adoption of the amendment.

Representatives Stokesbary, Haler, Muri, Maycumber and Orcutt spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1454) and the amendment was adopted by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Manweller.

Amendment (1454) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ormsby, Irwin and McCaslin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6340, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6340, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Manweller.

SUBSTITUTE SENATE BILL NO. 6340, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6087, by Senators Mullet, Palumbo, Carlyle, Braun, Kuderer, Dhingra, Pedersen, Takko, McCoy, Liias and Conway

Modifying the Washington advanced college tuition payment and college savings programs.

The bill was read the second time.

Representative Bergquist moved the adoption of the striking amendment (1317):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.020 and 2016 c 69 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW (~~28B.95.010~~) 28B.95.085.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

(6) "Contractual obligation" means a legally binding contract of the state

with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030 (7) and (8).

(7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

(8) "Eligible beneficiary" means the person designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

(9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

(11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

(12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

(13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

(15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

(16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

(18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

(21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

(22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified

beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030 (7) and (8).

(23) "Unit cash value price" means the total value of assets under management in the advanced college tuition payment program on a date to be determined by the committee, divided by the total number of outstanding credits purchased by eligible purchasers before July 1, 2015, and any outstanding credits accrued by eligible purchasers as a result of the July 2017 unit rebase.

(24) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

Sec. 2. RCW 28B.95.030 and 2016 c 69 s 4 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) (a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsections (7) and (8) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsections (7) and (8) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher

education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsections (7) and (8) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3) (a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion,

discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of 2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

(8) The governing body shall allow account owners who purchased units before July 1, 2015, to redeem such units at the unit cash value price provided that all the redeemed funds are deposited immediately into an eligible Washington college savings program account established by the governing body. Within ninety days of the effective date of this section, the committee, in consultation with the state actuary and state investment board, shall:

(a) Establish a period that is not less than ninety days during which eligible purchasers may redeem units at the unit cash value price for the purposes of this subsection and provide at least thirty days' notice prior to the ninety-day window to all eligible account holders about the redemption option; and

(b) Establish the unit cash value price. The committee, in consultation with the state actuary and the state investment board, may revalue the unit

cash value price established in this subsection (8)(b) up to three times during the ninety-day period in which eligible purchasers may redeem units for the unit cash value price.

(9)(a) After the governing body completes the requirements of subsection (8), the governing body shall adjust, by March 1, 2019, all remaining unredeemed units purchased before July 1, 2015, as follows:

(i) First, the governing body shall take the difference between the average unit purchase price in each individual's account and the 2016-17 unit payout value and increase the number of units in each individual's account by a number of units of equivalent total value at the 2017-18 unit purchase price, if the average unit purchase price is more than the 2016-17 unit payout value; and

(ii) Second, after subsection (9)(a)(i) is completed, the governing body, with assistance from the state actuary, shall grant an additional number of units to each account holder with unredeemed and purchased units before July 1, 2015, in order to lower the best-estimate funded status of the program to one hundred twenty five percent. The state actuary shall select the measurement date, assumptions, and methods necessary to perform an actuarial measurement consistent with the purpose of this subsection.

(b) For the purpose of subsection (9), and for account holders with uncompleted custom monthly contracts, the governing body shall only include purchased and unredeemed units before July 1, 2015.

(10) The governing body shall collect an amortization fee as a component of each future unit sold whenever the governing body determines amortization fees are necessary to increase the best-estimate funded status of the program.

(11) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that

if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

~~((9))~~ (12) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;

(b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;

(c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

Sec. 3. RCW 28B.95.045 and 2016 c 69 s 6 are each amended to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover or investment change of a 529 account from a:

(a) ~~((a))~~ State-sponsored prepaid tuition plan to a state-sponsored college savings plan~~((r))~~;

(b) ~~((a))~~ State-sponsored college savings plan to a state-sponsored prepaid tuition plan~~((r))~~; or

(c) ~~((a))~~ State-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 15, 2018."

Representative Bergquist moved the adoption of amendment (1319) to the striking amendment (1317):

On page 4, line 18 of the striking amendment, after "outstanding" strike "credits" and insert "units"

On page 4, line 19 of the striking amendment, after "outstanding" strike "credits" and insert "units"

On page 4, beginning on line 20 of the striking amendment, after "rebase." insert "For purposes of this calculation, the total market value of assets shall exclude the total accumulated market value of proceeds from units purchased after June 30, 2015."

Representatives Bergquist and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1319) to the striking amendment (1317) was adopted.

Representative Hansen moved the adoption of amendment (1353) to the striking amendment (1317):

On page 8, line 3 of the striking amendment, after "percent" insert ", subject to a limit of an increase of fifteen percent of unredeemed and purchased units per account holder"

Representatives Hansen and Stokesbary spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1353) to the striking amendment (1317) was adopted.

Representatives Bergquist and MacEwen spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1317), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen, MacEwen and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6087, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6087, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Frame, Graves, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Pettigrew, Pike, Pollet, Reeves, Riccelli, Rodne, Ryu, Santos, Schmick, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Fitzgibbon, Goodman, Gregerson, Hudgins, Peterson, Robinson, Sawyer, Sells and Stanford.

Excused: Representative Manweller.

ENGROSSED SENATE BILL NO. 6087, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SENATE BILL NO. 6087 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5627,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 7, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2018-4690, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, It is the policy of the Washington State House of Representatives to recognize the achievements and dedication of elected officials representing Washington state; and

WHEREAS, Representative Liz Pike grew up as one of 13 children on a dairy farm in the southwest Washington community of Brush Prairie; and

WHEREAS, Representative Liz Pike worked for The Reflector Newspaper in Battle Ground where she gained a deep interest in local civic issues; and

WHEREAS, Representative Liz Pike owned and operated an advertising agency for more than 18 years, is an accomplished canvas art painter, owns a retail art gallery, and is the founding member of the Camas First Friday Art Walk; and

WHEREAS, Representative Liz Pike was elected to the Camas City Council from 2003 to 2007 where she advocated for lowering taxes and increasing government efficiency; and

WHEREAS, Representative Liz Pike was appointed to the Washington State House of Representatives in the summer of 2012 to represent the 18th District, elected in November 2012, and has served for three terms in the House of Representatives; and

WHEREAS, Representative Liz Pike is assistant ranking member on both the House Local Government Committee and the House Labor and Workplace Standards Committee; and

WHEREAS, Representative Liz Pike is a member of the House Transportation Committee, where she has been a strong advocate for cross-river solutions that would relieve Interstate 5 traffic congestion between Vancouver and Portland; and

WHEREAS, Representative Liz Pike lives her motto of "Protecting life, liberty and the pursuit of happiness"; and

WHEREAS, Representative Liz Pike is the mother of grown twin children, a marathon runner for more than 25 years, and holds the distinction of a Hawaii Ironman World Championship triathlon finisher; and

WHEREAS, Representative Liz Pike recently married her longtime companion, Neil Cahoon, and intends to retire from the Legislature at the end of her term in January 2019 so she can spend more time on her beloved organic Shangri-La Farm in Fern Prairie with Neil and Maxie the Wonder Dog and return to her love of artistic painting;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Representative Liz Pike for her years of dedicated service, her conservative values, and representing the citizens of the 18th District with honor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Representative Liz Pike.

Representative DeBolt moved adoption of HOUSE RESOLUTION NO. 4690.

Representative DeBolt: "This is a great honor to be able to stand up and do this tonight. As we see people are leaving and Representative Pike has been a big part of our team and our family for many years. I have a little story about Representative Pike. When she was first elected, we decided that because she was a great floor speaker, and you've heard some of her floor speeches and she does a really excellent

job, that she should come join our leadership team as assistant floor leader. And we're like, because she hit the ground running, we were like, she's dynamite, we want her on the team, we want to put her in a leadership role and we're like, so great, hey and by the way we have this floor fight we're gonna do today so speak. And she goes out there, we didn't tell her anything, we didn't tell her what the decorum was, we didn't tell her anything, we just told her, go speak on this bill. Here's what the bill's about, I think you have about four and a half minutes. And then get up and give a speech. And she stood up there, do you remember this? And she started to laugh, and she laughed uncontrollably to where she couldn't speak at all and she kept laughing and she's looking at us and she's so mortified that she can't stop laughing. And then she came down after she was done, I don't think you finished. Did you finish? I think she sat down. And she came down to me and I was leader at the time and she said, I don't think I'm cut out for this. And I said, well what happened? And then she's like you people didn't tell me anything. I don't know what I'm doing. I'm like, oh, ok well we'll work on that and so you know over the years she was such a great sport, she worked with us, she taught us a lot. Liz has been one of those people that you know exactly how she feels because she lets you know. You've been a treasured part of my team and my life. I'm glad that you were here. We will miss you sorely. Thank you very much for running."

Representative Wylie: "Thank you Madame Speaker. It's hard to know where to begin. We come here all of us and we have different definitions of what the problems are, what caused them, and certainly what we need to do to solve them and one of the things that we sometimes forget, particularly this late in the session, is how much we have in common and how much we love this state. For the good lady of the 18th we share a lot more in common than our politics, in fact, we don't share our politics hardly at all. We love dearly our adult twin children. We love the beauty of our state. We love being outside, and we both have a love of how it feels to put paint on canvas and try to mirror or reflect light on leaves and sky and I will always treasure the times that we've had. The time that we out of nowhere, put together an art show, made a really good amount of money, your paintings sold for a lot more than mine and that wasn't fair. We made a lot of money so that kids in shelters could have school supplies and art supplies mid year after all the early donations had been used up, and I will always treasure that memory and I thank you for your service."

Representative Caldier: "You know, when I first got elected, I was really trying to get to know people and Representative Pike, she gave this great speech in caucus. It was very feisty, and she compared something to marbles, I think you remember that one. I thought, you know what, I'm gonna like working with her, and I have. And let me tell you something, I have learned so much from you Liz, I mean these last four years, I don't know what I would have done without your friendship, I really don't. And I mean that because many of you guys know last year I had a lot of problems, a lot of health problems. Liz was there. I'm going to miss you."

Representative Orcutt: Thank you Madame Speaker, You know, as the resolution was being read, there was one important fact that I think has been left out of the resolution. And that's the fact that the Representative from the 18th, who is currently in position 2 actually started her legislative career in position 1. She actually got appointed in the interim in 2012 to serve out Representative Rivers' term when she went over to the Senate. And so she served in that position of position 1 and she was actually running in position 2 so it was kind of an interesting dynamic. But you know, I first really got to know Liz in 2003 when I was just in my second year in the Legislature. And over the years, I got to know Liz and she would always say "Ed, you're my hero" because I would vote on something that she was very passionate about and I voted the way she wanted me to vote and she'd always say "Ed, you're my hero." And then she came here, and became a Representative in her own right and I just want to express to her you're *my* hero because of the work that you've done and the way that you've represented the citizens of the district I used to represent. In fact, she replaced me in the 18th district when I got redistricted to the 20th. So I know the expectations of the people in that district and I know she's done a wonderful job living up to the expectations of the citizens in that district and Liz, you are my hero. Thank you so much for your service here in the Legislature."

Representative Clibborn: "Thank you Madame Speaker. I know we're not supposed to use names on the floor and I was going to call her the gentlewoman, but you know that doesn't really fit. Whirlwind fits, charm fits, and we have had a great working relationship on Transportation. It's been kind of fun and I want you to know that we have not always agreed but we have always been able to make things work out and it has been such a pleasure working with you. I think that you have that feistiness that you heard, it serves you well and wherever you go, we wish you the best. You are a great person to work with. Thank you"

There being no objection, HOUSE RESOLUTION NO. 4690 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4685, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Owall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Representative Larry Haler was born in Iowa City, Iowa and educated at two of Washington state's finest institutions of higher learning, Pacific Lutheran University and Bellevue-based City University; and

WHEREAS, Representative Larry Haler has over 40 years' experience working in the nuclear industry, most of it focused on nuclear control rooms, safety training, and community relations, and as such has become the Legislature's resident expert on all things Hanford; and

WHEREAS, Representative Larry Haler has had a long and illustrious civic career having been elected to the Richland City Council in 1989, where he served for 15 years, including as Richland's Mayor from 1996 to 2000, before he was elected to the state House of Representatives in 2004; and

WHEREAS, Residents in the 8th Legislative District have shown their support for Representative Larry Haler's character, work ethic, priorities, demeanor, and ideals by electing him to the House of Representatives seven consecutive times; and

WHEREAS, Representative Larry Haler spent much of his legislative career focusing on education, higher education, economic development, protecting taxpayers, and health care for underserved areas; and

WHEREAS, Representative Larry Haler sponsored legislation signed into law by two different governors to protect students from predatory teachers, increase health care access to rural and underserved areas, and to help sick and injured Hanford workers get the help and health care they need; and

WHEREAS, Representative Larry Haler is known for his love of all things science, including gravitational waves, quarks, dark matter, and the mass of neutrinos, and frequently beguiles friends and colleagues alike with discussions of the work being done at the Laser Interferometer Gravitational-Wave Observatory and the Pacific Northwest National Laboratory in Richland; and

WHEREAS, Representative Larry Haler's warm smile, quick wit, and sincere gratitude endeared him to members and staff on both sides of the aisle and in both legislative chambers; and

WHEREAS, Representative Larry Haler's love for the legislative institution, respect for all members and staff, eagerness to serve the public, and genuine distaste for partisan bickering made him a unique and stalwart member of the House of Representatives;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and recognize Representative Larry Haler for his many years of service, poignant floor speeches, ability to work across the aisle and rotunda, and demeanor as a true statesman; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Larry Haler and his lovely wife, Jenifer, and their precocious dog, Princess.

Representative Klippert moved adoption of HOUSE RESOLUTION NO. 4685

Representative Klippert: "Thank you Madame Speaker for this extreme honor to speak to you and this body and everyone watching TVW concerning my great seatmate, Representative Larry Haler. As we heard in the House Resolution, Larry served on the Richland City Council for many many years to include being the Mayor, the Mayor of the city of Richland before he came to this House of Representatives. And from the moment that I ran, started running for office and was elected to this position, he took me under his wings, he put his arm around me and pretty much adopted me. And I just want to thank him for that. The one thing I've noticed about Larry is his love for people. He loves the citizens of the 8th Legislative District and he loves serving them. And so Larry, I thank you for that. Thank you for your deep abiding love for them and I'm jealous for the amount of hair he has on his head. It's not fair, he's the much better looking of the two of us but it's still an honor to have served with you sir and thank you for being a brother in service here. I hope that his wife is watching because, Madame Speaker, the first town meeting that I went to and watched that lady work by his side, truly amazing. They have made a great team. So to Mrs. Haler, hopefully you're watching and I want to say thank you to you for all your kindness and all your hard work to make Representative Larry Haler the great man that he is. Thank you Larry for your years of dedication of service to this institution and the citizens of the 8th Legislative District and the citizens of the state of Washington. Thank you Sir."

Representative Lovick: "Thank you very much Madame Speaker. And Madame Speaker I know that these are the times that people like to crack a few jokes and I'm not one with a lot of jokes, so I was thinking, as we were sitting here, about two words that I would use to describe the fine gentleman from the 8th. And the two words that came to mind are respect and integrity. His extraordinary respect for not just this institution but for everyone, is just something that I absolutely love. And then there's integrity. You know the great writer C.S. Lewis said that integrity is doing the right thing when no one is watching. But the one that I like the most, and it applies to Larry, is what Wyoming Senator Allan Simpson said. He said, "With integrity, if you have it, nothing else matters, and if you don't have it, nothing else matters." Madame Speaker, I have to tell you this. This gentleman is the epitome of integrity. I've known him for a while. I got to know him when I was in the Legislature a few years ago, and I'm just honored to call him my friend. So Madame Speaker, if you will allow me, can I call on the gentleman one last time?"

Mr. Speaker (Representative Orwall presiding) "Please proceed."

Representative Lovick: "The gentleman from the 8th District, Representative Haler. I salute you sir, you are the integrity of the House. Thank you."

Representative Schmick: "Thank you Madame Speaker. I've been here a few years. And one of the joys I've had is

getting to know Larry. And I want to call him Larry. We do a lot of stuff together in district, and I think the most important thing I can say, Larry's my friend, and that means a lot because often times when you're in Olympia, you don't have a lot of friends, but Larry's one. They often say if you want a friend in Olympia, get a dog. Well I don't need a dog, I've got Larry. Now, I know that sounds bad but, I've learned more about nuclear power than I've ever wanted to know and yet we've toured the reactor and we've gone out there and I know that Rep Haler, Larry's given tours for many years but he's not told me where the "Oh Crap" button is at that nuclear reactor. And I know they've got it but they've got it hidden and I'd like to know where that is. Now as you leave us Larry, I'd have to say though, I think you're a bit accident prone. I can remember a situation when I think you broke your neck, and I asked how you did that and you told me and I thought, oh Larry. So as you go home and be with your lovely bride and do the traveling that you want, be careful, please be careful. But most of all, I do want to say, it's been an honor to serve you and you are my friend. You always will be. Thank you for your years of service."

Representative Hansen: "Thank you Madame Speaker. So I am very sad to be losing the gentleman from the 8th District. He was my ranking member of the House Higher Education Committee and I know it's the tradition of the House to call people 'the gentleman from the so-and-so' there's probably no one in this chamber to whom the word "gentleman" is more properly applied than the gentleman from the 8th District. I figured that out pretty quick but then our former colleague, now the Senator from the 25th, told me that. He's like 'Yeah, you know, Larry is a gentleman. He is courteous, he is respectful, you can trust him 100%. If he gives you his word he is always good for it, even if it becomes difficult at a later stage and you know, as you heard in his biography, he's also very very Lutheran. I also am Lutheran, although I'm Lutheran the way C.S. Lewis was Anglican. The gospel is preached in the Lutheran church that I go to so I'm good with it. You know, I could easily be something else. That is not our colleague. Our colleague is deeply Lutheran. Like, Lutheran to his core. Like Lutheran schools, Lutheran boards, his wife teaches Lutheran yoga. You guys didn't know that? Well let me tell you, we ran a yoga bill through House Higher Ed today, or this year so you would know that. So there's something about the Lutheran faith, though, that's important to the gentleman's politics which is namely it's deeply deeply democratic in nature, and I don't mean that in a 'our side of the aisle' democratic sense, I mean that in the sense of everyone having access to the revelation of god. Everyone having access to the scriptures. There is a famous performer who translated the bible and there was someone giving him a hard time about making the bible more accessible. He got really mad. He said 'Sir, I will see to it that the boy who driveth the plow, knows more scripture than thou dost.' And I mentioned that because it goes to something about the gentleman's values. That if you look at the issues that he's driven forwards, I'll stick with the higher education ones because those are the ones I know the best, they go to that deep sense of giving everyone a shot, everyone an opportunity, whether that is expanding financial aid, or expanding college opportunities for people who are spending time in prison, or House Bill 2143 that we recently

passed, that helps people without a lot of money, go on to become medical doctors or advanced nurse, or have advanced degrees in nursing. He very strongly to his core believes in this democratic sense of giving everyone a chance to succeed, and that's not really democratic on 'this side of the aisle' sense, that's democratic from the sense of this country and what this country is about. It's really hard to lose him and we are going to miss him a lot and, boy oh boy, do I support this resolution, even though I wish I were not having to speak."

There being no objection, HOUSE RESOLUTION NO. 4685 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4689, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweiler, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, It is the policy of the Washington State House of Representatives to recognize the achievements and dedication of elected officials representing Washington state; and

WHEREAS, Representative Terry Nealey, the son of the late Representative Darwin Nealey who served the 9th Legislative District, learned the importance of public service from a young age; and

WHEREAS, Representative Terry Nealey is a graduate of Washington State University and Gonzaga Law School and served his country in the United States Army; and

WHEREAS, Representative Terry Nealey served as Columbia County prosecuting attorney and coroner; and

WHEREAS, Representative Terry Nealey saw the need for change in state government, especially with a growing operating budget he felt needed better management, so he decided to run for the Legislature; and

WHEREAS, Representative Terry Nealey was elected to the House of Representatives in 2009 for the 16th Legislative District and has served with distinction and honor for eight-plus years; and

WHEREAS, Representative Terry Nealey was appointed in 2012 as ranking Republican on the House Finance Committee and in 2013 as a member of the

Washington State Economic and Revenue Forecast Council, and has been a watchdog for Washington taxpayers; and

WHEREAS, Representative Terry Nealey has a strong history of community involvement, including the creation of the Columbia County Economic Development Committee and serving on the board of directors for the Blue Mountain Community Foundation; and

WHEREAS, Representative Terry Nealey played a key role in the renovation of the Columbia County courthouse and together with his former law firm partner, Scott Marinella, donated the Liberty Theater in Dayton to the Touchet Valley Arts Council; and

WHEREAS, Representative Terry Nealey and his twin brother, Ted Nealey, share the love of basketball and together, won the gold medal in the 2007 National Senior Games basketball championship and the silver medal in the 2010 Pan American basketball games; and

WHEREAS, Representative Terry Nealey has announced his intention to retire from the Legislature at the end of his term in January 2019 so he can spend more time with his wife, Jan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Representative Terry Nealey for his years of dedicated service, his personal and professional integrity, and representing the citizens of the 16th District with honor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Representative Terry Nealey.

Representative Jenkin moved adoption of HOUSE RESOLUTION NO. 4689

Representative Jenkin “Thanks again, Madame Speaker. You know, Representative Nealey started nine years ago. I wasn’t here. All of you or a lot of you were able to experience his life, and I’m sure you learned a lot from him because I certainly have. A few things about Terry that I would like to mention personally in what I’ve found about him. He is the most patient person, I mean, could you imagine having to mentor somebody like me that has no policy experience coming in, a community guy? But Terry was able to do it. I don’t know how well but he was able to try. Terry also, other than his patience, and we all know his patience – we’ve seen it, is his thoughtfulness. He thinks everything through, everything. It’s almost intimidating but he does. He’s also extremely persuasive. We’ve all seen him at work and we’ve all seen him at policy and he’s been able to accomplish so much because of his persuasiveness and I imagine practicing law had something to do with that. But it certainly has shone a shining light in the short time that I have been here with this body. And a few other words, but this word right here really sticks out, especially within our district and everybody that he comes in contact with, Terry is so respected. He’s the epitome of respect. People in the district, they, he’s gonna be tough shoes to follow, let me tell you. He’s also, probably the biggest family man I know. Terry and his family, they’re one, and that’s just the

way it is. He’s always talking of family, he’s got pictures of the family, you know, he’s very proud of all of them, his father being a former legislator but with all that, one thing that Terry is doing right now, I truly believe that he’s leaving the legislature at the top of his game. We all know that he’s got game, that he’s a heck of a basketball player and, you’re at the top of your game and you’re leaving the Legislature, we’re going to miss you but Jan and your family are going to be able to have you primarily to themselves and you’ll be able to enjoy life and that’s what you need right now, Terry. Thank you so much for giving us so much of your life to this point. Thank you.

Representative Lytton: “Thank you Madame Speaker. So Terry, I want to thank you too. It has been an honor to serve with you. It has been fun serving with you on the Finance committee. When I think of the word honorable, I immediately think of you and you know we have a lot of strong personalities on that Finance committee where we have to talk about some pretty tough topics around taxes and it has been fun serving with you. When you came over here to tell me that you were retiring, you know the first thing I thought of were the stories you told me about your wonderful family and your wife. You know you and I both have looked forward to traveling with our spouses and as you walked away all I could think is, “go ahead and leave me with all these crazy people.” And so, thanks Terry. It has been fun. Your personality is very similar to the personality I’ve told you about, of my engineering husband and sons and so I’ve enjoyed the dryness sometimes of your personality, I can totally relate, but I can’t thank you enough for your service and even though politically, we are very far apart, we have some things that unite us and that’s our love of our family. I wish you the best of luck, much joy and happiness with your family and hope you get to do many many fun trips. So enjoy.”

Representative Smith: “I’ve already started crying, so that’s not good, but at my age, I get a free pass on that. Representative Terry Nealey, what an honor it is to stand and honor you and your service here. In this House, for the people of Washington state, you have touched every person in this state with your thoughtfulness, your commitment to excellence and to good public policy, and I think it’s important to note that Terry often looks pretty quiet over there but he has a sense of humor and I’m going to screw this up because I can’t quite remember the story but it had something to do with, I don’t know, we were burning marijuana and people were worried about birds and the famous quote from Representative Nealey about no turn left unstoned. So, I want you to know that Terry Nealey has come along, I know in my own life and in other’s lives in times of crisis and not just focused on the policy and the work we do here, but have helped us individually through really tough times. Times that he doesn’t share, no one knows about and I know that there’s a bunch of us in here who have been blessed by your thoughtfulness and your kindness and your solid advice. But, there’s something more important about Representative Terry Nealey and that is his love of God, his faith, and his love of family. The scriptures teach us that there is no greater love than to love God and to love our neighbors and if I may, in Corinthians 13 part of the

verses about love say this: *Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It does not dishonor others, it is not self seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.* Representative Terry Nealey, you have lived that out among us. Your love of God, your love of neighbor, your love of Jan, your love of family and we thank you for that example and we thank you that as you go back into your community we know you're going to continue to live out that light. God bless you."

Representative Hansen: "Thank you Madame Speaker. You can guess how well my week is going by the fact that I have to do two of these tonight. When the lady from the 41st announced her retirement, I about died. I knew these two were retiring and it's not ok at all, just for the record. Everyone's talking about how much the gentleman loves his family and I know he does, but I have a great solution to this problem. Many of you maybe saw when the gentleman's twin brother came to visit. Ok so that's the freakiest thing I've ever seen – did you see them together? The gentleman's twin can go play with the grand nieces and grand nephews and whatnot and the gentleman can come back and join us, and his wife can come with him and we won't tell anyone. Maybe then everyone kind of gets what they want except for you maybe because I know you want to be with your grand nieces and grand nephews. I got to know my colleague from the 15th some years ago when we were working on a pretty complicated estate tax issue. We were on opposite sides of our, we were sort of the respective negotiating leads and it was super complicated. He was a lawyer and I am a lawyer and it's nice to talk to someone from your own professional guild because you can speak in terms that you both immediately understand and others don't. We didn't reach agreement but we got to where we understood where each other was coming from and we could say 'Ok, I get it, you could be right...I know you get it, you could be right' and sort of move on. This was great. That was my first introduction to what a lot of you, I think, know pretty well. Then a year or two after that, the gentleman really went out of his way to help me with a very very tricky, complicated bill with many moving parts and he kind of went above and beyond and helped me jam it free at a couple of key moments. We made visits to the other chamber to talk to people together and he was just fabulous. I just really valued from that experience his very pragmatic, common-sense orientation. He is very practical, he is about finding an answer that makes sense so we can move forward, and not doing something super ideological one way or the other. This is a real sad one because I know all of our offices are a team, and I think my colleague's is that and then some. His legislative assistant will also be leaving as I've learned. Maybe fewer people know his legislative assistant than know my colleague but she is truly fabulous. She is smart, she is politically savvy, a heart as big as the world, so losing both of them at once is really quite a blow. Just to close on a personal note, echoing something that my colleague from the 10th District said. The gentleman from the 10th, my colleagues and others meet every Tuesday for this prayer fellowship meeting which is both chambers – House and

Senate, it's bipartisan, at least it's supposed to be bipartisan. It's usually like 15 Republicans and me, although that's changing – my colleague right there has been coming lately so that's great – we're on the move here. Because of that, we got to know each other in a different way and I'll tell you I've been blessed with many policy partners, from that side of the aisle that I've been able to work with on a lot of different issues. There's a pretty short list of people I would just grab when I needed somebody to pray for me and the gentleman is one of them and I've done that and because it's Terry Nealey, when he tells you he will do something, you know he will do it. I really appreciate that and I'm really going to miss him and I wish he'd stay with us forever, thank you."

Representative Klippert: "Thank you Madame Speaker. Sorry for being late jumping up, just wanted to give someone else a chance. I love the man that sits to your right very deeply. He and his wonderful wife have become deep and dear friends to my family. He probably never wants to have anything to do with myself and cars ever again. When we first ran for these positions we hold now, we shared a ride from eastern Washington to here and on the way back he said, "Hey, do you mind driving?" and I said "Hey, not at all. Have you ever gone White Pass?" because I like to drive slow and easy and I think maybe that's not the case for the good gentleman. And so, I took White Pass and it was like Driving Miss Daisy with me and I could tell that he was wanting to increase the acceleration a little bit more than what I was driving. Then I bought a car over here at a used car dealership and called him and Jan and said "Hey, could you help me deliver this car back to eastern Washington?" "Oh Brad, not a problem, we could do that for you." The lights went out on the vehicle on Snoqualmie Pass when they drove home so she had to be his guiding light all the way home. Terry Nealey, I've had to guard you in basketball – the man has 10 years on me and it's very difficult to keep up with him. I couldn't give him an inch or he'd score on me every time. I know that he might want to know this, that your beloved Cougars are currently defeating the nasty Oregon Ducks by 10 points in the PAC 12 championship right now, so go Cougs."

Representative Dent: "Thank you Madame Speaker. This is an amazing institution. When I first arrived, the thing I remember most is that everyone I met on both sides of the aisle said "if you need anything, we're there for you, just ask. Terry did that too, but Terry gave me something that nobody else here has given me and I just have to say that Terry gave me a calmness. I can get wound up and I keep it to myself a lot. Sometimes I just go find Terry and visit with him a while, he didn't know that, but he would bring me back down and didn't even know it and for that I'm going to miss you Terry. You are an incredible man and I'm glad that we were able to have this time together. Good luck to you in the future and god bless you.

There being no objection, HOUSE RESOLUTION NO. 4689 was adopted.

There being no objection, the House reverted to the fourth order of business.

**SUPPLEMENTAL INTRODUCTION & FIRST
READING**

SSB 5627 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Kuderer, Hunt, Saldaña and Keiser)

AN ACT Relating to the sale of manufactured/mobile home communities; and amending RCW 82.45.010.

Referred to Committee on Finance.

ESSB 6614 by Senate Committee on Ways & Means (originally sponsored by Senators Mullet, Rolfes, Dhingra and Frockt)

AN ACT Relating to funding for the support of common schools; amending RCW 84.52.065, 84.56.020, 84.52.080, and 43.79.496; adding a new section to chapter 84.56 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1054, by Representatives Harris, Cody, Orwall, DeBolt, Johnson, McBride, Clibborn, Short, Pettigrew, Robinson, Fey, Kilduff, Riccelli, Ryu, Nealey, Goodman, Tharinger, Stanford, Frame, Pollet, Jinkins, Haler, Kagi, Hargrove, Fitzgibbon, Appleton, Chapman, Senn, Bergquist, Gregerson, Young, Farrell and Slatter

Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made. Revised for 2nd Substitute: Protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1054 was substituted for House Bill No. 1054 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1054 was read the second time.

With the consent of the House, amendment (806) was withdrawn.

Representative Stokesbary moved the adoption of amendment (833):

On page 9, after line 25, insert the following:

"Sec. 10. RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The liquor (~~(control)~~) and cannabis board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080(~~(+4)~~) and 82.24.500. The liquor (~~(control)~~) and cannabis board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of RCW 70.155.100.

(2) The liquor (~~(control)~~) and cannabis board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080(~~(+4)~~) and 82.24.500, a peace officer or enforcement officer of the liquor (~~(control)~~) and cannabis board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products is under the age of (~~(eighteen)~~)twenty-one years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of (~~(eighteen)~~)twenty-one years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor (~~(control)~~) and cannabis board.

(4) The liquor (~~(control)~~) and cannabis board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) Enforcement officers of the liquor and cannabis board shall conduct regular efforts consistent with this section to

prevent the purchase or possession of tobacco products by a nontribal member under the age of twenty-one years old who obtained those products at any place of business located on tribal land."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Stokesbary spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (833) was not adopted.

Representative Taylor moved the adoption of amendment (961):

On page 9, after line 25, insert the following:

"NEW SECTION. Sec. 10. (1) This act does not apply in a county if any Indian tribe within that county sells or permits to be sold to any person who is eighteen years old or older any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or vapor product and no provision of this act may be enforced and/or implemented in respect to such sales.

(2) For the purposes of this section, "Indian tribe" has the same meaning as provided in WAC 458-20-192."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representative Taylor and Taylor (again) spoke in favor of the adoption of the amendment.

Representative Macri spoke against the adoption of the amendment.

Amendment (961) was not adopted.

Representative Macri moved the adoption of amendment (1074):

On page 9, after line 25, insert the following:

"NEW SECTION. Sec. 10. In recognition of the sovereign authority of tribal governments, the governor may seek government-to-government consultations with Indian tribes regarding raising the

minimum legal age of sale in compacts entered into pursuant to RCW 43.06.455, 43.06.465, and 43.06.466. The office of the governor shall report to the appropriate committees of the legislature regarding the status of such consultations no later than December 1, 2019."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Macri spoke in favor of the adoption of the amendment.

Representative Taylor spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

Amendment (1074) was adopted.

Representative Vick moved the adoption of the striking amendment (1455):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.28.080 and 2016 sp.s. c 38 s 1 are each amended to read as follows:

(1) (~~Every~~) A person who sells or gives, or permits to be sold or given, to any person under the age of ((eighteen)) nineteen years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

(2) It is not a defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) For the purposes of this section, "vapor product" has the same meaning as provided in RCW 70.345.010.

Sec. 2. RCW 70.155.005 and 1993 c 507 s 1 are each amended to read as follows:

(1) The legislature finds that chapter ..., Laws of 2018 (this act) furthers the public health, safety, and welfare by reducing youth access to addictive and harmful products.

(2) While present state law prohibits the sale and distribution of tobacco and vapor products to ((minors)) youth under

the age of eighteen, youth obtain ((tobacco)) these products with ease. ((Availability and lack of enforcement put tobacco products in the hands of youth.))

(3) The legislature recognizes that many people who purchase cigarettes for minors are eighteen year old high school students. By decreasing the number of eligible buyers in high school, raising the minimum legal age to sell tobacco and vapor products will decrease the access of students to tobacco products. According to the 2014 healthy youth survey, forty-one percent of tenth graders say it is "sort of easy" to "very easy" to get cigarettes. Nationally, among youth who smoke, more than twice as many get their cigarettes from social sources than from a store or vending machine.

(4) The legislature recognizes that eighty percent of smokers start by the age of eighteen.

(5) The legislature recognizes that jurisdictions across the country are increasing the age of sale for tobacco products to nineteen.

(6) The legislature recognizes the national institute of medicine report predicted increasing the tobacco sale age will make the greatest difference among those ages fifteen to seventeen, who will no longer be able to pass for legal age and will have a harder time getting tobacco products from older classmates and friends.

(7) The legislature recognizes that reducing the youth smoking rate will save lives and reduce health care costs. Every year, two billion eight hundred ten million dollars in health care costs can be directly attributed to tobacco use in Washington. Smoking-caused government expenditures cost every Washington household eight hundred twenty-one dollars per year.

(8) Federal law requires states to enforce laws prohibiting sale and distribution of tobacco products to minors in a manner that can reasonably be expected to reduce the extent to which the products are available to minors. It is imperative to effectively reduce the sale, distribution, and availability of tobacco products to minors.

Sec. 3. RCW 70.155.010 and 2009 c 278 s 1 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 ~~((shall))~~ apply to this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor ~~((control))~~ and cannabis board.

(2) "Internet" means any computer network, telephonic network, or other electronic network.

~~(3) ("Minor" refers to an individual who is less than eighteen years old.~~

~~(4))~~ "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~((5))~~ (4) "Sampling" means the distribution of samples to members of the public.

~~((6))~~ (5) "Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010~~((1))~~ (21), except that for the purposes of RCW 70.155.140 only, "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one thousand units weigh more than three pounds.

(6) "Vapor product" has the same meaning as defined in RCW 70.345.010.

Sec. 4. RCW 70.345.010 and 2016 1st sp.s. c 38 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably

foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" means any person who:

(a) Sells vapor products to persons other than ultimate consumers; or

(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Minor" refers to an individual who is less than (~~eighteen~~) nineteen years old.

(11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether

mutual, cooperative, fraternal, nonprofit, or otherwise.

(12) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(13) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(14) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(15) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(16)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(17) "School" has the same meaning as provided in RCW 70.140.020.

(18) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(19) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or

other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (19), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

Sec. 5. RCW 70.155.020 and 1993 c 507 s 3 are each amended to read as follows:

A person who holds a license issued under RCW 82.24.520 or 82.24.530 shall:

(1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and

(2) Display a sign concerning the prohibition of tobacco sales to minors.

Such sign shall:

(a) Be posted so that it is clearly visible to anyone purchasing tobacco products from the licensee;

(b) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE ((18)) 19 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER ((18)) 19, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT; PHOTO ID REQUIRED"; and

(c) Be provided free of charge by the liquor ((control)) and cannabis board.

Sec. 6. RCW 70.345.070 and 2016 1st sp.s. c 38 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who holds a retailer's license issued under this chapter must display a sign concerning the prohibition of vapor product sales to minors. Such sign must:

(a) Be posted so that it is clearly visible to anyone purchasing vapor products from the licensee;

(b) Be designed and produced by the department of health to read: "The sale of vapor products to persons under age ((~~eighteen~~)) nineteen is strictly

prohibited by state law. If you are under age ((~~eighteen~~)) nineteen, you could be penalized for purchasing a vapor product; photo id required;" and

(c) Be provided free of charge by the department of health.

(2) For persons also licensed under RCW 82.24.510 or 82.26.150, the board may issue a sign to read: "The sale of tobacco or vapor products to persons under age ((~~eighteen~~)) nineteen is strictly prohibited by state law. If you are under age ((~~eighteen~~)) nineteen, you could be penalized for purchasing a tobacco or vapor product; photo id required," provided free of charge by the board.

(3) A person who holds a license issued under this chapter must display the license or a copy in a prominent location at the outlet for which the license is issued.

Sec. 7. RCW 70.345.100 and 2016 1st sp.s. c 38 s 19 are each amended to read as follows:

(1) No person may offer a tasting of vapor products to the general public unless:

(a) The person is a licensed retailer under RCW 70.345.020;

(b) The tastings are offered only within the licensed premises operated by the licensee and the products tasted are not removed from within the licensed premises by the customer;

(c) Entry into the licensed premises is restricted to persons ((~~eighteen~~)) nineteen years of age or older;

(d) The vapor product being offered for tasting contains zero milligrams per milliliter of nicotine or the customer explicitly consents to a tasting of a vapor product that contains nicotine; and

(e) If the customer is tasting from a vapor device owned and maintained by the retailer, a disposable mouthpiece tip is attached to the vapor product being used by the customer for tasting or the vapor device is disposed of after each tasting.

(2) A violation of this section is a misdemeanor.

Sec. 8. RCW 70.155.030 and 1994 c 202 s 1 are each amended to read as follows:

(1) No person shall sell or permit to be sold any tobacco product through any

device that mechanically dispenses tobacco products unless the device is located fully within premises from which ~~((minors))~~ persons under the age of nineteen are prohibited or in industrial worksites where ~~((minors))~~ persons under the age of nineteen are not employed and not less than ten feet from all entrance or exit ways to and from each premise.

(2) The board shall adopt rules that allow an exception to the requirement that a device be located not less than ten feet from all entrance or exit ways to and from a premise if it is architecturally impractical for the device to be located not less than ten feet from all entrance and exit ways.

Sec. 9. RCW 70.155.120 and 2016 1st sp.s. c 38 s 2 are each amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520, 82.24.530, 82.26.160, and 82.26.170 and funds collected by the liquor and cannabis board from the imposition of monetary penalties shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco and vapor products prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the liquor and cannabis board to pay the costs incurred, up to thirty percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products and vapor products are available to individuals under the age of ~~((eighteen))~~ nineteen. The agreements shall also set forth requirements for data reporting by the liquor and cannabis board regarding its enforcement activities.

(4) The department of health, the liquor and cannabis board, and the department of revenue shall enter into an

interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth.

NEW SECTION. Sec. 10. This act takes effect January 1, 2019.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representative Manweller moved the adoption of amendment (834) to the striking amendment (1455):

On page 9, after line 27 of the striking amendment, insert the following:

"Sec. 10. RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The liquor ~~((control))~~ and cannabis board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080~~((+4))~~ and 82.24.500. The liquor ~~((control))~~ and cannabis board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of RCW 70.155.100.

(2) The liquor ~~((control))~~ and cannabis board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080~~((+4))~~ and 82.24.500, a peace officer or enforcement officer of the liquor ~~((control))~~ and cannabis board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in

possession of tobacco products is under the age of ~~((eighteen))~~ nineteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of ~~((eighteen))~~ nineteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the liquor ~~((control))~~ and cannabis board.

(4) The liquor ~~((control))~~ and cannabis board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) Enforcement officers of the liquor and cannabis board shall conduct regular efforts consistent with this section to prevent the purchase or possession of tobacco products by a nontribal member under the age of nineteen years old who obtained those products at any place of business located on tribal land."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Manweller spoke in favor of the adoption of the amendment to the striking amendment.

Representative Macri spoke against the adoption of the amendment to the striking amendment.

Amendment (834) to the striking amendment (1455) was not adopted.

Representatives Vick and Stokesbary spoke in favor of the adoption of the striking amendment.

Representatives Pollett and Harris spoke against the adoption of the striking amendment.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 37 - YEAS; 61 - NAYS.

The striking amendment (1455) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris, Orwall, Haler, Kraft, Riccelli, Johnson, Cody, Nealey, Fey and Eslick spoke in favor of the passage of the bill.

Representatives Vick, Stambaugh and Taylor spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1054.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Harris, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Klippert, Kraft, Kretz, Kristiansen, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Riccelli, Robinson, Ryu, Sawyer, Sells, Senn, Slatter, Smith, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Buys, Caldier, Chandler, Dent, Dye, Griffey, Harmsworth, Hayes, Holy, Irwin, Jenkin, Kirby, Kloba, MacEwen, Manweller, McCaslin, Orcutt, Pike, Reeves, Rodne, Santos, Schmick, Shea, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Second Substitute House Bill No. 1054.

Representative Santos, 37th District

With the consent of the House, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1054 was immediately transmitted to the Senate.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 6, 2018

Mr. Speaker:

The President ruled that the House amendment 6241-S.E AMS CODY MORI 142 to ENGROSSED SUBSTITUTE

SENATE BILL NO. 6241 to be beyond scope & Object of the bill. The Senate refuses to concur in said amendment and asks the House to recede therefrom. The Senate did not consider amendment 6241-S.E AMS CODY MORI 142 to ENGROSSED SUBSTITUTE SENATE BILL NO. 6241.

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6241.

There being no objection, the rules were suspended and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representatives Schmick and Manweller spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6251, having received the necessary constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

March 7, 2018
Engrossed House Bill No. 2519

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2519, , addressing concealed pistol license eligibility, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment S-6165.1 be adopted and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.345 and 2015 c 130 s 2 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; and

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement.

(2)(a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b)(i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of his or her firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or

personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

(3) If a family or household member has requested to be notified pursuant to RCW 9.41.340, a law enforcement agency must:

(a) Provide notice to the family or household member within one business day of verifying that the requirements in subsection (1) of this section have been met; and

(b) Hold the firearm in custody for seventy-two hours from the time notification has been provided.

(4)(a) A law enforcement agency may not return a concealed pistol license that has been surrendered to or impounded by the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

Sec. 2. RCW 9.41.070 and 2017 c 282 s 1 and 2017 C 174 s 1 are each reenacted and amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the

applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045, or is prohibited from possessing a firearm under federal law;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to chapters 7.90, 7.92, or 7.94 RCW, or RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2)(a) The issuing authority shall conduct a check through the national instant criminal background check system, the Washington state patrol electronic database, the department of social and health services electronic

database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from possessing a firearm under federal law, and therefore ineligible for a concealed pistol license.

(b) The issuing authority shall deny a permit to anyone who is found to be prohibited from possessing a firearm under federal or state law.

(c) This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, email address at the option of the applicant, date and place of birth, race, gender, description, a complete set of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms

differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The application shall contain questions about the applicant's eligibility under RCW 9.41.040 and federal law to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. If the applicant is not a United States citizen, the applicant must provide the applicant's country of citizenship, United States issued alien number or admission number, and the basis on which the applicant claims to be exempt from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of RCW 9.41.173 and produce proof of compliance with RCW 9.41.173 upon application. The license may be in triplicate or in a form to be prescribed by the department of licensing.

A photograph of the applicant may be required as part of the application and printed on the face of the license.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the

applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(d) Two dollars and sixteen cents to the firearms range account in the general fund; and

(e) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter;

(c) Two dollars and sixteen cents to the firearms range account in the general fund; and

(d) Eighty-four cents to the concealed pistol license renewal notification account created in RCW 43.79.540.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) (a) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late

renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(i) Three dollars shall be deposited in the state wildlife account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(ii) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(b) Beginning with concealed pistol licenses that expire on or after August 1, 2018, the department of licensing shall mail a renewal notice approximately ninety days before the license expiration date to the licensee at the address listed on the concealed pistol license application, or to the licensee's new address if the licensee has notified the department of licensing of a change of address. Alternatively, if the licensee provides an email address at the time of license application, the department of licensing may send the renewal notice to the licensee's email address. The notice must contain the date the concealed pistol license will expire, the amount of renewal fee, the penalty for late renewal, and instructions on how to renew the license.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

(14) Any person who, as a member of the armed forces, including the national guard and armed forces reserves, is unable to renew his or her license under subsections (6) and (9) of this section because of the person's assignment, reassignment, or deployment for out-of-state military service may renew his or her license within ninety days after the person returns to this state from out-of-state military service, if the person provides the following to the issuing authority no later than ninety days after the person's date of discharge or assignment, reassignment, or deployment back to this state: (a) A copy of the person's original order designating the specific period of assignment, reassignment, or deployment for out-of-state military service, and (b) if appropriate, a copy of the person's discharge or amended or subsequent assignment, reassignment, or deployment order back to this state. A license so renewed under this subsection (14) shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license under this subsection (14) shall pay only the renewal fee specified in subsection (6) of this section and shall not be required to pay a late renewal penalty in addition to the renewal fee."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 9.41.345; and reenacting and amending RCW 9.41.070."

Senators Dhingra and Pedersen
Representatives Jenkins and Lovick

There being no objection, the House adopted the conference committee report on ENGROSSED HOUSE BILL NO. 2519 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Lovick and Hayes spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Rodne and Taylor spoke against the passage of the bill as recommended by the conference committee.

MOTION

On motion of Representative Hayes, Representative DeBolt was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2519 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2519, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Chapman, Clibborn, Cody, Doglio, Dolan, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Harmsworth, Hayes, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, Macri, McBride, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Harris, Holy, Jenkin, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, Orcutt, Pike, Rodne, Schmick, Shea, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative DeBolt.

ENGROSSED HOUSE BILL NO. 2519, as recommended by the conference committee, having received the constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:00 a.m., March 8, 2018, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FIFTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 8, 2018

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Sons of the American Revolution Color Guard. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Bob McCaslin, 4th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2278
ENGROSSED SENATE BILL NO. 6140

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1209
ENGROSSED HOUSE BILL NO. 1237
SECOND SUBSTITUTE HOUSE BILL NO. 1377
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1439
HOUSE BILL NO. 1452
SUBSTITUTE HOUSE BILL NO. 1524
SUBSTITUTE HOUSE BILL NO. 1539
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1561
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1783
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1889
SECOND SUBSTITUTE HOUSE BILL NO. 2015
ENGROSSED HOUSE BILL NO. 2097
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2143
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2177
SUBSTITUTE HOUSE BILL NO. 2276

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2285
SUBSTITUTE HOUSE BILL NO. 2322
SUBSTITUTE HOUSE BILL NO. 2367
THIRD SUBSTITUTE HOUSE BILL NO. 2382
SUBSTITUTE HOUSE BILL NO. 2424
SUBSTITUTE HOUSE BILL NO. 2561
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2578
SUBSTITUTE HOUSE BILL NO. 2627
SUBSTITUTE HOUSE BILL NO. 2651
SUBSTITUTE HOUSE BILL NO. 2664
SUBSTITUTE HOUSE BILL NO. 2667
SUBSTITUTE HOUSE BILL NO. 2685
SUBSTITUTE HOUSE BILL NO. 2692
HOUSE BILL NO. 2709
HOUSE BILL NO. 2733
ENGROSSED HOUSE BILL NO. 2759
ENGROSSED HOUSE BILL NO. 2777
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 2779
HOUSE BILL NO. 2816
SUBSTITUTE HOUSE BILL NO. 2824
HOUSE BILL NO. 2892

The Speaker called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 7, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2334,
SUBSTITUTE HOUSE BILL NO. 2638,
SUBSTITUTE HOUSE BILL NO. 3002,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 7, 2018

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2271,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

CONFERENCE COMMITTEE REPORT

March 7, 2018

Senate Bill No. 6032

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6032, , making supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5179.2/18) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund-State Appropriation (FY 2018) (~~(\$37,642,000)~~)
\$35,641,000

General Fund-State Appropriation (FY 2019) (~~(\$39,205,000)~~)
\$37,586,000

(~~(Motor Vehicle Account State Appropriation \$2,011,000)~~)

Pension Funding Stabilization Account-State Appropriation..... \$4,280,000

TOTAL APPROPRIATION..... ~~\$78,858,000~~
\$77,507,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$27,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the tax structure reform work group. The speaker shall designate one member from each of the major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

(2) The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund-State Appropriation (FY 2018) (~~(\$26,369,000)~~)
\$25,056,000

General Fund-State Appropriation (FY 2019) (~~(\$29,451,000)~~)
\$28,548,000

(~~(Motor Vehicle Account State Appropriation..... \$1,903,000)~~)

Pension Funding Stabilization Account-State Appropriation \$2,941,000

TOTAL APPROPRIATION ~~\$57,723,000~~

\$56,545,000

The appropriations in this section are subject to the following conditions and limitations: The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund-State Appropriation (FY 2018)	\$135,000
General Fund-State Appropriation (FY 2019)	\$29,000
Performance Audits of Government-State Appropriation.....	(\$8,619,000)
	\$8,341,000
TOTAL APPROPRIATION.....	\$8,783,000
	\$8,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2017-2019 work plan as necessary to efficiently manage workload.

(2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

(3) \$308,000 of the performance audits of government account-state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

~~((5))~~ (4) \$100,000 of the performance audits of government account-state appropriation is provided

solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth homelessness performance based contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

~~((6))~~ (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

~~((7))~~ (6) (a) \$250,000 of the performance audit of government-state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

(i) The costs and benefits associated with prevocational training programs;

(ii) The process of requesting and authorizing prevocational services;

(iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;

(iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;

(v) The costs and benefits associated with community access services; and

(vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$32,000 of the performance audits of government account-state

appropriation is provided solely for implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$132,000 of the performance audits of government account-state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$16,000 of the performance audits of government-state appropriation is provided solely for implementation of Substitute House Bill No. 1154 (fishing and seafood processing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$14,000 of the performance audits of government-state appropriation is provided solely for implementation of Substitute House Bill No. 2269 (adaptive automotive equipment tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$13,000 of the performance audits of government-state appropriation is provided solely for implementation of Substitute House Bill No. 2448 (developmental disability housing/tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$22,000 of the performance audits of government-state appropriation is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 104. 2017 3rd sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government-State Appropriation..... \$4,175,000

The appropriation in this section is subject to the following conditions and limitations: The agency is directed to use ~~((its))~~ moneys in the savings incentive account for one-time relocation, furniture, equipment, and

tenant improvements costs to move to the 1063 building.

Sec. 105. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund-State Appropriation (FY 2018)..... ~~(((\$10,730,000))~~
\$10,320,000

General Fund-State Appropriation (FY 2019)..... ~~(((\$10,254,000))~~
\$10,802,000

Pension Funding Stabilization Account-State

Appropriation.....\$825,000

TOTAL APPROPRIATION.....\$20,984,000

\$21,947,000

Sec. 106. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund-State Appropriation (FY 2018)..... ~~(((\$302,000))~~
\$288,000

General Fund-State Appropriation (FY 2019)..... ~~(((\$308,000))~~
\$293,000

State Health Care Authority Administrative Account-State

Appropriation.....\$406,000

Department of Retirement Systems Expense

Account-State Appropriation..... ~~(((\$5,110,000))~~
\$5,106,000

Pension Funding Stabilization Account-State

Appropriation.....\$28,000

TOTAL APPROPRIATION.....\$6,126,000

\$6,121,000

The appropriations in this section are subject to the following conditions and limitations: The office shall provide actuarial support to the Washington state institute for public policy for the study of single payer and universal coverage health care systems described in section

606(15) of this act. The office may use funding previously provided for legislative health care actuarial analysis for this purpose.

Sec. 107. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund–State Appropriation (FY 2018) (~~(\$4,936,000)~~)
 \$4,649,000

General Fund–State Appropriation (FY 2019) (~~(\$5,455,000)~~)
 \$5,161,000

Pension Funding Stabilization Account–State

Appropriation..... \$568,000
 TOTAL APPROPRIATION..... ~~\$10,391,000~~
 \$10,378,000

Sec. 108. 2017 3rd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund–State Appropriation (FY 2018) (~~(\$4,043,000)~~)
 \$3,823,000

General Fund–State Appropriation (FY 2019) (~~(\$4,485,000)~~)
 \$4,261,000

Pension Funding Stabilization Account–State

Appropriation..... \$438,000
 TOTAL APPROPRIATION..... ~~\$8,528,000~~
 \$8,522,000

Sec. 109. 2017 3rd sp.s. c 1 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund–State Appropriation (FY 2018) (~~(\$8,046,000)~~)
 \$7,712,000

General Fund–State Appropriation (FY 2019) (~~(\$8,368,000)~~)
 \$8,025,000

Pension Funding Stabilization Account–State

Appropriation.....\$671,000
 TOTAL APPROPRIATION.....~~\$16,414,000~~
 \$16,408,000

Sec. 110. 2017 3rd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund–State Appropriation (FY 2018) (~~(\$1,685,000)~~)
 \$1,622,000

General Fund–State Appropriation (FY 2019) (~~(\$1,714,000)~~)
 \$1,652,000

Pension Funding Stabilization Account–State

Appropriation.....\$128,000
 TOTAL APPROPRIATION.....~~\$3,399,000~~
 \$3,402,000

Sec. 111. 2017 3rd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund–State Appropriation (FY 2018) (~~(\$1,340,000)~~)
 \$1,247,000

General Fund–State Appropriation (FY 2019) (~~(\$1,236,000)~~)
 \$1,203,000

Pension Funding Stabilization Account–State

Appropriation.....\$130,000
 TOTAL APPROPRIATION.....~~\$2,576,000~~
 \$2,580,000

Sec. 112. 2017 3rd sp.s. c 1 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund–State Appropriation (FY 2018) (~~(\$18,077,000)~~)
 \$17,342,000

General Fund–State Appropriation (FY 2019) (~~(\$18,860,000)~~)
 \$18,066,000

Pension Funding Stabilization Account–State

2019 and shall lapse and remain unexpended if the superior court case management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) \$4,339,000 of the judicial information systems account-state appropriation is provided solely for the information network hub project.

(6) (a) (~~(\$10,000,000)~~) \$10,390,000 of the judicial information systems account-state appropriation is provided solely for other judicial branch information technology projects, including:

(i) The superior court case management system;

(ii) The courts of limited jurisdiction case management system;

(iii) (~~(Equipment replacement)~~) The appellate court case management system; and

(iv) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) (~~(\$406,000)~~) \$811,000 of the general fund-state appropriation for fiscal year 2018 (~~(and \$405,000 of the general fund state appropriation for fiscal year 2019 are)~~) is provided solely for the statewide fiscal impact on Thurston county courts. The

administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$58,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$120,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for staff to support the superior court judges association as provided in the agreement between the association and the office.

(11) \$2,265,000 of the judicial information systems account-state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(12) \$602,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for state costs for the implementation of Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$1,900,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for grants to counties and cities for the impacts from Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). Funding must be divided equally between counties and cities and distributed as grants to mitigate demonstrated costs and revenue losses from the legislation. It is the legislature's intent that grants will continue only through the 2019-2021 fiscal biennium as follows: (a) Funding in fiscal year 2020 must be distributed in the same proportion and basis as fiscal year 2019; and (b) funding for fiscal year 2021 must be divided eighty-five percent to counties and fifteen percent to cities and distributed based on demonstrated revenue losses from the legislation. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 114. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund-State Appropriation (FY 2018)	(\$41,558,000)
	<u>\$42,129,000</u>
General Fund-State Appropriation (FY 2019)	(\$42,539,000)
	<u>\$44,448,000</u>
Judicial Stabilization Trust Account-State	
Appropriation.....	(\$3,710,000)
	<u>\$3,714,000</u>
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$278,000</u>
TOTAL APPROPRIATION.....	\$87,807,000
	<u>\$90,569,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund-state appropriation for fiscal year 2018 and \$1,101,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund-state appropriation for fiscal year 2018 and \$900,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(4) \$2,384,000 of the general fund-state appropriation for fiscal year 2018 and \$3,364,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents

representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund-state appropriation for fiscal year 2018 and \$490,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund-state appropriation for fiscal year 2018 and \$432,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

(7) \$960,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for vendor rate increase of two percent beginning July 1, 2018, and two percent beginning January 1, 2019, for contracted attorneys providing indigent legal defense services in parents representation, civil commitment, and appellate criminal defense.

Sec. 115. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund-State Appropriation (FY 2018)	(\$14,855,000)
	<u>\$14,833,000</u>
General Fund-State Appropriation (FY 2019)	(\$16,490,000)
	<u>\$17,230,000</u>
Judicial Stabilization Trust Account-State	
Appropriation.....	\$1,463,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$44,000</u>
TOTAL APPROPRIATION.....	\$32,808,000
	<u>\$33,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund-state appropriation for fiscal year 2018 and an amount not to exceed \$40,000 of the general fund-state appropriation for fiscal year 2019 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$1,075,000 of the general fund-state appropriation for fiscal year 2018 and \$2,600,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office to partially implement the civil legal aid reinvestment plan.

(3) \$338,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the addition of five contract attorneys beginning January 1, 2019, to further implement the civil legal aid reinvestment plan.

(4) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office to automate, deploy, and host a plain language family law forms document assembly system.

(5) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Moneys may not be expended from this appropriation for private legal representation of clients in domestic relations and family law cases.

Sec. 116. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund-State Appropriation (FY 2018)	(\$6,406,000)
	\$6,221,000
General Fund-State Appropriation (FY 2019)	(\$5,833,000)
	\$7,328,000

Economic Development Strategic Reserve Account-State

Appropriation\$4,000,000

Pension Funding Stabilization Account-State

Appropriation\$676,000

TOTAL APPROPRIATION

\$12,239,000
\$18,225,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$703,000 of the general fund-state appropriation for fiscal year 2018 and \$703,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(3) \$1,216,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$5,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided to the office of the governor to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy internship program.

(5) \$291,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 117. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund-State Appropriation (FY 2018) (~~(\$833,000)~~)
\$807,000

General Fund-State Appropriation (FY 2019) (~~(\$859,000)~~)
\$901,000

General Fund-Private/Local Appropriation \$90,000

Pension Funding Stabilization Account-State
Appropriation..... \$54,000
 TOTAL APPROPRIATION..... \$1,782,000
\$1,852,000

The appropriations in this section are subject to the following conditions and limitations: \$70,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of the complete Washington program, a program coordinated by the office of the lieutenant governor with the purpose of connecting prior learning with postsecondary degree completion.

Sec. 118. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund-State Appropriation (FY 2018) (~~(\$2,826,000)~~)
\$2,697,000

General Fund-State Appropriation (FY 2019) (~~(\$2,872,000)~~)
\$3,965,000

Pension Funding Stabilization Account-State
Appropriation..... \$260,000
 TOTAL APPROPRIATION..... \$5,699,000
\$6,922,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for modernizing and migrating the public disclosure commission's business applications from an agency-based data center to the state data center or a cloud environment.

(2) \$875,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 2938 (campaign finance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 119. 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund-State Appropriation (FY 2018) (~~(\$15,131,000)~~)
\$15,708,000

General Fund-State Appropriation (FY 2019) (~~(\$13,465,000)~~)
\$13,742,000

General Fund-Federal Appropriation..... (~~(\$7,801,000)~~)
\$7,793,000

Public Records Efficiency, Preservation, and Access
 Account-State
 Appropriation..... (~~(\$9,223,000)~~)
\$9,219,000

Charitable Organization Education
 Account-State
 Appropriation.....\$673,000

Local Government Archives Account-State
 Appropriation (~~(\$10,946,000)~~)
\$10,942,000

Election Account-Federal
 Appropriation.....\$4,387,000

Washington State Heritage Center
 Account-State
 Appropriation (~~(\$10,383,000)~~)
\$10,626,000

Pension Funding Stabilization Account-State
Appropriation\$959,000
 TOTAL APPROPRIATION\$72,009,000

\$74,049,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) (a) \$2,932,000 of the general fund-state appropriation for fiscal year 2018 and \$3,011,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or

other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$15,000 of the general fund-state appropriation for fiscal year 2018, \$15,000 of the general fund-state appropriation for fiscal year 2019, \$4,000 of the public records efficiency, preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$39,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(7) \$285,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2406 (election security practices). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$102,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 120. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund-State Appropriation (FY 2018)	(\$289,000)
	<u>\$274,000</u>
General Fund-State Appropriation (FY 2019)	(\$276,000)
	<u>\$263,000</u>

Pension Funding Stabilization Account-State

Appropriation.....	<u>\$28,000</u>
TOTAL APPROPRIATION.....	<u>\$565,000</u>

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund-State Appropriation (FY 2018)	(\$253,000)
	<u>\$243,000</u>
General Fund-State Appropriation (FY 2019)	(\$263,000)
	<u>\$252,000</u>

Pension Funding Stabilization Account-State

Appropriation.....	<u>\$26,000</u>
TOTAL APPROPRIATION.....	\$516,000
	<u>\$521,000</u>

The appropriations in this section are subject to the following conditions and

limitations: \$3,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000 of the general fund-state appropriation for fiscal year 2019 are provided to the commission on Asian Pacific American affairs to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy, a ten-week summer internship program administered by the office of the governor. Funding is provided for, but not limited to, living expenses and travel costs.

Sec. 122. 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account-State

Appropriation.....	(\$18,918,000)
	<u>\$19,371,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the state treasurer's service account-state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four

citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

(3) \$303,000 of the state treasurer's service account-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 123. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund-State Appropriation (FY 2018) \$28,000

General Fund-State Appropriation (FY 2019) \$32,000

State Auditing Services Revolving Account-State

Appropriation..... (~~(\$10,219,000)~~)
\$10,906,000

Performance Audit of Government Account-State

Appropriation..... (~~(\$3,019,000)~~)
\$3,017,000

TOTAL APPROPRIATION..... ~~\$13,299,000~~
\$13,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$774,000 of the performance audit of government account-state appropriation is provided solely for the state auditor's office to conduct a

performance audit of the department of health focused on the fee setting for each health profession licensed by the department. The performance audit must include, but is not limited to:

(a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;

(b) A review of the costs of running each health profession program or board;

(c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and

(d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$1,585,000 of the performance audit of government account-state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$667,000 of the performance audits of government account-state appropriation (~~(for fiscal year 2018)~~) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by ~~((June 30))~~ December 31, 2018. The audit must include ~~((eight))~~ ten schools currently in ~~((their first year of))~~ operation and, subject to the availability of data, must ~~((address the following questions))~~ include, but is not limited to evaluating, the following operational and academic outcomes:

(a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;

(b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the auditing services revolving account-state appropriation is provided solely for the state auditor's office to conduct ten additional program or agency audits.

Sec. 124. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund-State Appropriation (FY 2018) (~~(\$204,000)~~)
\$213,000

General Fund-State Appropriation (FY 2019) (~~(\$205,000)~~)
\$217,000

Pension Funding Stabilization Account-State
Appropriation..... \$30,000
 TOTAL APPROPRIATION..... \$409,000
\$460,000

Sec. 125. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund-State Appropriation (FY 2018) (~~(\$8,641,000)~~)

\$7,868,000

General Fund-State Appropriation (FY 2019) (~~(\$8,951,000)~~)
\$8,300,000

General Fund-Federal Appropriation..... (~~(\$6,969,000)~~)
\$11,945,000

New Motor Vehicle Arbitration Account-State
 Appropriation (~~(\$1,145,000)~~)
\$1,143,000

Legal Services Revolving Account-State
 Appropriation (~~(\$245,290,000)~~)
\$251,030,000

Tobacco Prevention and Control Account-State
 Appropriation \$273,000

Medicaid Fraud Penalty Account-State
 Appropriation (~~(\$3,526,000)~~)
\$3,511,000

Public Service Revolving Account-State
 Appropriation (~~(\$2,373,000)~~)
\$2,723,000

Child Rescue Fund-State
 Appropriation..... (~~(\$550,000)~~)
\$500,000

Local Government Archives Account-State
 State Appropriation..... \$660,000

Pension Funding Stabilization Account-State
Appropriation \$1,606,000
 TOTAL APPROPRIATION \$278,378,000
\$289,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by

agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$353,000 of the general fund-state appropriation for fiscal year 2018 and \$353,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund-state appropriation for fiscal year 2018 and \$91,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund-state appropriation for fiscal year 2018 and \$259,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account-state appropriation and \$660,000 of the local government archives account-state appropriation are provided solely for implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account-state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$26,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2578 (housing options). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$119,000 of the legal services revolving account-state appropriation is provided solely for implementation of chapter 1, Laws of 2018 (ESSB 6091).

(16) \$96,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$48,000 of the legal services revolving account-state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2938 (campaign finance). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$116,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$72,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds, creating). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$78,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1298 (job applicants/arrests). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$350,000 of the public service revolving account—state appropriation is provided solely for additional expert witness assistance for the public counsel unit.

Sec. 126. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	(\$1,606,000)
	\$1,555,000
General Fund—State Appropriation (FY 2019)	(\$1,576,000)
	\$1,775,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$169,000
TOTAL APPROPRIATION.....	\$3,182,000
	\$3,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for

charter schools authorized by chapter 28A.710 RCW.

(2) \$46,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$108,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the caseload forecast council to prepare and submit to the legislature prior to each legislative session a general disproportionality report. The general disproportionality report must contain the following information:

(a) A table of percentages based on the total number of adult felony sentences in each crime category, distributed by race and ethnicity;

(b) A table of percentages based on the total number of adult felony sentences reduced to misdemeanors in each crime category, distributed by race and ethnicity;

(c) A table of percentages of Washington state's general adult at-risk population, between the ages of eighteen and fifty-four, distributed by race and ethnicity;

(d) A complete list of felony offenses in each crime forecasting category; and

(e) A discussion of limitations in the data presented in (a) and (c) of this subsection.

(4) \$20,000 of the general fund—state appropriation for fiscal year 2018 and \$73,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the council to assist with the review of the sentencing reform act being conducted by the sentencing guidelines commission.

Sec. 127. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2018)	(\$64,989,000)
	\$64,290,000
General Fund—State Appropriation (FY 2019)	(\$65,634,000)
	\$77,359,000

General Fund-Federal
 Appropriation (~~(\$295,855,000)~~)
\$295,840,000

General Fund-Private/Local
 Appropriation (~~(\$8,623,000)~~)
\$8,922,000

Public Works Assistance Account-State
 Appropriation..... (~~(\$8,092,000)~~)
\$8,086,000

Drinking Water Assistance
 Administrative Account-State
 Appropriation (~~(\$508,000)~~)
\$507,000

Lead Paint Account-State Appropriation
 (~~(\$238,000)~~)
\$237,000

Building Code Council Account-State
 Appropriation \$15,000

Home Security Fund Account-State
 Appropriation (~~(\$48,400,000)~~)
\$54,268,000

Affordable Housing for All Account-State
 Appropriation..... (~~(\$13,867,000)~~)
\$13,866,000

Financial Fraud and Identity Theft
 Crimes Investigation and Prosecution Account-State
 Appropriation..... \$1,974,000

Low-Income Weatherization and
 Structural Rehabilitation Assistance Account-State
 Appropriation..... \$1,398,000

Community and Economic Development Fee
 Account-State Appropriation..... (~~(\$4,630,000)~~)
\$4,628,000

Washington Housing Trust Account-State
 Appropriation..... (~~(\$12,617,000)~~)
\$12,615,000

Prostitution Prevention and
 Intervention Account-State
 Appropriation.....\$26,000

Public Facility Construction Loan
 Revolving Account-State
 Appropriation.....(~~(\$842,000)~~)
\$841,000

Drinking Water Assistance Account-State
 Appropriation (~~(\$46,000)~~)
\$44,000

Liquor Revolving Account-State
 Appropriation.....\$5,613,000

Energy Freedom Account-State
 Appropriation.....(~~(\$6,000)~~)
\$5,000

Liquor Excise Tax Account-State
 Appropriation.....(~~(\$665,000)~~)
\$663,000

Economic Development Strategic Reserve
 Account-State Appropriation (~~(\$5,611,000)~~)
\$2,648,000

Financial Services Regulation Account-State
 Appropriation\$468,000

Pension Funding Stabilization Account-State
 Appropriation\$1,618,000

Statewide Tourism Marketing Account-State
 Appropriation\$1,500,000

Life Sciences Discovery Account-State
 Appropriation\$50,000

TOTAL APPROPRIATION\$540,117,000
\$557,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on

outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$500,000)~~) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(3) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the retired senior volunteer program.

(4) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(5) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) (~~(\$5,602,000)~~) \$2,642,000 of the economic development strategic reserve account-state appropriation (~~(is)~~) and \$2,960,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for associate development organizations. During the 2017-2019 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(7) \$5,607,000 of the liquor revolving account-state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(8)(a) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$500,000 of the general fund-state appropriation for fiscal year 2019,

\$24,734,000 of the home security fund-state appropriation, and \$8,860,000 of the affordable housing for all account-state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts (~~(that require, at a minimum, monthly reporting of performance and financial metrics)~~). The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$700,000)~~) \$1,436,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. (~~(For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations.)~~) Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(10) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an

advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(11) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(12) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account-state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the regulatory

roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(17) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(18) \$94,000 of the general fund-state appropriation for fiscal year 2018 and \$253,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund-state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund-state appropriation for fiscal year 2018 and \$643,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund-state appropriation for fiscal year 2018 and \$39,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$1,000,000 of the home security fund-state appropriation, \$2,000,000 of the Washington housing trust account-state appropriation, and \$1,000,000 of the affordable housing for all account-

state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(24) (a) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$500,000 of the general fund-state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund-state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

(i) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(ii) Support the development of an integrated services model, increase performance outcomes, and ensure providers have the necessary skills and expertise to effectively operate youth programs.

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age though increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts (~~(that require, at a minimum, monthly reporting of performance and financial metrics)~~). The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(25) \$140,000 of the general fund-state appropriation for fiscal year 2018 and \$140,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aide in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts.

This position must work to integrate building infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26) (a) \$1,000,000 of the home security fund-state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund-state appropriation for fiscal year 2019 are provided solely to administer the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund-state appropriation for fiscal year 2018 and \$1,980,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal

history, substance abuse disorder, and/or mental illness.

Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.

(28) \$557,000 of the general fund-state appropriation for fiscal year 2018 and \$557,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund-state appropriation for fiscal year 2018 and \$167,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(33)(a) \$83,000 of the general fund-state appropriation for fiscal year 2018 and \$83,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot

project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal

juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by September 1, 2019, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to

include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(35) \$102,000 of the general fund-state appropriation for fiscal year 2018 and \$75,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund-state appropriation for fiscal year 2018 and \$12,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of

chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account—state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40) (a) \$250,000 of the public works assistance account—state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in

rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding.

The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18 experiencing homelessness.

(42) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the

amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund-state appropriation for fiscal year 2018 and \$600,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund-state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47) (a) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract to study and report on independent contractor employment in Washington state. The contractor shall provide to the department an interim report to include a substantive update by November 1, 2018. The contractor report shall be provided to the department by June 1, 2019. The report must include information on the needs of workers earning income as independent contractors including sources of income, the amount of their income derived from independent work, and a discussion of the benefits provided to such workers.

(b) The department must convene an advisory committee to provide assistance with the development of the study. The advisory committee must comprise:

(i) Individuals from the public and private sector with expertise in labor laws;

(ii) Representatives of labor unions;

(iii) Representatives from nonprofit organizations promoting economic security and educational opportunity; and

(iv) Individuals from business and industry.

(48) \$1,070,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to expand the small business export assistance program and ensure that at least one new employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies; and for continuing the economic gardening program.

(49) \$1,500,000 of the statewide tourism marketing account-state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). Of the amount appropriated, \$198,000 is provided solely for expenditures of the department that are related to implementation of the statewide tourism marketing program and operation of the authority. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$96,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6175 (common interest ownership). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$1,576,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for administration and pass-through funding to assist Whatcom, Snohomish, King, Pierce, Kitsap, Thurston, and Clark counties with the implementation of chapter 16, Laws of 2017 3rd sp.s. (E2SSB 5254).

(52) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the city of Issaquah to host a regional or national sports medicine conference.

(53) \$149,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to fund a pilot project in Clark county to

increase access to local workforce training. Funding must be used to contract with Partners in Careers to complete an assessment of basic literacy skills in connection to classes at Clark college or other programs to support the reading and math skills needed to complete workforce training; for case management to connect job seekers to community resources; and to support first time users or returners navigating the WorkSource system and engagement in on-the-job training and industry specific training in high demand fields.

(54) \$11,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the city of Port Angeles for the cost of analyzing bio char samples for evidence of dioxins, PAHs, and flame retardants and any other chemical compounds through a certified laboratory. Analysis results must be shared with local interest groups.

(55) \$20,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of homeless youth prevention and protection programs to conduct a survey of homeless youth service and informational gaps, especially in nonurban areas, with an emphasis on providing nonurban school districts with adequate informational resources related to homeless youth and youth in crisis services available in their community.

(56) \$20,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (net metering) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(57) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention pilot program. The pilot program shall have the goal of creating a sustainable organized response to gang activity utilizing evidence-based resources.

(58) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the Seattle science foundation to develop a comprehensive 3D spinal cord atlas with the goal of providing clinicians and researchers with a digital map of the spinal cord.

(59) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with the Washington state microenterprise association to assist people with limited incomes in nonmetro areas of the state to start and sustain small businesses and embrace the effects of globalization.

(60) \$240,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2367 (child care collaboration task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(61) \$174,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(62) \$31,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(63) (a) \$300,000 of the general fund-state appropriation for fiscal year 2019 and \$300,000 of the general fund-local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund-state funding provided in this subsection serves as a state match and may not be spent unless \$300,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines,

Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by December 1, 2019.

(64) (a) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of commerce to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(i) The department of corrections to support offender betterment projects; and

(ii) The department of social and health services to provide access and visitation services.

(b) The grant recipient must provide data on program outcomes to the Washington statewide reentry council. This data must be included in the Washington statewide reentry council's report of activities and recommendations to the governor and appropriate committees of the legislature as required by RCW 43.380.050.

(65) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of contract with organizations and attorneys to provide legal representation and/or referral services for legal representation to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under this contract must be determined to be indigent under standards developed under chapter 10.101 RCW.

(66) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a small business innovation exchange project to increase economic development opportunities for women, minority, and veteran owned small businesses in the south King county region.

(67) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the city of Federal Way for an emergency shelter to serve homeless families with children.

(68) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for capacity-building grants through the united Indians of all tribes foundation to promote and improve educational, cultural, and social services for Native American communities in Washington state.

(69) \$41,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2101 (sexual assault nurse examiners). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(70) \$40,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant to the Douglas county associate development organization that serves on the core leadership team of the Wenatchee valley's our valley our future community and economic development program to support communities adversely impacted by wildfire damage and the reduction of aluminum smelter facilities.

(71) \$800,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for providing grants for a criminal justice diversion center pilot program in Snohomish county. Snohomish county must collect and report data from the pilot program to the department of commerce. The department must submit a report to the appropriate committees of the legislature by October 1, 2019. The report must contain, at a minimum:

(a) An analysis of arrests and bookings for individuals served in the pilot program;

(b) An analysis of connections to behavioral health services made for individuals who were served by the pilot program;

(c) An analysis of impacts on housing stability for individuals served by the pilot program; and

(d) The number of individuals served by the pilot program who were connected

to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(72) \$5,869,000 of the home security fund account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1570 (homeless housing and assistance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(73) \$250,000 of the general fund—state appropriation is provided solely for a grant to a museum to assist with armistice day activities in schools and other community settings to celebrate the 100th anniversary of World War I and armistice day. Funding must be used for a World War I America museum exhibit, new curriculum, teacher training, student and classroom visits, and visits from veterans and active duty military.

(74) \$226,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to expand the state's capacity to enforce the lead-based paint program.

(75) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(76) \$50,000 of the life sciences discovery fund—state appropriation is provided solely for grants as generally described in chapter 43.350 RCW.

(77) \$188,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(78) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(79) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of

commerce to (a) develop a state economic growth strategy related to accelerating technology innovation; and (b) establish the feasibility and devise a plan for establishing a manufacturing innovation institute.

Sec. 128. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2018).....(~~\$850,000~~)
\$799,000

General Fund—State Appropriation (FY 2019).....(~~\$905,000~~)
\$853,000

Lottery Administrative Account—State Appropriation.....\$50,000

Pension Funding Stabilization Account—State
Appropriation.....\$102,000
TOTAL APPROPRIATION.....~~\$1,805,000~~
\$1,804,000

Sec. 129. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2018).....(~~\$11,711,000~~)
\$11,775,000

General Fund—State Appropriation (FY 2019).....(~~\$11,956,000~~)
\$12,440,000

General Fund—Federal
Appropriation.....(~~\$39,716,000~~)
\$39,714,000

General Fund—Private/Local
Appropriation.....(~~\$501,000~~)
\$843,000

Economic Development Strategic Reserve Account—State
Appropriation.....\$314,000

Recreation Access Pass Account—State
Appropriation.....\$75,000

Personnel Service Fund—State
Appropriation.....(~~\$8,882,000~~)
\$8,891,000

Higher Education Personnel Services Account-State	
Appropriation.....	\$1,497,000
Performance Audits of Government Account-State	
Appropriation.....	(\$621,000)
	<u>\$620,000</u>
Statewide Information Technology System Development	
Revolving Account-State Appropriation	(\$6,503,000)
	<u>\$10,022,000</u>
OFM Central Services-State Appropriation	(\$19,237,000)
	<u>\$19,280,000</u>
<u>Pension Funding Stabilization Account- State</u>	
<u>Appropriation.....</u>	<u>\$2,448,000</u>
TOTAL APPROPRIATION.....	\$100,938,000
	<u>\$107,919,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund-federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2) (a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant recipients;
- (ii) The number of students on the unserved waiting list of the state need grant;
- (iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

(b) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(3) \$149,000 of the general fund-state appropriation for fiscal year 2018 and \$144,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund-state appropriation for fiscal year 2018 and \$75,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection of pricing data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund-state appropriation for fiscal year 2018, \$131,000 of the general fund-state appropriation for fiscal year 2019, and \$139,000 of the personnel service account-state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section

222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) (~~(\$4,503,000)~~) \$8,022,000 of the statewide information technology system development revolving account-state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund-federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund-state appropriation for fiscal year 2018 and \$140,000 of the general fund-federal appropriation are provided solely for the authority to incorporate long-term inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At

a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

(12) \$75,000 of the recreation access pass account-state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D. Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

(a) Identify the types of recreational access pass products, exemption and discount types, and levels;

(b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;

(c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;

(d) Identify fiscal impacts of changing the state access pass to each of the options identified including any combination state and federal recreational access pass options; and

(e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(14) The office of financial management must purchase a workiva software product that will produce the comprehensive annual financial report and other fiscal reports within existing resources.

(15) The office of financial management must procure GovDelivery, a software as a service, that enables government organizations to connect with citizens within existing resources.

(16) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 192, Laws of 2017 (SB 5849).

(17) \$192,000 of the general fund-state appropriation for fiscal year 2018 and \$288,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of financial management to contract with an entity or entities with expertise in public finance, commercial, and public banking to:

(a) Evaluate the benefits and risks of establishing and operating a state-chartered, public cooperative bank in the state of Washington, specifically including the business and operational issues raised by the 2017 infrastructure and public depository task force; and

(b) Develop a business plan for a public cooperative bank based on the federal home loan bank model whose members may only be the state and/or political subdivisions. The purpose of this bank is to assist the potential members of the bank to manage cash and investments more efficiently to increase yield while maintaining liquidity, and to establish a sustainable funding source of ready capital for infrastructure and economic development in the state of Washington. The business plan shall include, but is not limited to:

(i) Identification of potential members of the bank;

(ii) The capital structure that would be necessary;

(iii) Potential products the bank might offer;

(iv) Projections of earnings;

(v) Recommendations on corporate governance, accountability, and assurances;

(vi) Legal, constitutional, and regulatory issues;

(vii) If needed, how to obtain a federal master account and join the federal reserve;

(viii) Information technology security and cybersecurity;

(ix) Opportunities for collaborating with other financial institutions;

(x) Impacts on the state's debt limit;

(xi) In the event of failure, the risk to taxpayers, including any impact on Washington's bond rating and reputation;

(xii) Potential effects on the budgets and existing state agencies programs; and

(xiii) Other items necessary to establish a state-chartered, public cooperative bank modeled after the federal home loan bank or other similar institution.

The office of financial management shall facilitate the timely transmission of information and documents from all appropriate state departments and state agencies to the entity hired to carry out its contract. A status report must be provided to the governor and appropriate committees of the legislature by December 1, 2018, and final report and business plan provided to the appropriate committees of the legislature by June 30, 2019. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(18) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided to the education research and data center within the office of financial management for the sole purpose of providing a report to the appropriate committees of the legislature by January 1, 2019, on postsecondary enrollment and completion of Washington students with demographic information included on race, ethnicity, gender, students with disabilities, English language proficiency, income level, region, and types of credentials, including but not limited to in- and out-of-state public and private traditional two- and four-year degree granting institutions, private vocational schools, state apprenticeship programs, and professional licenses. The appropriation must also be used to respond to data requests from researchers outside of state agencies and to develop a plan for

improving data governance for more accurate and timely responses.

(19) \$52,000 of the general fund-state appropriation for fiscal year 2018 and \$412,000 of the general fund-state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

(20) (a) \$179,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the sentencing guidelines commission to conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(i) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(ii) Ensure Washington's sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(iii) Ensure Washington's sentencing laws and practices promote public safety by holding offenders accountable for their actions while also facilitating their successful reintegration into the community;

(iv) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(v) Eliminate inconsistencies, which may have developed through various amendatory changes.

(b) In conducting the review under (a) of this subsection, the sentencing guidelines commission shall:

(i) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including, but not limited to: Reviewing and simplifying RCW 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and

reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(ii) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(iii) Review fines, fees, and other legal financial obligations associated with criminal convictions, including, but not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(v) Review available alternatives to full confinement, including, but not limited to: Work crew under RCW 9.94A.725 and home detention and electronic home monitoring under RCW 9.94A.734 through 9.94A.736.

(c) The sentencing guidelines commission shall report its findings and recommendations based on the review under (a) of this subsection to the governor and appropriate committees of the legislature by May 1, 2019.

(21) \$52,000 of the general fund-state appropriation for fiscal year 2018 and \$412,000 of the general fund-state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

Sec. 130. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account-State

Appropriation.....(~~(\$38,898,000)~~)
\$41,152,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the administrative hearings revolving account-state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a review of the agency's fee structure, billing methodology, and assumptions about employee productivity which impact the fee structure and billing methodology.

Sec. 131. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account-State
Appropriation.....(~~(\$28,028,000)~~)
\$28,031,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

Sec. 132. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund-State Appropriation (FY 2018).....(~~(\$258,000)~~)
\$255,000
General Fund-State Appropriation (FY 2019).....(~~(\$268,000)~~)
\$255,000

Pension Funding Stabilization Account-State

Appropriation.....\$26,000
TOTAL APPROPRIATION.....\$526,000

\$536,000

Sec. 133. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund-State Appropriation (FY 2018) ((\$269,000))

\$269,000

General Fund-State Appropriation (FY 2019) ((\$254,000))

\$241,000

Pension Funding Stabilization Account-State

Appropriation..... \$26,000

TOTAL APPROPRIATION..... \$522,000

\$536,000

Sec. 134. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-OPERATIONS

Department of Retirement Systems Expense

Account-State Appropriation ((\$56,498,000))

\$57,902,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$110,000 of the appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6340 (plan 1 retirement benefit increases). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) \$124,000 of the department of retirement systems expense account-state appropriation is provided solely to implement Substitute House Bill No. 2786 (LEOFF/DOC, DSHS firefighters). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(3) \$255,000 of the department of retirement systems expense account-state appropriation is provided solely to implement Substitute House Bill No. 1558 (PSERS/offender nursing care). If the bill is not enacted by July 1, 2018, the

amount provided in this subsection shall lapse.

Sec. 135. 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund-State Appropriation (FY 2018)..... ((\$140,954,000))

\$129,925,000

General Fund-State Appropriation (FY 2019)..... ((\$138,496,000))

\$135,392,000

Timber Tax Distribution Account-State

Appropriation..... ((\$6,772,000))

\$6,765,000

Waste Reduction/Recycling/Litter Control-State

Appropriation..... ((\$157,000))

\$156,000

State Toxics Control Account-State

Appropriation..... ((\$112,000))

\$111,000

Business License Account-State

Appropriation..... ((\$28,211,000))

\$16,640,000

Performance Audits of Government Account-State

Appropriation..... \$4,640,000

Pension Funding Stabilization Account-State

Appropriation..... \$13,488,000

Financial Services Regulation Account-State

Appropriations..... \$5,000,000

TOTAL APPROPRIATION..... \$324,342,000

\$312,117,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,628,000 of the general fund-state appropriation for fiscal year 2018, \$5,628,000 of the general fund-state appropriation for fiscal year 2019, and \$11,257,000 of the business license account-state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((3))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund-state appropriation for fiscal year 2018 and \$6,304,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(4) \$30,000 of the general fund-state appropriation for fiscal year 2018 and \$120,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to make publicly available an online searchable database of all taxes and tax rates in the state for each taxing district. The information must be aggregated by type of tax and accessible by entering a physical address for each residency or business. In addition to searching by physical address for each residence or business, searches must be accommodated by navigating through a map of the state as a whole and down to the level of each taxing district.

(a) The department must also provide tax rate calculators on the searchable database to allow taxpayers to calculate their potential taxes. Calculators must be provided at a minimum for property, sales and use, business and occupation, vehicle, and other business taxes and must be specific to the rate for the taxing district in which the taxpayer resides. The calculator may only be used

for educational purposes and does not have a legal effect on taxes due.

(b) To facilitate the department's efforts in creating and maintaining the searchable database of each tax rate for all taxing districts in the state, each taxing district must report its tax rates to the department by September 30, 2018. In addition, every taxing district must report any changes to its tax rates within thirty days of an enactment of a different rate.

(c) At a minimum the following taxes and rates must be included in the database and broken down to the taxing district or jurisdiction level:

(i) State and local sales and use taxes;

(ii) State and local regular and excess property taxes;

(iii) State and local business taxes including, but not limited to, business and occupation taxes, public utility taxes, unemployment compensation taxes, and industrial insurance premiums;

(iv) State and local real estate excise taxes; and

(v) State and local motor vehicle taxes and fees.

(d) The database must also contain information, or links to information, on additional selective sales taxes, selective business taxes, and in-lieu of property taxes.

(e) The database created under this section must be accessible by June 30, 2019, and able to be accessed by and accessed from the state expenditure information web site created under RCW 44.48.150.

(5) \$1,745,000 of the general fund-state appropriation for fiscal year 2018 and \$2,019,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 209, Laws of 2017 (EHB 2005).

(6) \$72,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$96,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely for the implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 136. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund-State Appropriation (FY 2018) (~~(\$1,409,000)~~)

\$1,565,000

General Fund-State Appropriation (FY 2019) (~~(\$1,438,000)~~)

\$2,254,000

Pension Funding Stabilization Account-State

Appropriation..... \$162,000

TOTAL APPROPRIATION..... ~~\$2,847,000~~

\$3,981,000

The appropriations in this section are subject to the following conditions and limitations: \$789,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2777 (board of tax appeals admin.). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 137. 2017 3rd sp.s. c 1 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account-State Appropriation (~~(\$4,887,000)~~)

\$4,926,000

Sec. 138. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund-Federal Appropriation (~~(\$4,615,000)~~)

\$4,613,000

Insurance Commissioners Regulatory Account-State

Appropriation..... (~~(\$59,548,000)~~)

\$60,310,000

TOTAL APPROPRIATION.....~~\$64,163,000~~

\$64,923,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$48,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

(3) \$29,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of Senate Bill No. 6059 (insurer annual disclosures). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$40,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of Substitute Senate Bill No. 6219 (reproductive health coverage). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$39,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of Senate Bill No. 5912 (tomosynthesis/mammography). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$29,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6241 (school employees' benefits). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$212,000 of the insurance commissioners regulatory account-state appropriation is provided solely for implementation of Substitute House Bill No. 2322 (insurers/risk mitigation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 139. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State

Appropriation..... (~~(\$48,916,000)~~)
\$48,907,000

Sec. 140. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund—State Appropriation

(FY 2018)..... \$10,400,000

Dedicated Marijuana Fund—State Appropriation

(FY 2019)..... (~~(\$9,596,000)~~)
\$10,585,000

Liquor Revolving Account—State Appropriation (~~(\$69,578,000)~~)

\$69,756,000

General Fund—Federal Appropriation (~~(\$2,912,000)~~)

\$2,907,000

General Fund—State Appropriation (FY 2018) (~~(\$372,000)~~)

\$334,000

General Fund—State Appropriation (FY 2019) (~~(\$393,000)~~)

\$349,000

General Fund—Private/Local Appropriation \$50,000

Pension Funding Stabilization Account—State

Appropriation..... \$78,000

TOTAL APPROPRIATION..... ~~\$93,301,000~~

\$94,459,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 of this act.

(4) \$93,000 of the general fund—state appropriation for fiscal year 2018 and \$70,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement and enforce vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as required by state liquor and cannabis board rule.

(6) \$175,000 of the dedicated marijuana fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2334 (cannabinoid additives). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$20,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6346 (sale of wine/microbrewery). If the bill is not

enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) (a) Within amounts appropriated in this section, the state liquor and cannabis board shall conduct a study regarding the development and implementation of a system for the home delivery of medical marijuana products to qualifying medical marijuana patients by licensed medical marijuana retailers. The board shall examine the legal and regulatory issues to be addressed in order to provide safe home delivery and to ensure effective monitoring of the delivery process to minimize the likelihood of illicit activity.

(b) The board shall consult with the department of health, industry representatives, local government officials, law enforcement officials, and any other person or entity deemed necessary to complete the study.

(c) In the course of the study, the board shall consider the following:

(i) Eligibility requirements for marijuana retailers applying for a medical marijuana delivery endorsement;

(ii) Verification procedures regarding age, identity, and registration in the medical marijuana authorization database with respect to the medical marijuana patient receiving delivery;

(iii) Qualifications for, and the training of, persons delivering medical marijuana products on behalf of the medical marijuana retailer;

(iv) Methods of ordering and payment;

(v) Maintaining the integrity of the marijuana traceability system during the course of the delivery process;

(vi) Safe and secure transportation of marijuana products from the retailer to the purchaser, including delivery vehicle requirements;

(vii) Methods of ensuring that a retailer's delivery employees and delivery system are in compliance with regulatory requirements;

(viii) Medical marijuana deliveries by retailers operating out of Indian country; and

(ix) Civil penalties and administrative actions for regulatory violations by a retailer holding a medical marijuana delivery endorsement.

(d) By December 1, 2018, the board must report to the legislature and the appropriate committees its findings and recommendations regarding the implementation of a medical marijuana home delivery system.

Sec. 141. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General	Fund-Private/Local	
Appropriation.....	(\$16,464,000)	
		\$16,463,000
Public Service Revolving Account-State		
Appropriation.....	(\$40,248,000)	
		\$40,252,000
Pipeline Safety	Account-State	
Appropriation.....	\$3,412,000	
Pipeline Safety	Account-Federal	
Appropriation.....	(\$3,072,000)	
		\$3,069,000
TOTAL APPROPRIATION.....	\$63,196,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account-state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) Up to \$800,000 of the public service revolving account-state appropriation in this section is for the

utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(4) \$27,000 of the public service revolving account-state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6081 (distributed generation) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) The commission must begin a long-term study on the universal service program to the appropriate committees of the legislature on the need for future program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. A preliminary report providing a framework for the how the commission will approach the study is due January 1, 2019.

(6) Sufficient funding is provided in this section for the commission to convene a task force to make recommendations and report to the legislature regarding the most effective method of regulation of digital application-based micro-movers and the small goods movers that utilize their digital application. The report is due to the legislature by December 15, 2018.

Sec. 142. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund-State Appropriation (FY 2018) (~~\$7,676,000~~)
 \$7,040,000

General Fund-State Appropriation (FY 2019) (~~\$7,910,000~~)
 \$8,992,000

General Fund-Federal Appropriation (~~\$118,521,000~~)
 \$117,160,000

Enhanced 911 Account-State Appropriation (~~\$51,857,000~~)

\$53,466,000

Disaster Response Account-State Appropriation..... (~~\$29,433,000~~)
 \$42,007,000

Disaster Response Account-Federal Appropriation..... (~~\$81,560,000~~)
 \$118,587,000

Military Department Rent and Lease Account-State
 Appropriation\$615,000

Worker and Community Right-to-Know Account-State
 Appropriation (~~\$2,339,000~~)
 \$2,337,000

Oil Spill Prevention Account-State Appropriation..... (~~\$1,028,000~~)
 \$1,027,000

Pension Funding Stabilization Account-State
 Appropriation\$1,243,000

Military Department Active State Service
 Account-State Appropriation ..\$200,000

TOTAL APPROPRIATION\$300,939,000
 \$352,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees on (~~October 1st and~~) February 1st, July 31st, and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2017-2019 biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund-federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$5,389,000 of the enhanced 911 account-state appropriation is provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(5) \$11,000,000 of the enhanced 911 account-state appropriation is provided solely for financial assistance to counties.

(6) \$2,000,000 of the enhanced 911 account-state appropriation is provided solely for one-time grants to ~~((small and medium-sized, rural counties for replacement of))~~ Skagit, Cowlitz, Island, and Whatcom counties for replacing and upgrading the equipment necessary to maintain 911 service after the state's transition to a next generation 911 system((, including reimbursement of replacement and upgrades that have already been made)). Grants may also be used to reimburse costs incurred in prior biennia for replacing and upgrading equipment for 911 services.

(7) \$784,000 of the disaster response account-state appropriation is provided solely for fire suppression training ~~((and))~~, equipment, and supporting costs to national guard soldiers and airmen.

(8) \$38,000 of the enhanced 911 account-state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$372,000 of the disaster response account-state appropriation is provided solely for implementation of chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(10) Appropriations provided to the department are sufficient to fund the administrative costs associated with implementation of chapter 173, Laws of 2017 (E2SHB 1802) (veterans/shared leave access).

(11) ~~((951,000))~~ \$190,000 of the disaster response account-state appropriation is provided solely to Okanogan and Ferry counties to continue to address deficiencies within their communications infrastructure for 911 dispatch. Funding will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations.

(12) \$1,582,000 of the general fund-state appropriation for fiscal year 2019 and \$2,618,000 of the enhanced 911 account-state appropriation are provided solely for the department to complete the internet protocol based next generation 911 network project while maintaining financial assistance to counties.

(13) \$200,000 of the military department active state service account-state appropriation is provided solely for emergency response training and planning of national guard members with funding provided from Engrossed Second Substitute Senate Bill No. 6269 (oil transportation safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the emergency management division of the military department to conduct an update to the October 2006 report to the state emergency response commission regarding statewide response to chemical, biological, radiological, nuclear, and explosive materials.

Sec. 143. 2017 3rd sp.s. c 1 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund-State Appropriation (FY 2018).....(~~(\$2,076,000))~~
\$1,962,000

General Fund-State Appropriation (FY 2019).....(~~(\$2,251,000))~~
\$2,139,000

Higher Education Personnel Services Account-State

Appropriation..... (~~(\$1,327,000)~~)
\$1,325,000

Personnel Service Account-State
 Appropriation (~~(\$4,032,000)~~)
\$4,031,000

Pension Funding Stabilization Account-State
Appropriation..... \$228,000

TOTAL APPROPRIATION..... ~~(\$9,686,000)~~
\$9,685,000

The appropriation in this section is subject to the following conditions and limitations: \$5,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 144. 2017 3rd sp.s. c 1 s 148 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account-State
 Appropriation (~~(\$1,216,000)~~)
\$1,217,000

The appropriation in this section is subject to the following conditions and limitations: \$256,000 of the volunteer firefighters' and reserve officers' relief and pension administrative account-state appropriation is provided solely to the pension and benefit tracking system project and are subject to the conditions, limitations, and review provided in section 724 of this act.

Sec. 145. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account-State
 Appropriation..... (~~(\$2,997,000)~~)
\$3,244,000

Sec. 146. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund-State Appropriation (FY 2018)..... (~~(\$4,368,000)~~)
\$4,365,000

General Fund-State Appropriation (FY 2019)..... (~~(\$4,405,000)~~)
\$4,528,000

General Fund-Private/Local
 Appropriation.....\$102,000

Building Code Council Account-State
 Appropriation..... (~~(\$1,056,000)~~)
\$1,479,000

TOTAL APPROPRIATION..... ~~(\$9,931,000)~~
\$10,474,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$4,031,000)~~) \$4,028,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$4,082,000)~~) \$4,048,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary

to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from

a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$14,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (net metering) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Senate Bill No. 5450 (mass timber for building). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$130,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for activities to resolve issues related to the ferry county memorial public hospital district energy savings performance contract. The department of enterprise services must redouble its activities to enforce performance from the energy savings performance contractor, identify the work necessary to address the deficiencies of the heating, ventilation, and air conditioning system (HVAC), and any other actions to make the hospital district whole under the contract. The department must provide monthly status reports to the director of the office of financial management and the legislature on steps, timelines, and activities to repair the HVAC system and secure contractor performance. In the May 2018 report, the department must identify

steps that may be taken to improve its master contract to remove contractors for performance failures from its master contract or to add other contract remedies to prevent similar events. No moneys may be expended from the appropriations in this section for department of enterprise services costs, except for costs related to actual litigation with the energy savings performance contractor or its insurer. Moneys may be used for litigation or actual repair and replacement costs incurred by the hospital associated with the fulfillment of the contract.

(10) During the 2017-2019 fiscal biennium, the department shall allow individuals to access the top of the capitol dome under approved supervision and guidelines developed by the department.

(11) \$349,000 of the building code council account-state appropriation is provided solely for the state building code council. If Engrossed Second Substitute House Bill No. 1622 (state building code council) is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 147. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund-State Appropriation (FY 2018) (~~(\$1,607,000)~~)
 \$1,571,000

General Fund-State Appropriation (FY 2019) (~~(\$1,633,000)~~)
 \$1,646,000

General Fund-Federal Appropriation (~~(\$2,228,000)~~)
 \$2,226,000

General Fund-Private/Local Appropriation \$264,000

Pension Funding Stabilization Account-State

Appropriation..... \$136,000

TOTAL APPROPRIATION..... ~~\$5,732,000~~

\$5,843,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$103,000 of the general fund-state appropriation for fiscal year 2018 and \$103,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department of archaeology and historic preservation to collaborate with the department of commerce to facilitate a capital needs assessment study of public libraries in distressed counties as defined by RCW 43.168.020(3). The study must assess library facility backlogs and the local funding capacity for both nonhistoric libraries and libraries on local, state, or national historic registries.

Sec. 148. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund-State Appropriation (FY 2018).....\$187,000

General Fund-State Appropriation (FY 2019).....\$188,000

Consolidated Technology Services Revolving

Account-State Appropriation (~~(\$19,136,000)~~)
 \$18,578,000

Broadband Access Account-State Appropriation.....\$500,000

TOTAL APPROPRIATION.....~~\$19,511,000~~

\$19,453,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,263,000 of the consolidated technology services revolving account-state appropriation is for the office of the chief information officer.

(2) (~~(\$9,443,000)~~) \$10,668,000 of the consolidated technology services revolving account-state appropriation is for the office of cyber security.

(3) The consolidated technology services agency shall work with customer agencies using the Washington state

electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

(4) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(6) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

(7) \$500,000 of the consolidated technology services revolving account-state appropriation is provided solely for the agency, in collaboration with the

office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

~~((9))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(10) \$500,000 of the broadband access account-state appropriation is provided

solely for the department to create the governor's office on broadband access as provided in Engrossed Second Substitute Senate Bill No. 5935 (broadband and telecommunication service). Of the amount provided, the department must fund at least one staff person to focus on rural unserved and underserved communities, including tribes. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

PART II

HUMAN SERVICES

Sec. 201. 2017 3rd sp.s. c 1 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal

law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6) (a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be

used consistently with the provisions and conditions for which it was provided.

(9) (a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, unless prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2018 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) through (d) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2018 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, foster care, adoption support, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose.

(c) Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(d) Within the developmental disabilities program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(e) The department may not transfer appropriations, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and

after any allotment modifications or transfers.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2018)	(\$348,992,000)	
		<u>\$345,901,000</u>
General Fund—Federal Appropriation	(\$265,365,000)	
		<u>\$279,131,000</u>
General Fund—Private/Local Appropriation	\$1,477,000	
Domestic Violence Prevention Account—State Appropriation.....	\$1,002,000	
<u>Pension Funding Stabilization Account—State Appropriation.....</u>	<u>\$9,132,000</u>	
TOTAL APPROPRIATION.....	\$616,836,000	<u>\$636,643,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$748,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home

model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9) (a) \$539,000 of the general fund—state appropriation for fiscal year 2018, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be

prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund-state appropriation for fiscal year 2018 and \$26,000 of the general fund-federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund-state appropriation for fiscal year 2018 and \$11,000 of the general fund-federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund-state appropriation for fiscal year 2018 and \$65,000 of the general fund-federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced

adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$56,000 of the general fund-federal appropriation are provided solely for the children's administration to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund-state appropriation for fiscal year 2018 and \$19,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund-state appropriation for fiscal year 2018 and \$160,000 of the general fund-federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund-state appropriation for fiscal year 2018 and \$78,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund-state appropriation for fiscal year 2018 and \$3,000 of the general fund-federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund-state appropriation for fiscal year 2018 and \$573,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund-state appropriation for fiscal year 2018 and \$174,000 of the general fund-federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(23) \$658,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(24) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund-State Appropriation (FY 2018) (~~\$95,885,000~~)
\$91,247,000

General Fund-State Appropriation (FY 2019) (~~\$97,123,000~~)
\$93,660,000

General Fund-Federal Appropriation \$3,464,000

General	Fund-Private/Local
Appropriation.....	\$1,985,000
Washington Auto Theft Prevention Authority Account-	
State Appropriation.....	\$196,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation.....</u>	<u>\$8,721,000</u>
TOTAL APPROPRIATION.....	\$198,653,000
	<u>\$199,273,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund-state appropriation for fiscal year 2018 and \$331,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund-state appropriation for fiscal year 2018 and \$2,841,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund-state appropriation for fiscal year 2018

and \$1,537,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4) (a) \$6,198,000 of the general fund-state appropriation for fiscal year 2018 and \$6,198,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The juvenile rehabilitation administration shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical

dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 - 17. The administration must report to the legislature by December 1, 2018, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, 2017, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition

alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund-state appropriation for fiscal year 2018 and \$98,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4) (d) of this section to contract with research entities to: (a) Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund-state appropriation for fiscal year 2018 and \$557,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund-state appropriation for fiscal year 2018 and \$283,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant program focused on criminal street gang prevention and intervention. The

juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the superintendent of public instruction, the office of financial management-education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$107,000 of the general fund-state appropriation for fiscal year 2018 and \$432,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(12) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of

Engrossed Second Substitute Senate Bill No. 6160 (exclusive adult jurisdiction). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General Fund—State Appropriation (FY 2018) ((~~\$391,457,000~~)) \$381,760,000

((~~General Fund—State Appropriation (FY 2019) \$409,108,000~~))

General Fund—Federal Appropriation ((~~\$1,021,705,000~~)) \$481,439,000

General Fund—Private/Local Appropriation ((~~\$17,864,000~~)) \$8,932,000

Dedicated Marijuana Account—State Appropriation (FY 2018)..... \$3,684,000

((~~Dedicated Marijuana Account—State Appropriation (FY 2019)..... \$3,684,000~~))

Pension Funding Stabilization Account—State Appropriation..... \$39,000

TOTAL APPROPRIATION.... ~~\$1,847,502,000~~ \$875,854,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund—state appropriation for fiscal year

2018 ((~~\$6,590,000 of the general fund—state appropriation for fiscal year 2019,~~)) and ((~~\$7,620,000~~)) \$3,810,000 of the general fund—federal appropriation are provided solely for the department and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under ((~~(g)~~)) (f) of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) ((~~\$3,520,000~~)) \$1,760,000 of the general fund—federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

(e) ((~~\$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided~~))

~~solely for new crisis triage or stabilization centers. The department must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(f) \$15,862,000)~~ \$11,405,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020. The department must submit a report on the status of the waiver to the office of

financial management and the appropriate committees of the legislature by December 1, 2017.

~~((g))~~ (f) \$81,930,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$81,930,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((h))~~ (g) The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((i))~~ (h) \$1,125,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,125,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of

requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((j))~~ (i) \$1,204,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((k))~~ (j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with ~~((g))~~ (f) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

~~((l))~~ (k) \$2,291,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the

types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((m))~~ (l) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

~~((n))~~ (m) The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((o))~~ (n) \$2,309,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$3,079,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~(((\$5,061,000))~~ \$2,169,000 of the general fund-federal appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this

subsection include funding for additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((p))~~ (o) \$100,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ~~((ensuring))~~, ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((q))~~ (p) \$1,466,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$7,103,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~((, \$9,715,000))~~ \$1,663,000 of the general fund-federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a

waiver that allows for full federal participation in these facilities.

~~((r))~~ \$1,133,000 of the general fund-state appropriation for fiscal year 2019 and \$1,297,000 of the general fund-federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((s))~~ (q) \$4,983,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$6,744,000 of the general fund-state appropriation for fiscal year 2019,))~~ and ~~((, \$25,365,000))~~ \$10,849,000 of the general fund-federal appropriation are provided solely for the department to increase medicaid capitation payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((t))~~ (r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health organizations at western state hospital

by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under ~~((q))~~ (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((r))~~ (s) \$11,405,000 of the general fund-state appropriation for fiscal year 2018 ~~((, \$11,405,000 of the general fund-state appropriation for fiscal year 2019))~~ and ~~(((\$17,680,000))~~ \$8,840,000 of the general fund-federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to

come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

~~((t))~~ (t) \$200,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$1,296,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((u))~~ (u) \$212,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$213,000 of the general fund-state appropriation for fiscal year 2019 are))~~ is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((v))~~ (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity

when implementing provider credentialing systems.

(w) No more than \$6,464,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018)	((286,936,000))
	\$330,214,000
General Fund-State Appropriation (FY 2019)	((277,823,000))
	\$259,313,000
General Fund-Federal Appropriation	((148,093,000))
	\$181,793,000
General Fund-Private/Local Appropriation	((52,630,000))
	\$61,282,000
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	\$34,746,000
TOTAL APPROPRIATION.....	\$765,482,000
	\$867,348,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$311,000 of the general fund-state appropriation for fiscal year 2018 and \$310,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood. The department must collect data from the city of Lakewood on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(c) \$45,000 of the general fund-state appropriation for fiscal year 2018 and \$45,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$44,000 of the general fund-state appropriation for fiscal year 2018 and \$19,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, ~~((2017))~~ 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding

for base police services and a community policing program.

(e) (~~(\$25,053,000)~~) \$20,883,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$25,847,000)~~) \$33,558,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) (~~(\$3,261,000)~~) \$3,928,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,261,000)~~) \$4,249,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency evaluation services.

(g) \$135,000 of the general fund-state appropriation for fiscal year 2018 and \$135,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund-state appropriation for fiscal year 2018 and \$20,234,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal funding. The department shall

specifically account for all spending related to the agreement and reconcile it back to the original funding plan. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund-state appropriation for fiscal year 2018 and \$2,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) \$34,584,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for increased staffing and other costs at the state hospitals that are required to maintain federal certification and compliance with federal agreements. Throughout the biennium, the department must track state hospital staffing expenditures, including the use of overtime and contracted locums, to allotments and submit monthly reports to the office of financial management. The office of financial management must review these reports and make a determination as to whether the overspending in these areas is required to maintain federal certification and compliance with federal agreements. The office of financial management must notify the department each month whether and to what level the overspending on staffing is

approved and may be maintained and whether and to what level the department must reduce such expenditures. By December 2, 2018, the office of financial management must provide a report to the appropriate committees of the legislature on spending beyond appropriations for staffing at the state hospitals and identify the level of overspending that has been approved and any direction provided by the office of financial management to reduce overspending on staffing that was not required to maintain federal certification and compliance with federal agreements.

(l) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to track compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these funds to track the following elements related to this requirement: (i) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (ii) the date on which the behavioral health organizations and other organizations responsible for resource management services for the person is notified of this determination; and (iii) the date on which either the individual is transitioned to the community or has been re-evaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health organizations and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the fourteen day standard by December 1, 2018.

(m) \$140,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department and the University of Washington to begin implementation the first phase of a collaborative plan for a high-quality forensic teaching service. Indirect charges for amounts contracted to the University of Washington must not exceed

ten percent. The department and the University of Washington must research and pursue behavioral health workforce education grants from federal or private foundations that could be used in support of this project. By November 1, 2018, the department, in collaboration with the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature with a progress update, readiness to proceed to the second phase of the project, a detailed cost analysis of the second phase, and identification of any federal or private grants identified and the status of those applications.

(n) \$12,190,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to develop and implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to develop, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan which looks at all positions and functions of the facilities and is informed by a review of the Oregon state hospital staffing model. \$300,000 of the amounts in this subsection are provided solely for and must be used for staff costs required to establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The remainder of the funds must be used for direct care staffing needed in order to implement the acuity based staffing tool. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By September 1, 2018, the department and hospital staffing committees must submit a report to the

office of financial management and the appropriate committees of the legislature that includes the following: (a) Progress in implementing the acuity based staffing tool; (b) a comparison of average daily staffing expenditures to budgeted staffing levels and the recommended state hospital staffing plan by function; and (c) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to inform and prioritize future budget requests for staffing at the state hospitals. Beginning on January 1, 2019, the department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature which includes monitoring of monthly spending and staffing levels compared to allotments and to the recommended state hospital staffing model. These reports must include an update from the hospital staffing committees.

(o) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. By December 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness

of the tool; (D) identification of interventions and strategies that can be effective in reducing future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health organizations.

(ii) The model for civil and forensic state hospital bed need must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. The department must submit a report to the office of financial management and the appropriate committees of the legislature by October 1, 2018, with a description of the model and the estimated civil and forensic state hospital bed need through the end of fiscal year 2021. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(p) \$20,000 of the general fund-state appropriation for fiscal year 2019 and \$8,000 of the general fund-federal appropriation are provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(q) \$46,601,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to pay fines, plaintiff's attorney fees, and increased court monitor costs for failing to meet court ordered timelines for competency restoration and evaluations under *Trueblood v. Department of Social and Health Services*.

(r) \$1,148,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that

supports a safe and compliant environment of care at the state hospitals. The department must develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department must report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(3) SPECIAL PROJECTS

General Fund-State Appropriation (FY 2018)	(\$514,000)	
		<u>\$486,000</u>
((General Fund-State Appropriation (FY 2019)	(\$508,000)	
General Fund-Federal Appropriation	(\$25,852,000)	
		<u>\$3,148,000</u>
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>		<u>\$28,000</u>
TOTAL APPROPRIATION.....	\$26,874,000	<u>\$3,662,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((a))~~ \$446,000 of the general fund-state appropriation for fiscal year 2018 ~~(, \$446,000 of the general fund-state appropriation for fiscal year 2019,)~~ and ~~(\$178,000)~~ \$89,000 of the general fund-federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

~~((b) No more than \$19,557,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in~~

~~initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.)~~

(4) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2018)	(\$10,175,000)	
		<u>\$9,265,000</u>
General Fund-State Appropriation (FY 2019)	(\$9,543,000)	
		<u>\$2,979,000</u>
General Fund-Federal Appropriation.....	(\$12,046,000)	
		<u>\$8,310,000</u>
General Fund-Private/Local Appropriation.....	(\$502,000)	
		<u>\$251,000</u>
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>		<u>\$526,000</u>
TOTAL APPROPRIATION.....	\$32,266,000	<u>\$21,331,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department must complete an update of the state quality strategy required under federal managed care

regulations and submit to the center for medicaid and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicaid and medicare services; (ii) identification of all performance measures that are currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization 2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund-state appropriation for fiscal year 2018 and \$41,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year ~~(=)~~ 2018 ~~((and 2019))~~ to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

Sec. 205. 2017 3rd sp.s. c 1 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund-State Appropriation (FY 2018).....(~~\$612,748,000~~)
\$601,589,000

General Fund-State Appropriation (FY 2019).....(~~\$662,252,000~~)
\$663,644,000

General Fund-Federal Appropriation.....(~~\$1,301,629,000~~)
\$1,302,369,000

General Fund-Private/Local Appropriation.....(~~\$534,000~~)
\$2,407,000

Pension Funding Stabilization Account-State

Appropriation.....\$6,872,000

TOTAL APPROPRIATION...~~\$2,577,163,000~~

\$2,576,881,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be

charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and (~~(\$106)~~) \$116 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund-state appropriation for fiscal year 2018, \$18,249,000 of the general fund-state appropriation for fiscal year 2019, and \$27,336,000 of the general fund-federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund-state appropriation for fiscal year 2018, \$2,183,000 of the general fund-state appropriation for fiscal year 2019, and \$3,714,000 of the general fund-federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full

payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund-state appropriation for fiscal year 2018, \$650,000 of the general fund-state appropriation for fiscal year 2019, and \$800,000 of the general fund-federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund-state appropriation for fiscal year 2018 and \$900,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of

days per month that each respite bed was occupied.

(i) \$100,000 of the general fund–state appropriation for fiscal year 2018, \$95,000 of the general fund–state appropriation for fiscal year 2019, and \$195,000 of the general fund–federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund–state appropriation for fiscal year 2018, \$2,055,000 of the general fund–state appropriation for fiscal year 2019, and \$3,218,000 of the general fund–federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the

safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund–state appropriation for fiscal year 2018, \$1,963,000 of the general fund–state appropriation for fiscal year 2019, and \$2,701,000 of the general fund–federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017–2019 fiscal biennium and will

receive employment services under this expansion.

(l) \$14,127,000 of the general fund-state appropriation for fiscal year 2018, \$25,428,000 of the general fund-state appropriation for fiscal year 2019, and \$39,554,000 of the general fund-federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (l)(l) include funding to increase the benchmark rate by the following amounts:

(i) \$1.25 per hour effective July 1, 2017, and;

(ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund-state appropriation for fiscal year 2018, \$11,000 of the general fund-state appropriation for fiscal year 2019, and \$13,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund-state appropriation for fiscal year 2018, \$3,493,000 of the general fund-state appropriation for fiscal year 2019, and \$4,267,000 of the general fund-federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund-state appropriation for fiscal year 2018, \$3,424,000 of the general fund-state appropriation for fiscal year 2019, and \$4,126,000 of the

general fund-federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund-state appropriation for fiscal year 2018, \$69,000 of the general fund-state appropriation for fiscal year 2019, and \$141,000 of the general fund-federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund-state appropriation for fiscal year 2018, \$51,000 of the general fund-state appropriation for fiscal year 2019, and \$102,000 of the general fund-federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund-state appropriation for fiscal year 2018, \$445,000 of the general fund-state appropriation for fiscal year 2019, and \$1,069,000 of the general fund-federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund-state appropriation for fiscal year 2018 and \$269,000 of the general fund-federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund-state appropriation for fiscal year 2018, \$2,878,000 of the general fund-state appropriation for fiscal year 2019, and \$6,388,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent

upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$83,000 of the general fund-state appropriation for fiscal year 2019 and \$751,000 of the general fund-federal appropriation are provided solely for the development of an information technology solution that is flexible enough to accommodate all service providers impacted by the requirements for electronic visit verification outlined in the 21st century cures act.

(u) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for job training at the support education empowerment disability solutions program.

(v) \$623,000 of the general fund-state appropriation for fiscal year 2019 and \$623,000 of the general fund-federal appropriation are provided solely to hold community residential service provider rates harmless for instruction and support services and administration, to the extent possible within amounts appropriated in this subsection, if the tiered rate methodology is implemented effective January 1, 2019.

(w) \$1,873,000 of the general fund-private/local appropriation and \$1,874,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(x) \$21,000 of the general fund-state appropriation for fiscal year 2019 and \$26,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(y) \$34,000 of the general fund-state appropriation for fiscal year 2018, \$293,000 of the general fund-state appropriation for fiscal year 2019, and \$480,000 of the general fund-federal appropriation are provided solely to

implement Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(z) The department of social and health services developmental disabilities administration shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(57) of this act.

(aa) \$290,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county.

(2) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018)	(\$104,159,000)	
		\$99,622,000
General Fund-State Appropriation (FY 2019)	(\$106,818,000)	
		\$105,704,000
General Fund-Federal Appropriation	(\$195,757,000)	
		\$202,562,000
General Fund-Private/Local Appropriation	(\$25,041,000)	
		\$27,041,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>		<u>\$12,441,000</u>
TOTAL APPROPRIATION	\$431,775,000	\$447,370,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund-state appropriation for fiscal year 2018 and \$495,000 of the general fund-state appropriation for fiscal year 2019 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$2,978,000 of the general fund-state appropriation for fiscal year 2018, \$2,978,000 of the general fund-state appropriation for fiscal year 2019, and \$5,956,000 of the general fund-federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund-state appropriation for fiscal year 2018, \$5,000 of the general fund-state appropriation for fiscal year 2019, and \$5,000 of the general fund-federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) \$325,000 of the general fund-state appropriation for fiscal year 2019 and \$325,000 of the general fund-federal appropriation are provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the residential habilitation centers. The department is to develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department is to report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(g) \$2,288,000 of the general fund-state appropriation for fiscal year 2018, \$5,496,000 of the general fund-state appropriation for fiscal year 2019, and \$7,784,000 of the general fund-federal appropriation are provided solely for

additional staffing resources to provide direct care to clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and medicaid services, and to gather information for the 2019 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, conversion of cottages from certification as an intermediate care facility to certification and licensure as a skilled nursing facility, developing a state operated nursing facility for eligible clients, and placement of additional clients from the residential habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.

The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employee international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(ii) Before November 1, 2018, the department of social and health services must submit a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information: All information provided for subsections A through D below must be provided so as to clearly identify data that represents the intermediate care facility versus the skilled nursing facility components of the residential habilitation centers.

(A) The current number of clients living in the residential habilitation centers from the most recent month of available data. The information must be provided by month for each cottage on each campus, and must distinguish between long-term and short-term admissions.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) The following information pertinent to the goal of transitioning from the use of intermediate care facilities on residential habilitation center campuses to skilled nursing facilities, when appropriate to individual client needs and preferences, no later than January 1, 2021:

(I) An analysis of existing facilities that might serve as skilled nursing facilities, including options on residential habilitation center campuses and options off campus that might be purchased, rented, or leased by the state. The report must display location, closure date if applicable, and total bed capacity for each facility.

(II) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility level of care as determined by assessments conducted by the department.

(III) The number of clients living in intermediate care facility cottages at the residential habilitation centers whom, directly or through their legal guardian, express interest in or willingness to live in a skilled nursing facility in interviews and assessments conducted by the department.

(IV) A description of the process and a feasibility analysis for the transition of a cottage or multiple cottages at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021. This section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(V) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021.

(H) Options for the alternate use of buildings, vacant or occupied, at Fircrest, Rainier, Yakima valley, or Lakeland village. The suggestions must include but are not limited to expanding capacity for nursing care, dental care, and other specialty services for individuals with developmental or intellectual disabilities.

(I) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services.

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus by the department of social and health services. This option must include but is not limited to the most recent appraisal of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

(III) A combination of the options outlined within (I) and (II) of this subsection (g) (ii) (I).

(J) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(K) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(L) Options for transferring individuals who have been residing long

term at the state psychiatric hospitals into an alternative location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(M) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(h) \$23,000 of the general fund-state appropriation for fiscal year 2019 and \$23,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(i) \$121,000 of the general fund-state appropriation for fiscal year 2018, \$41,000 of the general fund-state appropriation for fiscal year 2019, and \$161,000 of the general fund-federal appropriation are provided solely for the replacement of items destroyed by fire at the laundry facility at Fircrest, and for the transportation of laundry from Fircrest to Rainier.

<u>(3) PROGRAM SUPPORT</u>	
General Fund-State Appropriation (FY 2018)	<u>((\$2,469,000))</u>
	<u>\$2,351,000</u>
General Fund-State Appropriation (FY 2019)	<u>((\$2,531,000))</u>
	<u>\$2,400,000</u>
General Fund-Federal Appropriation	<u>((\$2,946,000))</u>
	<u>\$2,982,000</u>

Pension Funding Stabilization Account—
State

Appropriation..... \$270,000
 TOTAL APPROPRIATION..... ~~\$7,946,000~~
\$8,003,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY
 2018) (~~\$64,000~~)
\$55,000

General Fund—State Appropriation (FY
 2019) (~~\$64,000~~)
\$62,000

General Fund—Federal
 Appropriation \$1,092,000

Pension Funding Stabilization Account—
State

Appropriation..... \$11,000
 TOTAL APPROPRIATION..... \$1,220,000

Sec. 206. 2017 3rd sp.s. c 1 s 206
 (uncodified) is amended to read as
 follows:

**FOR THE DEPARTMENT OF SOCIAL AND
 HEALTH SERVICES—AGING AND ADULT SERVICES
 PROGRAM**

General Fund—State Appropriation (FY
 2018) (~~\$1,099,017,000~~)
\$1,077,208,000

General Fund—State Appropriation (FY
 2019) (~~\$1,196,263,000~~)
\$1,208,320,000

General Fund—Federal
 Appropriation (~~\$2,839,653,000~~)
\$2,844,955,000

General Fund—Private/Local
 Appropriation (~~\$33,572,000~~)
\$35,766,000

Traumatic Brain Injury Account—State
 Appropriation \$4,540,000

Skilled Nursing Facility Safety Net
 Trust Account—

State Appropriation..... \$133,360,000

Pension Funding Stabilization Account—
State

Appropriation..... \$13,165,000
 TOTAL APPROPRIATION.... ~~\$5,306,405,000~~
\$5,317,314,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed (~~\$201.39~~) \$200.47 for fiscal year 2018 and shall not exceed (~~\$209.35~~) \$216.64 for fiscal year 2019.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and (~~\$106~~) \$116 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund–state appropriation for fiscal year 2018 and \$1,857,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund–state appropriation for fiscal year 2018, \$37,239,000 of the general fund–state appropriation for fiscal year 2019, and \$55,716,000 of the general fund–federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund–state appropriation for fiscal year 2018, \$13,413,000 of the general fund–state appropriation for fiscal year 2019, and \$22,812,000 of the general fund–federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund–state appropriation for fiscal year 2018 and \$5,094,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing

fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund–state appropriation for fiscal year 2018 and (~~(\$234,000)~~) \$479,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund–state appropriation for fiscal year 2018, \$127,000 of the general fund–state appropriation for fiscal year 2019, and \$169,000 of the general fund–federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(13) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in

planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled members of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(e) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for contracted assisted living, adult residential care, and enhanced adult residential care. The department must

submit a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and considered as an option for the capital component. The recognition of food for medicaid residents must also be included

in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund-state appropriation for fiscal year 2018, \$10,199,000 of the general fund-state appropriation for fiscal year 2019, and \$18,346,000 of the general fund-federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund-state appropriation for fiscal year 2018, \$5,741,000 of the general fund-state appropriation for fiscal year 2019, and \$9,775,000 of the general fund-federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund-state appropriation for fiscal year 2018, \$4,458,000 of the general fund-state appropriation for fiscal year 2019, and \$8,571,000 of the general fund-federal appropriation are provided solely to increase vendor rates for nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund-state appropriation for fiscal year 2018, \$8,527,000 of the general fund-state appropriation for fiscal year 2019, and \$12,277,000 of the general fund-federal appropriation are provided solely to create new community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse,

neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund-state appropriation for fiscal year 2018, \$315,000 of the general fund-state appropriation for fiscal year 2019, and \$630,000 of the general fund-federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund-state appropriation for fiscal year 2018, \$135,000 of the general fund-state appropriation for fiscal year 2019, and \$270,000 of the general fund-federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund-state appropriation for fiscal year 2018, \$5,143,000 of the general fund-state appropriation for fiscal year 2019, and \$10,154,000 of the general fund-federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund-state appropriation for fiscal year 2018, \$92,000 of the general fund-state appropriation for fiscal year 2019, and \$2,479,000 of the general fund-federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund-state appropriation for fiscal year 2018, \$229,000 of the general fund-state appropriation for fiscal year 2019, and \$458,000 of the general fund-federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund-state appropriation for fiscal year 2018 and \$313,000 of the general fund-federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25)(a) No more than \$41,388,000 of the general fund-federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund-state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the

director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund-state appropriation for fiscal year 2018, \$421,000 of the general fund-state appropriation for fiscal year 2019, and \$1,012,000 of the general fund-federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund-state appropriation for fiscal year 2018, \$13,111,000 of the general fund-state appropriation for fiscal year 2019, and \$29,104,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee

collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) \$217,000 of the general fund-state appropriation for fiscal year 2019 and \$1,949,000 of the general fund-federal appropriation are provided solely for the development of an information technology solution that is flexible enough to accommodate all service providers impacted by the requirements for electronic visit verification outlined in the 21st century cures act.

(29) \$40,000 of the general fund-state appropriation for fiscal year 2019 and \$40,000 of the general fund-federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(30) \$1,813,000 of the general fund-private/local appropriation and \$674,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(31) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 and \$1,200,000 of the general fund-federal appropriation are provided solely to maintain client access to medicaid contracted assisted living, enhanced adult residential care, and adult residential care services under chapter 74.39A RCW. Licensed assisted living facilities that contract with the department to serve medicaid clients under these specified contract types must have an average medicaid occupancy of at least sixty percent, determined using the medicaid days from the immediately preceeding calendar year during the months of July 1st through December 31st to qualify for additional funding under this subsection.

(32) \$615,000 of the general fund-state appropriation for fiscal year 2019

and \$698,000 of the general fund-federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(33) \$166,000 of the general fund-state appropriation for fiscal year 2018, \$800,000 of the general fund-state appropriation for fiscal year 2019, and \$1,510,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(34) \$100,000 of the general fund-state appropriation for fiscal year 2019 and \$100,000 of the general fund-federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract for an updated actuarial model of the 2016 independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The follow-up study must model alternative variations of the previously studied public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, including but not limited to alternative minimum hours worked per year for vesting.

(b) The feasibility study and actuarial analysis must include input from the joint legislative executive committee on aging and disability and other interested stakeholders, and must include an analysis of each variation based on:

(i) The expected costs and benefits for participants;

(ii) The total anticipated number of participants;

(iii) The projected savings to the state medicaid program, if any; and

(iv) Legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and

disability. The feasibility study and actuarial analysis shall be completed and submitted to the department by September 1, 2018. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the appropriate committees of the legislature by October 1, 2018.

(35) \$50,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract with the area agencies on aging to convene a work group to include long-term care industry members, family members who provide long-term services and supports, and other groups with interest in long-term services and supports to develop a proposal on how family members could be included as providers of long-term services and supports under the previously studied public long-term care benefit. The work group shall review options and propose:

(a) Minimum qualifications that would allow a family caregiver to serve as a long-term services and supports provider, which may:

(i) Be distinct from the qualifications on the effective date of this act for individual providers;

(ii) Require training based primarily on the individual needs and preferences of the beneficiary;

(iii) Take into account the existing relationship between the family caregiver and the beneficiary, the duration of the caregiving experience, and the type of care being provided.

(b) Administrative program options for providing compensation, benefits, and protections for family caregivers, considering cost-effectiveness and administrative simplification. The program options shall consider how to preserve the quality of the long-term care workforce and must include worker protections and benefits.

(c) The work group shall develop recommendations and provide the recommendations to the joint legislative and executive committee on aging and disability by November 15, 2018.

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund-State Appropriation (FY 2018).....(~~\$396,063,000~~)
\$362,611,000

General Fund-State Appropriation (FY 2019).....(~~\$415,638,000~~)
\$373,055,000

General Fund-Federal Appropriation.....(~~\$1,421,095,000~~)
\$1,443,711,000

General Fund-Private/Local Appropriation.....\$5,144,000

Administrative Contingency Account-State Appropriation.....\$5,400,000

Pension Funding Stabilization Account-State Appropriation.....\$29,264,000

TOTAL APPROPRIATION....~~\$2,243,340,000~~
\$2,219,185,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) (~~\$155,022,000~~) \$125,399,000 of the general fund-state appropriation for fiscal year 2018, (~~\$160,136,000~~) \$124,458,000 of the general fund-state appropriation for fiscal year 2019, \$836,761,000 of the general fund-federal appropriation, (~~and~~) \$5,400,000 of the administrative contingency account-state appropriation, and \$8,155,000 of the pension funding stabilization account-state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and

administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$260,135,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection (1)(b), \$8,975,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to increase the grant standard.

(c) (~~(\$168,005,000)~~) \$158,444,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

~~((i))~~ \$1,700,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department prioritize the use of

these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

~~((ii) Prior to renewal of intergovernmental TANF agreements with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per client costs in the tribal TANF program have increased since the initial agreement, the department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.))~~

(d) (i) (~~(\$501,608,000)~~) \$477,054,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

(I) Participation in work or other approved activities;

(II) Household composition; and

(III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection, \$8,547,000 of the general fund-state appropriation for

fiscal year 2018 and \$10,438,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(e) \$34,248,000 of the general fund-federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) (~~(\$170,442,000)~~ \$170,292,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) Each calendar quarter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(j) The department must submit a report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature that estimates the caseload and fiscal impact of returning to pre-2011 temporary assistance for needy families policies. At a minimum, the report must include an analysis of the caseload and fiscal impact of:

(i) Removing the sixty-month lifetime limit;

(ii) Lessening sanction policies; and

(iii) No longer requiring the WorkFirst orientation.

(2) \$1,657,000 of the general fund-state appropriation for fiscal year 2018 and \$1,657,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant

assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On ~~((December))~~ January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) ~~(((\$433,000))~~ \$856,000 of the general fund-state appropriation for fiscal year 2018, ~~(((\$451,000))~~ \$1,848,000 of the general fund-state appropriation for fiscal year 2019, and ~~(((\$6,451,000))~~ \$16,267,000 of the general fund-federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected

community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund-state appropriation for fiscal year 2018, \$8,000 of the general fund-state appropriation for fiscal year 2019, and \$36,000 of the general fund-federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(11) (~~(\$127,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.~~) \$438,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1831 (public assistance/resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$43,000 of the general fund-state appropriation for fiscal year 2018 and \$16,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Second Substitute Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$58,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$5,000,000 of the general fund-federal appropriation is provided solely for the resources to initiate successful employment program. The department shall submit a preliminary report of its findings of the impact of this program on increasing employment to the appropriate committees of the legislature no later

than January 1, 2019, with a final report submitted no later than June 30, 2019.

(15) \$121,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$51,000 of the general fund-state appropriation for fiscal year 2019 and \$21,000 of the general fund-federal appropriation are provided solely to implement Second Substitute House Bill No. 1513 (youth voter registration information). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(17) \$22,000 of the general fund-state appropriation for fiscal year 2019 and \$43,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund-State Appropriation (FY 2018).....	(\$78,842,000)	\$96,763,000
(General Fund-State Appropriation (FY 2019).....)	\$71,308,000)	
General Fund-Federal Appropriation.....	(\$575,249,000)	\$301,240,000
General Fund-Private/Local Appropriation.....	(\$20,211,000)	\$10,101,000
Criminal Justice Treatment Account-State Appropriation.....	(\$12,978,000)	\$6,488,000
Problem Gambling Account-State Appropriation.....	(\$1,453,000)	\$725,000

Dedicated Marijuana Account—State
 Appropriation
 (FY 2018)..... \$24,802,000
 ((~~Dedicated Marijuana Account—State
 Appropriation~~
~~(FY 2019)..... \$24,802,000~~))
Pension Funding Stabilization Account—
 State
Appropriation..... \$264,000
 TOTAL APPROPRIATION..... ~~\$809,645,000~~
\$440,383,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((~~and \$3,278,000 of the dedicated marijuana account state appropriation for fiscal year 2019~~)) are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((~~and \$1,130,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~)) is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year ((~~2017 and \$282,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~)) 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

((~~4~~) ~~\$3,500,000~~) \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((~~and \$200,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~)) is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((~~and \$500,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~)) is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((~~and \$396,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~)) is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((~~and \$250,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are~~)) is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~(, \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2019,)) and (~~\$1,900,000~~) \$950,000 of the general fund-federal appropriation are provided solely to maintain increased residential treatment services for children and youth.~~

(11) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for expenditure into the home visiting services account.

(13) \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2018 (~~and \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are~~) is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the

provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) (~~(\$1,125,000)~~) \$563,000 of the general fund-federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) \$891,000 of the general fund-state appropriation for fiscal year 2018 (~~(, \$2,580,000 of the general fund-state appropriation for fiscal year 2019,)) and (~~\$2,755,000~~) \$435,000 of the general fund-federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The department must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.~~

(17) (~~(\$1,000,000)~~) \$500,000 of the criminal justice treatment account-state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to individuals supervised by the department of corrections in the community. In reviewing, the department shall compile data specific to BHOs and in the aggregate for access to services,

timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) \$100,000 of the general fund-state appropriation for fiscal year 2018 (~~and \$100,000 of the general fund-state appropriation for fiscal year 2019 are~~) is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal (~~years~~) year 2018 (~~and 2019~~) as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact on providers. This report must be submitted by December 1, 2017.

(22) \$31,995,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund-State Appropriation (FY 2018).....	(\$14,899,000)
	\$13,890,000
General Fund-State Appropriation (FY 2019).....	(\$15,603,000)
	\$14,443,000

(3) \$1,216,000 of the general fund-state appropriation for fiscal year 2019 and \$515,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$81,000 of the general fund-state appropriation for fiscal year 2018, \$86,000 of the general fund-state appropriation for fiscal year 2019, and \$167,000 of the general fund-federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund-State Appropriation (FY 2018)	(\$81,319,000)
	<u>\$82,245,000</u>
General Fund-State Appropriation (FY 2019)	(\$43,380,000)
	<u>\$42,783,000</u>
General Fund-Federal Appropriation	(\$57,578,000)
	<u>\$57,081,000</u>
TOTAL APPROPRIATION.....	\$182,277,000
	<u>\$182,109,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund-state appropriation for fiscal year 2018 and \$11,000 of the general fund-federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill

is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund-state appropriation for fiscal year 2018, \$12,000 of the general fund-state appropriation for fiscal year 2019, and \$24,000 of the general fund-federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(3) Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

(4) \$157,000 of the general fund-state appropriation for fiscal year 2018, \$159,000 of the general fund-state appropriation for fiscal year 2019, and \$134,000 of the general fund-federal appropriation are provided solely for legal support, including formal proceedings and informal client advice, associated with adult protective service investigations.

Sec. 213. 2017 3rd sp.s. c 1 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys

unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund-state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

(1) MEDICAL ASSISTANCE

General Fund-State Appropriation (FY 2018) (~~\$2,065,747,000~~)
 \$2,024,969,000

General Fund-State Appropriation (FY 2019) (~~\$2,114,943,000~~)
 \$2,084,494,000

General Fund-Federal Appropriation (~~\$11,503,815,000~~)
 \$11,823,330,000

General Fund-Private/Local Appropriation (~~\$232,300,000~~)
 \$204,427,000

Emergency Medical Services and Trauma Care Systems

Trust Account-State Appropriation \$15,086,000

Hospital Safety Net Assessment Account-State
 Appropriation (~~\$725,012,000~~)
 \$693,099,000

Medicaid Fraud Penalty Account-State Appropriation (~~\$28,163,000~~)
 \$28,154,000

Medical Aid Account-State Appropriation \$528,000

Dedicated Marijuana Account-State Appropriation
 (FY 2018) (~~\$16,205,000~~)
 \$17,616,000

Dedicated Marijuana Account-State Appropriation
 (FY 2019) (~~\$17,039,000~~)
 \$18,405,000

~~((State Health Care Authority Administrative Account-
 State Appropriation \$7,000))~~

Pension Funding Stabilization Account-State
 Appropriation \$4,538,000

TOTAL APPROPRIATION ... ~~\$16,718,845,000~~
 \$16,914,646,000

The appropriations in this section are subject to the following conditions and limitations:

(a) (~~\$256,645,000~~) \$268,117,000 of the general fund-state appropriation for fiscal year 2018 and \$264,704,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority to implement a single,

standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of

the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) (~~(\$118,813,000)~~) \$113,356,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$120,265,000)~~) \$140,578,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for (~~(holding)~~) managed care capitation (~~(rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019)~~) payments.

(c) \$122,244,000 of the general fund-state appropriation for fiscal year 2018 and \$116,038,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi)

a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a different delivery model. The authority is authorized to seek any necessary state plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates. By October 30, 2018, the authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(d) (~~(\$1,540,849,000)~~) \$1,505,087,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$1,585,513,000)~~) \$1,538,030,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid

program. However, the authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in (e) and (f) of this subsection until specifically approved and appropriated by the legislature. To ensure compliance with legislative directive budget requirements and terms and conditions of the waiver, the authority shall implement the waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the innovation waiver requires better analytic capability, transparency, consistency, timeliness, accuracy, and lack of redundancy with other established measures and that the patient must be considered first and foremost in the implementation and execution of the demonstration waiver. In order to effectuate these goals, the authority shall: (i) Require the Dr. Robert Bree collaborative and the health technology assessment program to reduce the administrative burden upon providers by only requiring performance measures that are nonduplicative of other nationally established measures. The joint select committee on health care oversight will evaluate the measures chosen by the collaborative and the health technology assessment program for effectiveness and appropriateness; (ii) develop a patient satisfaction survey with the goal to gather information about whether it was beneficial for the patient to use the center of excellence location in exchange for additional out-of-pocket savings; (iii) ensure patients and health care providers have significant input into the implementation of the demonstration waiver, in order to ensure improved patient health outcomes; and (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(e) No more than ~~((479,600,000))~~ \$486,683,000 of the general fund-federal appropriation and no more than ~~((154,289,000))~~ \$129,103,000 of the general fund-local appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration waiver under healthier Washington, including preventing youth drug use, opioid prevention and treatment, and physical and behavioral health integration. Under this initiative, the authority shall take into account local input regarding community needs. In order to ensure transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care

providers and medical malpractice insurance carriers.

(f) No more than ~~((42,584,000))~~ \$38,425,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund-state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(g) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

~~((g))~~ (h) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((h))~~ (i) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care

and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((i))~~ (j) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((j))~~ (k) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((k))~~ (l) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((l))~~ (m) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((m))~~ (n) \$4,261,000 of the general fund-state appropriation for fiscal year 2018, \$4,261,000 of the general fund-state appropriation for fiscal year 2019, and \$8,522,000 of the general fund-federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((n))~~ (o) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((o))~~ (p) \$6,000,000 of the general fund-federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((p))~~ (q) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2017, and by November 1, 2018, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for

this program. During fiscal year 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2017-2019 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as

described in this subsection, the hospital must repay the excess amounts to the state when requested. (~~(\$10,575,000)~~) \$359,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$13,185,000)~~) \$361,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

(~~(+)~~) (r) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(~~(+)~~) (s) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(~~(+)~~) (t) The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(~~(+)~~) (u) Managed care contracts must incorporate accountability measures that monitor patient health and improved

health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((+v))~~ (v) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((+w))~~ (w) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((+x))~~ (x) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((+y))~~ (y) \$90,000 of the general fund-state appropriation for fiscal year 2018, \$90,000 of the general fund-state appropriation for fiscal year 2019, and \$180,000 of the general fund-federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((+z))~~ (z) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((+aa))~~ (aa) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((+bb))~~ (bb) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would

otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((+bb))~~ (cc) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((+dd))~~ (dd) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund-state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((+dd))~~ (ee) \$127,000 of the general fund-state appropriation for fiscal year 2018 and \$1,144,000 of the general fund-federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((+ff))~~ (ff) \$175,000 of the general fund-state appropriation for fiscal year 2018 and \$825,000 of the general fund-federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((+ff) \$2,200,000)~~ (gg) \$1,483,000 of the general fund-state appropriation for fiscal year 2018 ~~((and \$2,701,000))~~, \$1,594,000 of the general fund-state appropriation for fiscal year 2019, and \$1,509,000 of the general fund-federal appropriation are provided ~~((solely))~~ for a rate increase effective July 1, 2018, and for performance payments to reward successful beneficiary engagement in the health homes program for ~~((dual eligible))~~ fee-for-service enrollees and these are the maximum amounts in each fiscal year the authority may expend for this purpose.

~~((+gg))~~ (hh) \$450,000 of the general fund-state appropriation for fiscal year 2018, \$450,000 of the general fund-state appropriation for fiscal year 2019, and \$1,058,000 of the general fund-federal appropriation are provided solely for the authority to hire ten nurse case managers

to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

~~((hh))~~ (ii) Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

~~((ii))~~ (jj) The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

~~((jj))~~ (kk) Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kk))~~ (ll) Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((ll))~~ (mm) Beginning no later than January 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((mm))~~ (nn) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((nn))~~ (oo) \$500,000 of the general fund-state appropriation for fiscal year 2019 and \$500,000 of the general fund-federal appropriation are provided solely for the authority to implement the oral health connections pilot project in ~~((Yakima, Adams))~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington

dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must include enhanced reimbursement rates for participating dental providers, including denturists licensed under chapter 18.30 RCW, and an increase in the allowable number of periodontal treatments to up to four per calendar year. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((pp))~~ (pp) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve medically intensive children's program clients who reside in a group home setting.

~~((pp))~~ (qq) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((rr))~~ (rr) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a pilot program for treatment of inmates at the Snohomish county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((rr))~~ (ss) \$6,487,000 of the general fund-state appropriation for fiscal year 2018 and \$1,340,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15 days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate

committees of the legislature by December 1, 2017.

~~((ss))~~ (tt) The authority shall evaluate adding a tele-pyschiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((ttt))~~ (uu) \$33,000 of the general fund-state appropriation for fiscal year 2018, ~~(((\$7,000 of the state health care authority administrative account state appropriation,))~~ and \$42,000 of the general fund-federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((uuu))~~ (vv) \$304,000 of the general fund-state appropriation for fiscal year 2018, \$304,000 of the general fund-state appropriation for fiscal year 2019, and \$608,000 of the general fund-federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((vvv))~~ (ww) \$165,000 of the general fund-state appropriation for fiscal year 2018, \$329,000 of the general fund-state appropriation for fiscal year 2019, and \$604,000 of the general fund-federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((www))~~ (xx) \$1,813,000 of the general fund-state appropriation for fiscal year 2018, \$3,764,000 of the general fund-state appropriation for fiscal year 2019, and \$12,930,000 of the general fund-federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((xxx) \$347,000)~~ (yy) \$68,000 of the general fund-state appropriation for fiscal year 2018, ~~(((\$839,000))~~ \$1,118,000 of the general fund-state appropriation for fiscal year 2019, and \$943,000 of the general fund-federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((yyy))~~ (zz) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((zzz))~~ (aaa) \$69,000 of the general fund-state appropriation for fiscal year 2018, \$560,000 of the general fund-state appropriation for fiscal year 2019, and \$308,000 of the general fund-federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

(bbb) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism alliance and advocacy (WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them in navigating the health care system. The authority, in collaboration with the department and the WAAA, shall submit a report to the

governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by the WAAA. The reports shall also include what health care services the WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral and whether alternate coverage was obtained.

(ccc) \$20,000 of the general fund-state appropriation for fiscal year 2019 and \$20,000 of the general fund-federal appropriation are provided solely for the authority, in partnership with the department of social and health services and the department of health, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(ddd) \$5,825,000 of the general fund-state appropriation for fiscal year 2019 and \$8,019,000 of the general fund-federal appropriation are provided solely for an increase in primary care provider rates for pediatric care services that are currently reimbursed solely at the existing medical assistance rates that are applicable for the child's medical assistance eligibility group. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how

these rate increases have impacted access to care.

(eee) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the authority to conduct a study to identify strategies for enhancing access to primary care for medical assistance clients. The authority may collaborate with other stakeholders as appropriate. The authority shall provide a report with recommendations to the appropriate committees of the legislature by December 1, 2018. The study shall, to the extent possible:

(i) Review the effect of the temporary rate increase provided as part of the patient protection and affordable care act on:

(A) The number of providers serving medical assistance clients;

(B) The number of medical assistance clients receiving services; and

(C) Utilization of primary care services.

(ii) Identify client barriers to accessing primary care services;

(iii) Identify provider barriers to accepting medical assistance clients;

(iv) Identify strategies for incentivizing providers to accept more medical assistance clients;

(v) Prioritize areas for investment that are likely to have the most impact on increasing access to care; and

(vi) Strategically review the current medicaid rates and identify specific areas and amounts that may promote access to care.

(fff) \$1,400,000 of the general fund-state appropriation for fiscal year 2019 and \$3,900,000 of the general fund-federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (hhh)(i) through (iv) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2019, and return

to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(i) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(ii) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(iii) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(iv) Be owned and operated by the state or a political subdivision.

(ggg) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to create a work group at the Robert Bree collaborative to identify best practices for mental health services regarding patient mental health treatment and patient management. The work group shall identify best practices on patient confidentiality, discharging patients, treating patients with homicide ideation and suicide ideation, recordkeeping to decrease variation in practice patterns in these areas, and other areas as defined by the work group. The work group shall be composed of clinical and administrative experts including psychologists, psychiatrists, advanced practice psychiatric nurses, social workers, marriage and family therapists, certified counselors, and mental health counselors.

(hhh) \$1,006,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(iii) \$50,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 of the general fund-federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(jjj) \$31,000 of the general fund-state appropriation for fiscal year 2018 and \$44,000 of the general fund-federal appropriation are provided solely for implementation of chapter 303, Laws of 2017 (public records administration).

(kkk) \$358,000 of the general fund-state appropriation and \$1,123,000 of the general fund-federal appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5179 (hearing instrument coverage). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(lll) \$335,000 of the general fund-state appropriation for fiscal year 2019 and \$50,000 general fund-federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6452 (child mental health consult). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(mmm) (i) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to assist the governor by convening and providing administrative, analytical, and communication support to the governor's Indian health council, including procuring technical assistance from the American Indian health commission for Washington state, to:

(A) Address current or proposed policies or actions that have tribal implications and are not able to be resolved or addressed at the agency level;

(B) Facilitate training for state agency leadership, staff, and legislators on the Indian health system and tribal sovereignty; and

(C) Provide oversight of contracting and performance of service coordination organizations or service contracting entities as defined in RCW 70.320.010 in order to address their impacts on services to American Indians and Alaska Natives and relationships with Indian health care providers.

(ii) The council shall include:

(A) One tribal liaison from each of the authorities; the department of children, youth, and families; the department of commerce; the department of corrections; the department of health; the department of social and health

services; the office of the insurance commissioner; the office of the superintendent of public instruction; and the Washington health benefit exchange;

(B) One individual from each tribe in Washington state, designated by the tribal legislative body, who is either the tribe's American Indian health commission for Washington state delegate or an individual specifically designated for this role, or his or her designee;

(C) The chief executive officer of the Indian health service Portland area office and each service unit in Washington state or his or her designee;

(D) The chief executive officer of each urban Indian health program in Washington state or his or her designee who may be the urban Indian health program's American Indian health commission for Washington state delegate;

(E) The executive director of the American Indian health commission for Washington state or his or her designee;

(F) The executive director of the northwest Portland area Indian health board or his or her designee;

(G) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, or his or her designee;

(H) One member from each of the two largest caucuses of the senate, appointed by the president of the senate, or his or her designee; and

(I) Two individuals representing the governor's office.

(iii) The council will meet at least three times per year when the legislature is not in session, with one meeting to be hosted by the authority and the other two meetings to be hosted by tribes or, if no tribe is able to host, then by a member state agency. The members representing the tribes, the Indian health service Portland area office and service units, the urban Indian health programs, the American Indian health commission for Washington state, and the northwest Portland area Indian health board shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(iv) By December 1, 2018, the council, with assistance from the authority, will submit a report to the governor and the appropriate legislative committees with recommendations to raise the health status of American Indians and Alaska Natives throughout Washington state to at least the levels set forth in the goals contained within the federal health people 2020 initiative or successor objectives, including draft legislation and fiscal budgets for:

(A) Increasing savings to the state general fund resulting from the one hundred percent federal medical assistance percentage applicable to services received through an Indian health service facility, whether operated by the Indian health service or by an Indian tribe or tribal organization pursuant to 42 U.S.C. Sec. 1396d; realized by the state for services which are received through an Indian health service facility whether operated by the Indian health service or by an Indian tribe or tribal organization pursuant to 42 U.S.C. Sec. 1396(b);

(B) Appropriating such increased savings for an Indian health improvement reinvestment account to be expended solely for improving health outcomes and access to quality and culturally appropriate health care for American Indians and Alaska Natives;

(C) Developing model performance measures and risk adjustment methodologies for medicaid managed care value-based purchasing that account for the Indian health delivery system;

(D) Improving population health through tribally determined practices and resources such as the American Indian health commission for Washington state's "pulling together for wellness" framework;

(E) Developing written and technical assistance to support the incorporation of cultural awareness and of strategies to address historical trauma and intergenerational trauma in treatment planning for services covered by medicaid and other services provided by the state;

(F) Expanding tribal representation on state agency boards, committees (including the emergency management council), and nongovernmental entities to whom the state delegates activities or tasks that directly impact the Indian health delivery system; and

(G) Other strategies to improve population health and increase access to quality health care for American Indians and Alaska Natives.

(nnn) \$139,000 of the general fund-state appropriation and \$139,000 of the general fund-federal appropriation for fiscal year 2019 are provided solely for implementation of Substitute Senate Bill No. 6549 (ABCD dental). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(ooo) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a community hospital located in Toppenish to convert fifteen existing acute care beds to long-term psychiatric beds.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority
Administration Account-

State Appropriation... (~~(\$42,061,000)~~)
\$34,481,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account-state appropriation for fiscal year 2018 and \$236,000 of the state health care authority administration account-state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

(f) (~~(\$8,000,000 of the health care authority administrative account state~~

~~appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.~~

~~(g))~~ The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD

<u>School Employees' Insurance</u>	
<u>Administrative</u>	
<u>Account-State</u>	
<u>Appropriation</u>	<u>\$28,730,000</u>

The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account-state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. It is the intent of the legislature that the state health care authority administration account be reimbursed for the appropriation to this account made in part VII of this act, with interest.

(4) HEALTH BENEFIT EXCHANGE

General Fund-State Appropriation (FY 2018)	\$5,184,000
General Fund-State Appropriation (FY 2019)	(\$5,184,000)
	\$5,651,000
General	Fund-Federal
<u>Appropriation</u>	<u>(\$52,837,000)</u>
	\$53,892,000

Health Benefit Exchange Account-State Appropriation.....	(\$56,736,000)
	\$59,385,000
TOTAL APPROPRIATION	\$119,941,000
	\$124,112,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b) (i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund-state appropriation and one-half the health benefit exchange account-state appropriation to the exchange.

(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iv) Payments made from general fund-state appropriation and health benefit exchange account-state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(c) \$271,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$196,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund-State Appropriation (FY 2019) \$542,049,000

General Fund-Federal Appropriation \$919,359,000

General Fund-Private/Local Appropriation \$18,261,000

Criminal Justice Treatment Account-State Appropriation \$6,490,000

Problem Gambling Account-State Appropriation \$728,000

Dedicated Marijuana Account-State Appropriation (FY 2019)... \$28,486,000

Pension Funding Stabilization Account-State Appropriation..... \$857,000

TOTAL APPROPRIATION.... \$1,516,230,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund-state appropriation for fiscal year 2019 and \$3,810,000 of the general fund-federal appropriation are provided solely for the authority and behavioral health organizations to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages

of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under (f) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund-state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund-state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) \$1,760,000 of the general fund-federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(e) \$6,858,000 of the general fund-state appropriation for fiscal year 2019 and \$4,023,000 of the general fund-federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(f) \$81,930,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services,

including personal care and emergency housing assistance. These amounts must be distributed to behavioral health organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(g) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(h) \$1,125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) \$1,204,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(j) Behavioral health organizations may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health organizations may use a portion of the state funds allocated in accordance with (f) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(k) \$2,291,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health organizations on their plan for using these funds, the numbers of individuals served, and the types of services provided and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(l) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(m) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The authority must monitor behavioral health

organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(n) \$3,079,000 of the general fund-state appropriation for fiscal year 2019 and \$2,892,000 of the general fund-federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(o) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and

Alaska Native population. The plan must include options for maximizing federal participation and ensure that utilization will be based on medical necessity and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

(p) \$7,103,000 of the general fund-state appropriation for fiscal year 2019 and \$8,052,000 of the general fund-federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(q) \$1,133,000 of the general fund-state appropriation for fiscal year 2019 and \$1,297,000 of the general fund-federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(r) \$6,744,000 of the general fund-state appropriation for fiscal year 2019 and \$14,516,000 of the general fund-federal appropriation are provided solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average

salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must require the contracted actuaries to: (i) Review and consider comparison of salaries paid by government agencies and hospitals that compete with community providers for behavioral health workers in developing salary assumptions; and (ii) review data to see whether a specific travel assumption for high congestion areas is warranted. The authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(s) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(t) \$11,405,000 of the general fund-state appropriation for fiscal year 2019 and \$8,840,000 of the general fund-federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i)

Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

(u) \$1,296,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(v) \$213,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure

for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(w) \$3,278,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5) (w):

(i) \$1,130,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (i) Service and other outcome data must be provided to the authority by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund-federal appropriation (from the

substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes and federally recognized American Indian organizations to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 and \$950,000 of the general fund-federal appropriation are provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health organizations must require that behavioral health organizations include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(kk) \$562,000 of the general fund-federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund-state appropriation for fiscal year 2019 and \$2,320,000 of the general fund-federal appropriation are provided solely for the development and operation of two secure detoxification facilities.

The authority must not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(mm) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(nn) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(oo) The criminal justice treatment account-state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with a behavioral health organization or administrative services organization to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2018.

(pp) \$23,090,000 of the general fund-state appropriation for fiscal year 2019 and \$46,222,000 of the general fund-federal appropriation are provided solely for the enhancement of community-based behavioral health services. This funding must be allocated to behavioral health organizations proportionate to their regional population. In order to receive these funds, each region must submit a plan to address the following issues: (i) Reduction in their use of long-term commitment beds through community alternatives; (ii) compliance with RCW 71.05.365 requirements for transition of state hospital patients into community settings within fourteen days of the determination that they no longer require active psychiatric treatment at an inpatient level of care; (iii) improvement of staff recruitment

and retention in community behavioral health facilities; (iv) diversion of individuals with behavioral health issues from the criminal justice system; and (v) efforts to improve recovery oriented services, including, but not limited to, expansion of clubhouse models. The plans are not limited to the amounts in this subsection and may factor in all resources available for behavioral health. The authority must identify metrics for tracking progress in each of the areas identified. The authority must collect information on the metrics and outcomes and submit a report summarizing the findings to the office of financial management and the appropriate committees of the legislature by June 30, 2020. Twenty percent of the general fund-state appropriation amounts for each behavioral health organization must be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates up to but not exceeding the top of each behavioral health organizations medicaid rate range.

(qq) \$11,023,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must explore options for

continuing to expand waivers which allow for federal matching funds to be used in these facilities. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(rr) \$14,500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to become mid-adopters for full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for start-up costs in full integration regions. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers.

(ss) \$806,000 of the general fund-federal appropriation is provided solely for the authority to develop a peer support program for individuals with substance use disorders. These amounts must be used for development of training and certification of peers specialists. The authority must submit a state plan amendment which provides for these services to be included in behavioral health capitation rates beginning in fiscal year 2020 and allows for federal matching funds to be leveraged for these services.

(tt) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority, in collaboration with the department of social and health services, to further develop efforts to shift funding and risk for most civil long-term inpatient commitments into fully integrated care contracts beginning in January 2020. The funding and risk for patients at the state hospitals who have been committed pursuant to dismissal of felony charges after being determined incompetent to stand trial shall not be incorporated into integrated care contracts.

(i) By December 1, 2018, the authority, in coordination with the department of social and health services, must submit a report to the office of financial management and the appropriate committees of the legislature on the following: (A) Actuarial estimates on the impact to per member per month payments and estimated annual state and federal costs for medicaid managed care organizations with fully integrated contracts; (B) actuarial estimates on the estimated annual costs for administrative services organizations; (C) estimates of the per-diem cost at the state hospitals that will be charged to entities with responsibility for paying for long-term civil inpatient commitments once these are incorporated into fully integrated care contracts; and (D) estimates of the amount of funding that can be reduced from direct appropriations for the state hospitals to reflect the shift in financial responsibility.

(ii) The authority must also explore and report on options for fully leveraging the state's share of federal medicaid disproportionate share funding allowed for institutions of mental diseases, including but not limited to: (A) Prioritizing the use of this funding for forensic patients and those civilly committed pursuant to dismissal of a felony charge; (B) obtaining an institution for mental diseases-disproportionate share hospital waiver to allow for regular medicaid federal financial participation to be used at the state hospitals; and (C) shifting some of the state's current disproportionate share funding used at the state hospitals to community-based institutions for mental diseases to reduce the state cost of patients for whom regular federal medicaid match is not allowed.

(uu) \$2,732,000 of the general fund-state appropriation for fiscal year 2019 and \$9,026,000 of the general fund-federal appropriation are provided solely for the authority to implement strategies to improve access to prevention and treatment of opioid use disorders. The authority may use these funds for the following activities: (i) Expansion of hub and spoke treatment networks; (ii) expansion of pregnant and parenting case management programs; (iii) grants to tribes to prevent opioid use and expand treatment for opioid use disorders; (iv) development and implementation of a tool to track medication assisted treatment provider capacity; (v) support of drug take-back programs which allow individuals to return unused opioids and other drugs for safe disposal; (vi) purchase and distribution of opioid reversal medication; and (vii) maintaining support for youth prevention services. The authority must coordinate these activities with the department of health to avoid duplication of effort and must work to identify additional federal resources that can be used to maintain and expand these efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2018. The report must include identification of any increase in behavioral health federal block grants or other federal funding awards received by the authority and the plan for the use of these funds.

(vv) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the authority to contract with actuaries to develop estimates for the cost of implementing new behavioral health service types in the medicaid state plan. The authority must coordinate with behavioral health organizations to identify: (i) Eligible behavioral health service types that are currently provided to medicaid enrollees without federal funding and are dependent on state, local, or other funds; and (ii) eligible behavioral health service types that are not currently available to medicaid enrollees due to the lack of federal funding. The authority must contract with the actuaries responsible for certifying state behavioral health capitation rates to develop estimates for the cost of implementing each of these services. The estimates must identify the

cost of implementing each service statewide, the estimated state and federal medicaid cost, and any estimated offset in state non-medicaid spending. The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the services and costs estimates by November 1, 2018.

(ww) \$446,000 of the general fund-state appropriation for fiscal year 2019 and \$89,000 of the general fund-federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(xx) No more than \$13,098,000 of the general fund-federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund-state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(yy) \$2,000,000 of the general fund-state appropriation for fiscal year 2019 and \$2,000,000 of the general fund-federal appropriation are provided solely for the health care authority to implement a process that increases access to children's long-term inpatient program (CLIP) by increasing bed capacity through current and new providers of services.

(zz) \$727,000 of the general fund-state appropriation for fiscal year 2019 and \$1,005,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6491 (outpatient behavioral health). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund-State Appropriation (FY 2018)	.....	(\$2,317,000)	
			\$2,224,000
General Fund-State Appropriation (FY 2019)	.....	(\$2,359,000)	
			\$2,293,000
General Fund-Federal Appropriation	.....	(\$2,427,000)	
			\$2,422,000
<u>Pension Funding Stabilization Account-State</u>			
Appropriation	.....	\$190,000	
TOTAL APPROPRIATION	.....	\$7,193,000	
			\$7,129,000

The appropriations in this section are subject to the following conditions and limitations: \$21,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6471 (model sexual harassment policies). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account-State

(6) \$96,000 of the general fund-state appropriation for fiscal year 2018 and \$96,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund-state appropriation for fiscal year 2018 and \$146,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund-state appropriation for fiscal year 2018 and \$587,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund-state appropriation for fiscal year 2018 and \$414,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund-state appropriation for fiscal year 2018, \$117,000 of the general fund-state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account-state appropriation

are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund-state appropriation for fiscal year 2018 and \$595,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund-state appropriation for fiscal year 2018 and \$429,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$353,000)~~ \$1,260,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust. Of the amounts appropriated in this subsection, \$907,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the training in (a) of this subsection.

(16) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement

education for law enforcement, medical professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to administer statewide training in the use of the Washington state gang database, established in compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for providing grants for the mental health field response team grant program established in House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$176,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington association of sheriffs and police chiefs to convene a work group to develop strategies for identification and intervention against potential perpetrators of mass shootings, with an emphasis on school safety, and report on recommendations for their prevention.

(a) The work group includes, but is not limited to, representatives of the superintendent of public instruction, the school safety center advisory committee, state colleges and universities, local law enforcement, the Washington state patrol, the attorney general, mental health experts, victims of mass shootings, and the American civil liberties union of Washington.

(b) The work group shall assess and make recommendations regarding:

(i) Strategies to identify persons who may commit mass shootings associated with K-12 schools and colleges and universities;

(ii) A survey of services around the state available for those experiencing a mental health crisis;

(iii) A survey of state and federal laws related to intervening against potential perpetrators or confiscating their firearms; and

(iv) Strategies used by other states or recommended nationally to address the problem of mass shootings.

(c) The work group shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2018. The report shall consider the following strategies:

(i) Promoting to the public the availability of extreme risk protection orders as a means of avoiding mass shootings;

(ii) A rapid response interdisciplinary team composed of law enforcement, mental health experts, and other appropriate parties who could be mobilized to intervene and prevent a potential crisis at a school or institution of higher learning; and

(iii) Whether reasonable restrictions should be imposed on the access to firearms by those suffering from a mental illness that are consistent with the individual right to bear arms.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund-State Appropriation (FY 2018) (~~\$7,671,000~~)
\$6,513,000

General Fund-State Appropriation (FY 2019) (~~\$8,897,000~~)
\$9,285,000

General Fund-Federal Appropriation \$11,876,000

Asbestos Account-State Appropriation (~~\$527,000~~)

	<u>\$526,000</u>
Electrical License Account-State Appropriation	(\$52,100,000)
	<u>\$53,776,000</u>
Farm Labor Contractor Account-State Appropriation	\$28,000
Worker and Community Right-to-Know Account-State Appropriation	(\$993,000)
	<u>\$991,000</u>
Public Works Administration Account- State Appropriation	(\$6,303,000)
	<u>\$9,849,000</u>
Manufactured Home Installation Training Account-State Appropriation	(\$378,000)
	<u>\$377,000</u>
Accident Account-State Appropriation	(\$320,314,000)
	<u>\$320,925,000</u>
Accident Account-Federal Appropriation	\$16,765,000
Medical Aid Account-State Appropriation	(\$333,053,000)
	<u>\$334,083,000</u>
Medical Aid Account-Federal Appropriation	\$3,739,000
Plumbing Certificate Account-State Appropriation	(\$1,882,000)
	<u>\$1,880,000</u>
Pressure Systems Safety Account-State Appropriation	(\$4,442,000)
	<u>\$4,433,000</u>
Construction Registration Inspection Account-State Appropriation.....	(\$19,128,000)
	<u>\$20,945,000</u>
<u>Pension Funding Stabilization Account- State</u> Appropriation.....	\$1,435,000
TOTAL APPROPRIATION.....	<u>\$788,096,000</u>
	<u>\$797,426,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) \$123,000 of the accident account-state appropriation and \$22,000 of the medical aid-state appropriation are provided solely for implementation of chapter 150, Laws of 2017 (House Bill No. 1906) (farm internship).

~~((4))~~ (2) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The department must enter into an agreement with the health care authority to pay its share of the costs of implementing and operating a new provider credentialing system.

~~((5))~~ ~~\$6,124,000~~ (3) \$5,802,000 of the accident account-state appropriation and ~~(\$5,989,000)~~ \$5,676,000 of the medical aid account-state appropriation are provided solely for business transformation projects and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((6))~~ (4) \$19,128,000 of the construction registration inspection account-state appropriation is provided solely to implement House Bill No. 1716 (construction inspection account). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$2,000,000 of the accident account-state appropriation and \$2,000,000 of the medical account-state appropriation are provided solely for a contract with a workforce institute to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$2,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized employers" means those that have fewer than one hundred employees or have less than five percent net profitability.

(6) \$250,000 of the medical aid account-state appropriation and \$250,000 of the accident account-state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(7) \$1,272,000 of the public works administration account-state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1673 (responsible bidder criteria). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$185,000 of the accident account-state appropriation and \$185,000 of the medical aid account-state appropriation are provided solely to implement Substitute House Bill No. 1723 (Hanford/occupational disease). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$422,000 of the medical aid account-state appropriation is provided solely to implement Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted

by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$51,000 of the medial aid account-state appropriation and \$50,000 of the accident account-state appropriation are provided solely for the implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 218. 2017 3rd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) The appropriations in this section are subject to the following conditions and limitations:

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund-state appropriation to backfill a

loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund-State Appropriation (FY 2018) (~~(\$2,004,000)~~)
\$1,913,000

General Fund-State Appropriation (FY 2019) (~~(\$1,997,000)~~)
\$1,907,000

Charitable, Educational, Penal, and Reformatory

Institutions Account-State Appropriation \$10,000

Pension Funding Stabilization Account-State

Appropriation..... \$185,000

TOTAL APPROPRIATION..... ~~\$4,011,000~~

\$4,015,000

The appropriations in this subsection are subject to the following conditions and limitations: \$85,000 of the general fund-state appropriation for fiscal year 2018 and \$84,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 173, Laws of 2017 (ESSB 1802) (veterans' shared leave pool).

~~((2))~~ (3) FIELD SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$6,220,000)~~)
\$6,077,000

General Fund-State Appropriation (FY 2019) (~~(\$6,278,000)~~)
\$6,126,000

General Fund-Federal Appropriation (~~(\$3,751,000)~~)
\$3,747,000

General Fund-Private/Local Appropriation (~~(\$4,799,000)~~)
\$4,794,000

Veteran Estate Management Account-Private/Local

Appropriation (~~(\$666,000)~~)
\$664,000

Pension Funding Stabilization Account-State

Appropriation.....\$443,000

TOTAL APPROPRIATION.....~~\$21,714,000~~

\$21,851,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 192, Laws of 2017 (SB 5849) (veterans' services).

(c) \$110,000 of the general fund-state appropriation for fiscal year 2018 and \$110,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the veterans conservation corps by fifteen paid internships.

~~((3))~~ (4) INSTITUTIONAL SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$2,105,000)~~)
\$11,925,000

General Fund-State Appropriation (FY 2019) (~~(\$2,307,000)~~)
\$5,831,000

General Fund-Federal Appropriation (~~(\$93,767,000)~~)
\$84,027,000

General Fund-Private/Local Appropriation (~~(\$35,687,000)~~)
\$27,983,000

Pension Funding Stabilization Account-State

Appropriation.....\$1,462,000

TOTAL APPROPRIATION.....~~\$133,866,000~~

\$131,228,000

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund-State Appropriation (FY 2018) (~~(\$71,759,000)~~)

\$70,667,000

General Fund-State Appropriation (FY 2019) (~~(\$72,148,000)~~)

\$78,618,000

General Fund-Federal Appropriation (~~(\$550,186,000)~~)

\$550,114,000

General Fund-Private/Local Appropriation (~~(\$185,189,000)~~)

\$186,257,000

Hospital Data Collection Account-State Appropriation (~~(\$348,000)~~)

\$347,000

Health Professions Account-State Appropriation (~~(\$129,629,000)~~)

\$132,578,000

Aquatic Lands Enhancement Account-State Appropriation \$623,000

Emergency Medical Services and Trauma Care Systems

Trust Account-State Appropriation (~~(\$9,247,000)~~)

\$9,872,000

Safe Drinking Water Account-State Appropriation (~~(\$5,678,000)~~)

\$5,667,000

Drinking Water Assistance Account-Federal

Appropriation (~~(\$16,016,000)~~)

\$15,990,000

Waterworks Operator Certification-State Appropriation (~~(\$1,671,000)~~)

\$1,836,000

Drinking Water Assistance Administrative Account-State

Appropriation (~~(\$372,000)~~)

\$371,000

Site Closure Account-State Appropriation (~~(\$169,000)~~)

\$168,000

Biotoxin Account-State Appropriation (~~(\$1,972,000)~~)

\$1,968,000

State Toxics Control Account-State Appropriation (~~(\$4,259,000)~~)

\$4,249,000

Medicaid Fraud Penalty Account-State Appropriation (~~(\$938,000)~~)

\$1,098,000

Medical Test Site Licensure Account-State

Appropriation (~~(\$2,594,000)~~)

\$2,591,000

Youth Tobacco and Vapor Products Prevention Account-State

Appropriation (~~(\$4,963,000)~~)

\$3,363,000

Dedicated Marijuana Account-State Appropriation

(FY 2018) \$9,761,000

Dedicated Marijuana Account-State Appropriation

(FY 2019) (~~(\$9,766,000)~~)

\$9,764,000

Public Health Supplemental Account-Private/Local

Appropriation \$3,248,000

Pension Funding Stabilization Account-State

Appropriation \$3,821,000

Accident Account-State Appropriation (~~(\$344,000)~~)

\$343,000

Medical Aid Account-State Appropriation \$53,000

Suicide-Safer Homes Project Account-State Appropriation \$50,000

TOTAL APPROPRIATION ~~\$1,080,983,000~~

\$1,093,417,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health

and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs

than for other organizations which are not accredited.

(4) (a) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final report, to the appropriate committees of the legislature regarding:

(i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;

(ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;

(iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and

(iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5) (a) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and

modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund-local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the health professions account-state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$90,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(13) (a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and

experts that focus on hunger and poverty issues, shall produce a report regarding ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program, of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

(i) The number of people in Washington who are eligible for the program;

(ii) The number of people in Washington who participated in the program;

(iii) The average annual participation rate in the program;

(iv) Participation rates by geographic distribution; and

(v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account-state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account-state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund-federal appropriation is provided solely for the department to implement projects and activities during the 2017-2019 fiscal biennium that are designed to

improve the health and well-being of individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund-local appropriation is provided solely for the department to target its efforts in the HIV early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund-local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

(20) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data

reporting system to identify children who are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools-Revised Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund-local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund-state appropriation for fiscal year 2018 and \$130,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with

RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

~~(25) ((\$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must report to the legislature by December 1, 2018, regarding identified barriers and any recommendations for interventions.~~

~~(26))~~ \$27,000 of the general fund-state appropriation for fiscal year 2018 and \$16,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

~~((27))~~ (26) \$224,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

~~((28))~~ (27) \$93,000 of the health professions account-state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

~~((29))~~ (28) \$82,000 of the general fund-local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

~~((30))~~ (29) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal

and policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

~~((31))~~ (30) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

~~((32))~~ (31) \$28,000 of the general fund-state appropriation for fiscal year 2018 and \$28,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

~~((33))~~ (32) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(33) \$670,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a collaboration between local public health, accountable communities of health, and health care providers to reduce preventable hospitalizations. This one-year initiative will take place in the Tacoma/Pierce county local health jurisdiction.

(34) \$556,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to replace the comprehensive hospital abstract reporting system and is subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(35) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department, in partnership with the department of social and health services and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(36) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(37) \$30,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the nursing care quality assurance commission to convene and facilitate a work group to assess the need for nurses in long-term care settings and to make recommendations regarding worker recruitment, training, and retention challenges for long-term care providers in the sectors of skilled nursing facilities, assisted-living facilities, and adult family homes.

(a) The work group must:

(i) Determine the current and projected worker vacancy rates in the long-term care sectors compared to the workload projections for these sectors;

(ii) Develop recommendations for a standardized training curriculum for certified nursing assistants that ensures that workers are qualified to provide care in each sector, including integration into the curriculum of

specific training for the care of clients with dementia, developmental disabilities, and mental health issues;

(iii) Review academic and other prerequisites for training for licensed practical nurses to identify any barriers to career advancement for certified nursing assistants;

(iv) Identify barriers to career advancement for long-term care workers; and

(v) Evaluate the oversight roles of the department of health and the department of social and health services for nurse training programs and make recommendations for streamlining those roles.

(b) The members of the work group must include the following:

(i) The chair of the house health care and wellness committee or his or her designee;

(ii) The chair of the senate health and long-term care committee or his or her designee;

(iii) The assistant secretary of the aging and disability support administration of the department of social and health services, or his or her designee;

(iv) A member of the Washington apprenticeship and training council, chosen by the director of the department of labor and industries;

(v) A representative from the health services quality assurance division of the department of health, chosen by the secretary;

(vi) The executive director of the Washington state board for community and technical colleges or his or her designee;

(vii) A representative of the largest statewide association representing nurses;

(viii) A representative of the largest statewide union representing home care workers;

(ix) A representative of the largest statewide association representing assisted living and skilled nursing facilities;

(x) A representative of the adult family home council of Washington; and

(xi) The Washington state long-term care ombuds or his or her designee.

(d) The work group must meet at least three times, and the first meeting must occur no later than July 15, 2018. The commission must report no later than December 15, 2018, to the governor and the legislature regarding the work group's assessments and recommendations.

(38) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to implement training and education recommendations described in the 2016 report of the community health worker task force. The department shall report to the legislature on the progress of implementation no later than June 30, 2019. These moneys shall only be used to cover the cost of the department's staff time, meeting expenses, and community outreach.

(39) \$3,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to Seattle and King county public health for core public health services that prevent and stop the spread of communicable disease, including but not limited to zoonotic and emerging diseases and chronic hepatitis B and hepatitis C.

(40) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$360,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive Group B programs to ensure safe and reliable drinking water. These amounts shall be used to support the costs of the development and adoption of rules, policies and procedures, and for technical assistance, training, and other program-related costs.

(41) \$485,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(42) \$113,000 of the general fund-local appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(43) \$19,000 of the health professions account-state appropriation is provided solely to implement Substitute Senate Bill No. 6273 (state charity care). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(44) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a grant to the Benton-Franklin local health jurisdiction to expand its youth suicide prevention activities and to serve as a case study to identify best practice materials, training, intervention practices, and promotional strategies that can be replicated in other local health jurisdictions. The amounts appropriated must be used for the following activities:

(a) Prior to September 1, 2018, the Benton-Franklin local health jurisdiction must document the materials, training, intervention practices, and promotional strategies for youth suicide prevention that are available within Benton county and Franklin county.

(b) Prior to October 1, 2018, the Benton-Franklin local health jurisdiction must host a summit about the issue of youth suicide prevention. The summit must include attendees from schools, health care organizations, nonprofit organizations, and other relevant organizations from Benton county and Franklin county. The summit may also include attendees from other areas of the state who have unique knowledge and expertise with the issue of youth suicide prevention. Prior to the summit, the Benton-Franklin local health jurisdiction must share the result of the work described in (a) of this subsection with all attendees. During the summit, the Benton-Franklin local health jurisdiction must survey the attendees to determine best practices for educational materials, training, intervention practices, and promotional strategies.

(c) Prior to November 1, 2018, the Benton-Franklin local health jurisdiction must complete a plan for expanding youth suicide prevention that is based primarily on the survey of attendees described in (b) of this subsection. For each investment, the plan must describe the amount of funding utilized, as well as the expected results. The plan must be shared with the office of financial management, and the

appropriate fiscal and policy committees of the legislature, by November 10, 2018.

(d) Prior to June 15, 2019, the Benton-Franklin local health jurisdiction must complete a final report summarizing the work completed to satisfy (a) through (c) of this subsection. The final report must include a description of outcomes that can be measured and linked to the expansion of youth suicide prevention activities funded by this subsection. The final report will serve as a guide for further expansion of youth suicide prevention in Benton-Franklin, or within other local health jurisdictions. The final report must be shared with the office of financial management, and the appropriate fiscal and policy committees of the legislature, by June 30, 2019.

(45) \$300,000 of the general fund-state appropriation for fiscal year 2019, \$626,000 of the emergency medical services account appropriation, and \$70,000 of the health profession account appropriation are provided solely for the department to establish a statewide electronic emergency medical services data system for licensed ambulances and aid services to report and furnish patient encounter data, for the distribution of health care supplies through the hub and spoke community-based public health programs, and for knowledge-based identity verification for the prescription monitoring program. The secretary shall be responsible for coordinating the statewide response to the opioid epidemic.

(46) \$375,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a private or nonprofit business or organization with experience using evidence-based practices and promising practices for global strategies to reduce health disparities and address root social determinants of health for underserved communities in rural Washington state; with experience in working with underserved populations who face barriers to basic health and economic resources, including lack of access to preventative care, contributing to mismanagement of chronic disease and shortened lifespan; and with expertise regarding Washington state's global health institutions to bring strategies that have proven effective in developing countries to underserved communities in the United States. The program should engage marginalized

communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability and be able to identify, train, and provide tools to community leaders. The department must report to the legislature by December 1, 2019, regarding identified barriers and any recommendations for interventions.

(47) \$160,000 of the medicaid fraud penalty account-state appropriation is provided solely for additional staffing to coordinate the integration of the prescription monitoring program data into electronic health systems pursuant to chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs).

(48) \$25,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6529 (pesticide application safety). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(49) \$791,000 of the health professions account-state appropriation is provided solely to implement House Bill No. 2313 (chiropractic quality assurance commission). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 220. 2017 3rd sp.s. c 1 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2018, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund-state appropriations for fiscal year 2018 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the

changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$64,492,000)~~)
\$60,866,000

General Fund-State Appropriation (FY 2019) (~~(\$64,219,000)~~)
\$61,152,000

General Fund-Federal Appropriation \$400,000

Pension Funding Stabilization Account-State

Appropriation..... \$7,602,000

TOTAL APPROPRIATION..... ~~(\$128,711,000)~~
\$130,020,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$35,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are

performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) (~~(\$865,000)~~) \$488,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$587,000)~~) \$964,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(e) \$51,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund-State Appropriation (FY 2018) (~~(\$541,061,000)~~)
\$499,134,000

General Fund-State Appropriation (FY 2019) (~~(\$562,878,000)~~)
\$515,165,000

General Fund-Federal Appropriation \$818,000

Washington Auto Theft Prevention Authority Account-State
Appropriation (~~(\$4,608,000)~~)
\$4,588,000

Pension Funding Stabilization Account-State

Appropriation..... \$62,831,000

TOTAL APPROPRIATION... ~~\$1,109,365,000~~

\$1,082,536,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may contract for beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions

regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund-state appropriation for fiscal year 2018 and \$501,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) \$1,379,000 of the general fund-state appropriation for fiscal year 2018, and \$1,379,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

~~(d) (~~(\$250,000 of the general fund-state appropriation for fiscal year 2018 and~~) \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a (~~sawmill waste cogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex~~) source located in Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.~~

(e) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(f) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of

2017 (HB 1153) (vulnerable persons/crimes).

\$189,378,000

~~(g) ((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons)-~~

General Fund-Federal Appropriation ~~((2,368,000))~~

\$2,898,000

~~(i))~~ Within the amounts appropriated in this section, the department of corrections must review the use of full body scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

Pension Funding Stabilization Account-State

Appropriation \$12,791,000

TOTAL APPROPRIATION \$371,845,000

\$384,522,000

The appropriations in this subsection are subject to the following conditions and limitations:

(h) \$400,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with an independent third party to: (i) Provide a comprehensive review of the prison staffing model; and (ii) develop an updated prison staffing model for use by the department.

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(i) \$240,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to install a body scanner at the Washington corrections center for women as a pilot project to reduce strip searches. The department must collect data on its change in practices, the benefits or issues with utilizing body scanners in the prison, and provide a report to the legislature and the appropriate fiscal committees of the legislature by October 15, 2019.

(b) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(j) \$240,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(c) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of

(3) COMMUNITY SUPERVISION

General Fund-State Appropriation (FY 2018) ~~((181,670,000))~~

\$179,455,000

General Fund-State Appropriation (FY 2019) ~~((187,807,000))~~

current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(e) ~~((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).))~~ \$1,742,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund-State Appropriation (FY 2018) ~~((\$5,985,000))~~
\$6,278,000

General Fund-State Appropriation (FY 2019) ~~((\$6,085,000))~~
\$5,959,000

Pension Funding Stabilization Account-State

Appropriation..... \$510,000
TOTAL APPROPRIATION..... \$12,070,000
\$12,747,000

(5) INTERAGENCY PAYMENTS

General Fund-State Appropriation (FY 2018) ~~((\$44,091,000))~~
\$45,002,000

General Fund-State Appropriation (FY 2019) ~~((\$41,176,000))~~
\$42,889,000

TOTAL APPROPRIATION..... \$85,267,000
\$87,891,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$13,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(b) \$72,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund-State Appropriation (FY 2018) ~~((\$55,170,000))~~
\$52,685,000

General Fund-State Appropriation (FY 2019) ~~((\$56,426,000))~~
\$56,724,000

Pension Funding Stabilization Account-State

Appropriation..... \$4,434,000
TOTAL APPROPRIATION..... \$111,596,000
\$113,843,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department shall submit a report by December 1, 2018, to the appropriate committees of the legislature regarding the department's compliance with this subsection. The report must: (i) Include a summary of the comprehensive plan; (ii) analyze state funds allocated to cognitive behavioral change programs and reentry specific programs, including percentages and amounts of funds used in evidence-based practices and the number of people being served; (iii) identify discontinued and newly implemented cognitive behavioral change programs and reentry specific programs, including information used by the department in evaluating the effectiveness of discontinued and implemented programs; and (iv) provide recommendations to improve program

outcomes, including recommended strategies, deadlines, and funding.

(c) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(d) \$334,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General Fund-State Appropriation (FY 2018) (~~(\$128,680,000)~~)

\$144,271,000

General Fund-State Appropriation (FY 2019) (~~(\$127,782,000)~~)

\$146,621,000

TOTAL APPROPRIATION..... ~~\$256,462,000~~

\$290,892,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund-State Appropriation (FY 2018) (~~(\$2,478,000)~~)

\$2,454,000

General Fund-State Appropriation (FY 2019) (~~(\$2,525,000)~~)

\$2,565,000

General Fund-Federal Appropriation (~~(\$25,276,00)~~)

\$25,274,000

General Fund-Private/Local Appropriation \$60,000

Pension Funding Stabilization Account-State

Appropriation..... \$173,000

TOTAL APPROPRIATION.....~~\$30,339,000~~

\$30,526,000

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund-State Appropriation (FY 2019).....~~(\$35,000)~~

General Fund-Federal Appropriation (~~(\$216,993,000)~~)

\$209,332,000

General Fund-Private/Local Appropriation (~~(\$35,426,000)~~)

\$35,405,000

Unemployment Compensation Administration Account-Federal

Appropriation (~~(\$270,643,000)~~)

\$269,350,000

Administrative Contingency Account-State

Appropriation (~~(\$20,386,000)~~)

\$20,407,000

Employment Service Administrative Account-State

Appropriation (~~(\$53,555,000)~~)

\$53,804,000

Family and Medical Leave Insurance Account-State

Appropriation.....\$82,000,000

TOTAL APPROPRIATION.....~~\$679,003,000~~

\$670,333,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$4,152,000 of the unemployment compensation administration account-federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.

(3) \$82,000,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$35,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$530,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 2703 (ed. employee comp. claims). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$222,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2019) (~~(\$366,467,000)~~)

\$361,756,000

General Fund—Federal Appropriation (~~(\$236,770,000)~~)

\$246,625,000

General Fund—Private/Local Appropriation \$1,477,000

Domestic Violence Prevention Account—State

Appropriation..... \$1,002,000

Pension Funding Stabilization Account—State

Appropriation.....\$13,976,000

TOTAL APPROPRIATION.....\$605,716,000

\$624,836,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$748,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2019 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund—state appropriation for fiscal year 2019 and \$6,022,000 of the general fund—

federal appropriation are provided solely for family assessment response. Amounts appropriated in this subsection are sufficient to implement Substitute Senate Bill No. 6309 (family assessment response).

(g) \$94,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund-state appropriation for fiscal year 2019 and \$876,000 of the general fund-federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i) (A) \$540,000 of the general fund-state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund-federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund-state appropriation for fiscal year 2019 and \$26,000 of the general fund-federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund-state appropriation for fiscal year 2019 and \$11,000 of the general fund-federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund-state appropriation for fiscal year 2019 and \$133,000 of the general fund-federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(m) \$400,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund-state appropriation for fiscal year 2019 and \$56,000 of the general fund-federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The

department must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(o) (~~(\$3,600,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial participation.)~~) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(p) \$1,018,000 of the general fund-state appropriation for fiscal year 2019 and \$195,000 of the general fund-federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund-state appropriation for fiscal year 2019 and \$78,000 of the general fund-federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund-state appropriation for fiscal year 2019 and \$959,000 of the general fund-federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund-state appropriation for fiscal year 2019 and \$174,000 of the general fund-federal appropriation are provided solely for

short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(u) \$848,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(v) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

(w) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a county-wide nonprofit organization with early childhood expertise in Pierce county for a pilot project that convenes stakeholders to develop and plan an intervention using the help me grow model to prevent child abuse and neglect.

(x) \$692,000 of the general fund-state appropriation for fiscal year 2019 and \$487,000 of the general fund-federal appropriation are provided solely for the department to implement an enhanced rate add-on for providers who increase bed capacity for behavioral rehabilitation services as measured against the provider's average bed capacity as of the first six months of fiscal year 2018. The department must report to the legislature no later than January 1, 2019, on the effect of this enhanced rate add-on on increasing behavioral rehabilitation services bed capacity and rates of placement.

(y) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$87,000 of the general fund-state appropriation for fiscal year 2019 and \$38,000 of the general fund-state appropriation are provided solely for implementation of Substitute Senate Bill No. 6222 (extended foster care eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(aa) \$533,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to expand performance-based contracts for family support and related services through network administrators, pursuant to Engrossed Senate Bill No. 6407 (H-5083.2).

(bb) (i) The department of children, youth, and families in collaboration with the office of the superintendent of public instruction, the department of commerce office of homeless youth prevention and protection programs, and the student achievement council must convene a work group with aligned nongovernmental agencies, including a statewide nonprofit coalition that is representative of communities of color and low-income communities focused on educational equity, to create a plan for children and youth in foster care and children and youth experiencing homelessness to facilitate educational equity with their general student population peers and to close the disparities between racial and ethnic groups by 2027. The work group must:

(A) Review the educational outcomes of children and youth in foster care and children and youth experiencing homelessness, including:

(I) Kindergarten readiness, early grade reading, school stability, high school completion, postsecondary enrollment, and postsecondary completion; and

(II) Disaggregated data by race and ethnicity;

(B) Consider the outcomes, needs, and services for children and youth in foster care and children and youth experiencing homelessness, and the specific needs of children and youth of color and those with special education needs;

(C) Map current education support services, including eligibility, service levels, service providers, outcomes, service coordination, data sharing, and overall successes and challenges;

(D) Engage stakeholders in participating in the analysis and development of recommendations, including foster youth and children and youth experiencing homelessness, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary education advocates, and federally recognized tribes;

(E) Make recommendations for an optimal continuum of education support services to foster and homeless children and youth from preschool to postsecondary education that would provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Align indicators and outcomes across organizations and programs;

(II) Improve racial and ethnic equity in educational outcomes;

(III) Ensure access to consistent and accurate annual educational outcomes data;

(IV) Address system barriers such as data sharing;

(V) Detail options for governance and oversight to ensure educational services are continually available to foster and homeless children and youth regardless of status;

(VI) Detail a support structure that will ensure that educational records, educational needs, individualized education programs, credits, and other records will follow children and youth when they transition from district to district or another educational program or facility;

(VII) Explore the option of creating a specific statewide school district that supports the needs of and tracks the educational progress of children and youth in foster care and children and youth experiencing homelessness;

(VIII) Identify where opportunities exist to align policy, practices, and supports for students experiencing homelessness and foster students; and

(IX) Outline which recommendations can be implemented using existing resources and regulations and which require policy, administrative, and resource adjustments.

(ii) The work group should seek to develop an optimal continuum of services

using research-based program strategies and to provide for prevention, early intervention, and seamless transitions.

(iii) Nothing in this subsection (1)(bb) permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as allowed under federal and state law.

(iv) By December 17, 2018, the work group must provide a report to the legislature on its analysis as described under this subsection (1)(bb), the recommended plan, and any legislative and administrative changes needed to facilitate educational equity for children and youth in foster care and children and youth experiencing homelessness with their general student population peers by 2027.

(2) EARLY LEARNING PROGRAM

General Fund–State Appropriation (FY 2019)	(\$126,721,000)	\$126,846,000
General Fund–Federal Appropriation	(\$148,179,000)	\$149,289,000
Education Legacy Trust Account–State Appropriation	(\$14,192,000)	\$14,190,000
Home Visiting Services Account–State Appropriation	(\$3,191,000)	\$5,489,000
Home Visiting Services Account–Federal Appropriation	(\$11,708,000)	\$11,706,000
WA Opportunity Pathways Account–State Appropriation	\$40,000,000	
Pension Funding Stabilization Account–State Appropriation		\$468,000
TOTAL APPROPRIATION	\$343,991,000	\$347,988,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$67,938,000 of the general fund–state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account–state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund–state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c)(i) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(ii)(A) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(I) Increasing child care rates comparable to market rates based on the most recent market survey;

(II) Increasing access to infant and toddler child care;

(III) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand;

(IV) Providing nurse consultation services to licensed providers;

(V) Allowing working connections child care consumers who are full-time community or technical college students to attend college full-time and not have to meet work requirements; and

(VI) Meeting new or expanded federal mandates.

(B) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(d) (i) (~~(\$76,650,000)~~) \$78,090,000 of the general fund-federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an

improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund-state appropriation for fiscal year 2019 and \$6,712,000 of the general fund-federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(h) (~~(\$45,359,000)~~) \$42,706,000 of the general fund-state appropriation for fiscal year 2019 and \$13,954,000 of the general fund-federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its

annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account-state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund-federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n) (i) (A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs

including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(p) \$2,651,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the

amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$273,000 is for a base rate increase;

(ii) \$55,000 is for increasing paid professional development days from three days to five days;

(iii) \$1,708,000 is for the family child care providers 501(c)(3) organization for the substitute pool, training and quality improvement support services, and administration;

(iv) \$114,000 is for increasing licensing incentive payments; and

(v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(u) \$50,000 of the general fund-state appropriation for fiscal year 2019 is

provided solely for the department, in collaboration with the department of health, to submit a report on child care nurse consultation to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2018. The report must address the following:

(i) Provide background on what nurse consultation services are currently available to licensed child care providers; and

(ii) Provide options and recommendations, including fiscal estimates, for a plan to provide nurse consultation services to licensed child care providers who request assistance in addressing the health and behavioral needs of children in their care.

(v) \$163,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to develop a community-based training module in managing and sustaining a child care business for child care providers and entrepreneurs. To develop the training, the department must consult with the statewide child care resource and referral network, the community and technical college system, and one or more community-based organizations with experience in preparing child care providers for entry into the workforce. By November 1, 2018, the department must offer the training as a pilot in rural Jefferson county and urban Pierce county. The department must report on the results of the pilot to the governor and the legislature by December 1, 2019.

(w) \$74,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2861 (trauma-informed child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(x) \$750,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of the expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(y) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute House Bill No. 2779 (children mental health services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund-State Appropriation (FY 2019)	.....	(\$50,448,000)
		\$51,709,000
General		Fund-Federal
Appropriation.....		\$15,928,000
TOTAL APPROPRIATION.....		\$66,376,000
		\$67,637,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or

derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) (i) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(ii) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(iii) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

(iv) The department and the office shall jointly submit recommendations required by this section to the governor

and the appropriate legislative committees no later than December 15, 2018.

(d) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(e) \$111,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

PART III

NATURAL RESOURCES

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund-State Appropriation (FY 2018)	.....( (\$485,000))	
		\$468,000
General Fund-State Appropriation (FY 2019)	.....( (\$507,000))	
		\$496,000
General Fund-Federal Appropriation	.....\$32,000	
General Fund-Private/Local Appropriation	.....( (\$960,000))	
		\$978,000
<u>Pension Funding Stabilization Account-State</u>		
Appropriation	.....\$46,000	
TOTAL APPROPRIATION	.....\$1,984,000	
		\$2,020,000

Sec. 302. 2017 3rd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund-State Appropriation (FY 2018)	.....( (\$20,877,000))	
		\$19,735,000

General Fund-State Appropriation (FY 2019) (~~(\$21,411,000)~~)
\$22,505,000

General Fund-Federal Appropriation (~~(\$106,575,000)~~)
\$106,467,000

General Fund-Private/Local Appropriation (~~(\$23,028,000)~~)
\$23,008,000

Reclamation Account-State Appropriation (~~(\$4,106,000)~~)
\$4,101,000

Flood Control Assistance Account-State Appropriation (~~(\$2,175,000)~~)
\$4,173,000

State Emergency Water Projects Revolving Account-State Appropriation \$40,000

Waste Reduction/Recycling/Litter Control-State Appropriation (~~(\$13,736,000)~~)
\$14,787,000

State Drought Preparedness Account-State Appropriation \$204,000

State and Local Improvements Revolving Account (Water Supply Facilities)-State Appropriation \$164,000

Aquatic Algae Control Account-State Appropriation \$522,000

Water Rights Tracking System Account-State Appropriation \$47,000

Site Closure Account-State Appropriation \$582,000

Wood Stove Education and Enforcement Account-State Appropriation \$560,000

Worker and Community Right-to-Know Account-State Appropriation (~~(\$1,872,000)~~)
\$1,869,000

Water Rights Processing Account-State Appropriation \$39,000

State Toxics Control Account-State Appropriation (~~(\$147,806,000)~~)
\$149,327,000

State Toxics Control Account-Private/Local Appropriation \$499,000

Local Toxics Control Account-State Appropriation (~~(\$4,845,000)~~)
\$4,864,000

Water Quality Permit Account-State Appropriation (~~(\$44,119,000)~~)
\$44,403,000

Underground Storage Tank Account-State Appropriation (~~(\$3,635,000)~~)
\$3,661,000

Biosolids Permit Account-State Appropriation (~~(\$2,207,000)~~)
\$2,203,000

Environmental Legacy Stewardship Account-State Appropriation (~~(\$41,259,000)~~)
\$41,421,000

Hazardous Waste Assistance Account-State Appropriation (~~(\$6,466,000)~~)
\$6,593,000

Radioactive Mixed Waste Account-State Appropriation (~~(\$18,170,000)~~)
\$18,425,000

Air Pollution Control Account-State Appropriation (~~(\$3,437,000)~~)
\$3,477,000

Oil Spill Prevention Account-State Appropriation (~~(\$8,469,000)~~)
\$9,744,000

Air Operating Permit Account-State Appropriation (~~(\$3,787,000)~~)
\$3,816,000

Freshwater Aquatic Weeds Account-State Appropriation (~~(\$1,460,000)~~)
\$1,459,000

Oil Spill Response Account-State Appropriation \$7,076,000

Dedicated Marijuana Account-State Appropriation
(FY 2019) \$98,000

Pension Funding Stabilization Account-State

Appropriation.....	\$2,924,000
Water Pollution Control Revolving Administration	
Account-State	Appropriation
.....	(\$3,601,000)
	\$3,595,000
TOTAL APPROPRIATION.....	\$492,774,000
	\$502,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account-state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

~~((3))~~ (2) \$15,000,000 of the general fund-state appropriation for fiscal year 2018 and \$15,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund-state appropriation for fiscal year 2018 and \$227,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$180,000 of the general fund-state appropriation for fiscal year 2019, \$44,000 of the waste reduction, recycling and litter control account-state appropriation, \$720,000 of the state toxics control account-state appropriation, \$17,000 of the local

toxics control account-state appropriation, \$220,000 of the water quality permit account-state appropriation, \$23,000 of the underground storage tank account-state appropriation, \$132,000 of the environmental legacy stewardship account-state appropriation, \$39,000 of the hazardous waste assistance account-state appropriation, \$86,000 of the radioactive mixed waste account-state appropriation, \$18,000 of the air pollution control account-state appropriation, \$41,000 of the oil spill prevention account-state appropriation, and \$23,000 of the air operating permit account-state appropriation are provided solely for modernizing and migrating the department of ecology's business applications from an agency-based data center to the state data center or a cloud environment and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(6) \$80,000 of the hazardous waste assistance account-state appropriation is provided solely for the implementation of Substitute House Bill No. 2634 (antifouling paints). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$97,000 of the state toxics control account-state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2658 (perfluorinated chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$42,000 of the general fund-state appropriation for fiscal year 2018 and \$102,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$81,000 of the oil spill prevention account-state appropriation is provided solely for rule-making and other implementation costs of chapter 239, Laws of 2017 (short line railroad).

(10) \$73,000 of the state toxics control account-state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6413 (firefighting/toxic chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$1,143,000 of the oil spill prevention account—state appropriation is provided solely for implementing the provisions of Engrossed Second Substitute Senate Bill No. 6269 (strengthening oil transportation safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$190,000 of the general fund—state appropriation for fiscal year 2018, \$1,707,000 of the general fund—state appropriation for fiscal year 2019, and \$2,000,000 of the flood control assistance account—state appropriation are provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(13) \$11,000 of the state toxics control account—state appropriation and \$17,000 of the air pollution control account—state appropriation are provided solely for the implementation of Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(14) \$14,000 of the state toxics control account—state appropriation and \$13,000 of the water quality permit account—state appropriation are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(15) (a) \$625,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to address water use in violation of chapter 90.03 or 90.44 RCW in priority watersheds. The legislature recognizes that water use in violation of chapter 90.03 or 90.44 RCW in priority watersheds can impair existing instream flows and senior water rights and supports actions taken by the department to reduce water use in violation of chapter 90.03 or 90.44 RCW. The department shall engage in compliance and enforcement work to ensure compliance with requirements under chapters 90.03 and 90.44 RCW. Funding is authorized to be used for technical assistance, informal enforcement, and formal enforcement actions.

(b) The department shall use funds appropriated under this section to work in water resource inventory areas where:

(a) Rules have been adopted under chapters 90.22 or 90.54 RCW; (b) those

rules do not specify mitigation requirements for groundwater withdrawals exempt from permitting under RCW 90.44.050; and (c) the department believes water use in violation of chapter 90.03 or 90.44 RCW is negatively impacting streamflows.

(c) The department shall submit a report to the legislature by December 1, 2019, that summarizes the compliance and enforcement work completed in each basin, including the estimated benefit to streamflows occurring from actions taken.

(d) Appropriations under this section should not replace or otherwise impact funds appropriated to the department to carry out duties under RCW 90.03.605 and chapter 90.08 RCW.

(16) \$187,000 of the state toxics control account—state appropriation is provided solely to the department to begin a multiyear study to distinguish the sources of emissions of the toxic air pollutant that poses the greatest cancer risk at the air monitoring station that is located closest to a port in the state with the highest volume of container traffic in domestic and foreign waterborne trade, as measured by the United States bureau of transportation statistics for the most recent year such statistics were available, as of January 1, 2017. The local air pollution control authority may financially contribute to the completion of this study, and the department is encouraged to consult with the local air pollution control authority in designing and implementing this study.

(17) \$98,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the department to begin conducting research into appropriate protocols and accreditation standards for marijuana testing laboratories. By January 15, 2019, the department must report to the appropriate committees of the legislature with preliminary recommendations regarding laboratory accreditation standards that should be applied to marijuana testing laboratories.

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund-State Appropriation (FY 2018)	.....	(\$9,645,000)
		<u>\$8,993,000</u>
General Fund-State Appropriation (FY 2019)	.....	(\$9,945,000)
		<u>\$10,328,000</u>
General Fund-Federal Appropriation	.....	(\$6,981,000)
		<u>\$6,977,000</u>
Winter Recreation Program Account-State Appropriation	.....	(\$3,293,000)
		<u>\$3,292,000</u>
ORV and Nonhighway Vehicle Account-State Appropriation	.....	(\$232,000)
		<u>\$392,000</u>
Snowmobile Account-State Appropriation	.....	(\$5,633,000)
		<u>\$5,632,000</u>
Aquatic Lands Enhancement Account-State Appropriation	.....	\$367,000
((Outdoor Education and Recreation Account State Appropriation.....	.....	\$1,500,000)
Recreation Access Pass Account-State Appropriation	.....	\$50,000
Parks Renewal and Stewardship Account-State Appropriation	.....	(\$124,759,000)
		<u>\$124,299,000</u>
Parks Renewal and Stewardship Account-Private/Local Appropriation	.....	(\$318,000)
		<u>\$420,000</u>
<u>Pension Funding Stabilization Account-State Appropriation.....</u>		<u>\$1,498,000</u>
TOTAL APPROPRIATION.....		\$162,723,000
		<u>\$162,248,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,000 of the general fund-state appropriation for fiscal year 2018 and \$129,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a grant for the

operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account-state appropriation is provided solely for the commission to replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

~~(4) (\$500,000 of the outdoor education and recreation account state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.~~

~~(5))~~ \$50,000 of the recreation access pass account-state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

(5) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the commission to carry out forest health related activities at the Squilchuck state park.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund-State Appropriation (FY 2018) (~~(\$1,441,000)~~)
 \$1,401,000

General Fund-State Appropriation (FY 2019) (~~(\$1,398,000)~~)
 \$1,483,000

General Fund-Federal Appropriation (~~(\$3,646,000)~~)
 \$3,642,000

General Fund-Private/Local Appropriation \$24,000

Aquatic Lands Enhancement Account-State Appropriation (~~(\$495,000)~~)
 \$494,000

Firearms Range Account-State Appropriation \$37,000

Recreation Resources Account-State Appropriation (~~(\$3,615,000)~~)
 \$3,610,000

NOVA Program Account-State Appropriation (~~(\$1,054,000)~~)
 \$1,052,000

Pension Funding Stabilization Account-State

Appropriation \$80,000
TOTAL APPROPRIATION \$11,710,000
\$11,823,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the general fund-state appropriation for fiscal year 2018 and \$156,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for implementation of the Nisqually watershed stewardship plan.

(2) \$375,000 of the general fund-state appropriation for fiscal year 2018 and \$375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon. The board shall amend the grant to specify that all assessment activities conducted as a result of this subsection must be coordinated with the United States Navy.

(3) \$125,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board to conduct or contract for a study of the economic and health benefits of trail-based activities, including hiking, walking, and bicycling. The information gathered will assist in decision-making regarding the allocation of dedicated resources and investment in Washington's trail networks. Additionally, the information will aid in increasing and leveraging economic benefits in the development of public-private partnerships aimed at stewardship and growth connected to Washington's trail networks. The study may include, but is not limited to, analysis of the number of people in the state who hike, bike, and walk annually, economic contribution, environmental and social benefits, and mental and physical health outcomes. The study may also include regional case studies. As appropriate, the analysis must incorporate data from the state comprehensive outdoor recreation plan

provided solely for activities related to water quality improvements and fecal coliform DNA speciation statewide.

Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund-State Appropriation (FY 2018) (~~(\$46,860,000)~~)
\$45,121,000

General Fund-State Appropriation (FY 2019) (~~(\$46,483,000)~~)
\$47,569,000

General Fund-Federal Appropriation (~~(\$118,809,000)~~)
\$130,365,000

General Fund-Private/Local Appropriation (~~(\$63,920,000)~~)
\$63,918,000

ORV and Nonhighway Vehicle Account-State Appropriation (~~(\$437,000)~~)
\$699,000

Aquatic Lands Enhancement Account-State Appropriation (~~(\$10,460,000)~~)
\$10,423,000

Recreational Fisheries Enhancement-State Appropriation (~~(\$3,084,000)~~)
\$3,118,000

Warm Water Game Fish Account-State Appropriation (~~(\$2,773,000)~~)
\$2,660,000

Eastern Washington Pheasant Enhancement Account-State Appropriation \$675,000

State Wildlife Account-State Appropriation (~~(\$118,033,000)~~)
\$117,751,000

Special Wildlife Account-State Appropriation (~~(\$71,000)~~)
\$3,234,000

Special Wildlife Account-Federal Appropriation \$505,000

Special Wildlife Account-Private/Local Appropriation (~~(\$3,576,000)~~)
\$3,573,000

Wildlife Rehabilitation Account-State Appropriation \$361,000

Ballast Water and Biofouling Management Account-State Appropriation \$10,000

Hydraulic Project Approval Account-State Appropriation (~~(\$690,000)~~)
\$29,000

Environmental Legacy Stewardship Account-State Appropriation (~~(\$2,765,000)~~)
\$2,763,000

Regional Fisheries Enhancement Salmonid Recovery Account-Federal Appropriation \$5,001,000

Oil Spill Prevention Account-State Appropriation (~~(\$1,122,000)~~)
\$1,120,000

Pension Funding Stabilization Account-State Appropriation \$5,178,000

Oyster Reserve Land Account-State Appropriation \$527,000

Performance Audits of Government Account-State Appropriation \$325,000

Aquatic Invasive Species Management Account-State Appropriation (~~(\$1,658,000)~~)
\$1,656,000

TOTAL APPROPRIATION ~~(\$428,145,000)~~
\$446,581,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$467,000)~~) \$67,000 of the general fund-state appropriation for fiscal year 2018 and \$467,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) (~~(\$1,098,000)~~) \$1,109,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$1,098,000)~~) \$1,109,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund-state appropriation for fiscal year 2018, \$415,000 of the general fund-state appropriation for fiscal year 2019, and \$440,000 of the general fund-federal appropriation are provided solely for county assessments.

(4) Prior to submitting its 2019-2021 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish

production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$425,000)~~) \$525,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for training for a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife, (~~and~~) the continued conflict transformation with the wolf advisory group, and for cost share partnerships with livestock owners and the use of range riders to reduce the potential for depredation of livestock from wolves. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account-state appropriation is provided solely for the fish program, including implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund-federal appropriation, \$62,000 of the state wildlife account-state appropriation, and \$10,000 of the ballast water and biofouling management account-state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

~~(12) ((\$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups.~~

~~(13))~~ (a) \$5,500,000 of the general fund-state appropriation for fiscal year 2018, \$5,500,000 of the general fund-state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account-state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. Of the amounts provided in this subsection, \$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups. In order to address this shortfall on a long-term basis, the department must develop a plan for balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the

commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by ~~(May)~~ September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(13) \$580,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(14) \$76,000 of the general fund-state appropriation for fiscal year 2018 and \$472,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to increase enforcement of vessel traffic near orca whales, especially commercial and recreational whale watchers and shipping, and to reduce underwater noise levels that interfere with feeding and communication. While the patrol focus is to be on orca whale protection when the animals are present, nothing prohibits responses to emergent public safety or in-progress poaching incidents. In the event that orca whales are not present in marine waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound.

(15) \$837,000 of the general fund-state appropriation for fiscal year 2019 is appropriated for the department to increase hatchery production of key prey species fish throughout the Puget Sound, coast, and Columbia river. The department shall work with the governor, federal partners, tribal co-managers, the hatchery scientific review group, and other interested parties to develop a biennial hatchery production plan by

December 31, 2018, that will: (a) Identify, within hatchery standards and endangered species act constraints, hatchery programs and specific facilities to contribute to the dietary needs of orca whales; (b) consider prey species preferences and migratory patterns of orca whales; and (c) include adaptive management provisions to ensure the conservation and enhancement of wild stocks. The final plan will be reviewed by the hatchery scientific review group and submitted to the appropriate committees of the legislature by December 31, 2018.

(16) \$115,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for an interagency agreement with the office of financial management for facilitation services and support the governor's efforts to develop a long-term action plan for orca whale recovery.

(17) \$55,000 of the state wildlife account-state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6127 (halibut fishery). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$65,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$183,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to evaluate translocation as a management tool to advance the recovery of wolves using the state environmental policy act (SEPA) process. The department shall provide a report to the legislature outlining the results of the SEPA process no later than December 31, 2019.

(20) \$373,000 of the general fund-state appropriation for fiscal year 2018 and \$417,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to complete the third and final phase of the Puget Sound steelhead research project.

(21) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to add a veterinarian, microbiologist, and make

laboratory upgrades to ensure the hatchery program complies with recent changes in water quality and health laws.

(22) \$400,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for restoration costs that are a result of wildfire damage.

(23) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to implement and enforce chapter 2, Laws of 2016 (Initiative Measure No. 1401).

(24) The department must ensure the following actions occur prior to initiating construction of the Buckmire slough project:

(a) The department shall engage with hunters and other stakeholders to consider alternative project designs that balance the multiple recreational uses and species habitat needs at the wildlife area;

(b) The department shall quantify potential habitat and recreational hunting loss associated with the project, and will work with stakeholders and interested members of the public to develop strategies for mitigating those losses; and

(c) Where necessary, the department shall make payments to all public and private entities that contributed to the purchase of the unit's 540 acres of waterfowl habitat, in amounts that are required by the funding entity.

Sec. 308. 2017 3rd sp.s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund-State Appropriation (FY 2018) (~~(\$48,463,000)~~)
 \$74,728,000

General Fund-State Appropriation (FY 2019) (~~(\$48,264,000)~~)
 \$49,316,000

General Fund-Federal Appropriation (~~(\$27,329,000)~~)
 \$36,496,000

General Fund-Private/Local Appropriation (~~(\$2,372,000)~~)
 \$3,230,000

Forest Development Account-State Appropriation (~~(\$56,643,000)~~)
 \$50,122,000

ORV and Nonhighway Vehicle Account-State Appropriation (~~(\$8,449,000)~~)
 \$7,843,000

Surveys and Maps Account-State Appropriation (~~(\$3,462,000)~~)
 \$2,479,000

Aquatic Lands Enhancement Account-State Appropriation (~~(\$13,262,000)~~)
 \$16,188,000

Resources Management Cost Account-State Appropriation (~~(\$121,559,000)~~)
 \$121,520,000

Surface Mining Reclamation Account-State Appropriation (~~(\$4,130,000)~~)
 \$4,122,000

Disaster Response Account-State Appropriation.....\$23,076,000

Forest and Fish Support Account-State Appropriation..... (~~(\$12,790,000)~~)
 \$12,789,000

Aquatic Land Dredged Material Disposal Site Account-State Appropriation.....\$400,000

Natural Resources Conservation Areas Stewardship Account-State Appropriation (~~(\$34,000)~~)
 \$232,000

State Toxics Control Account-State Appropriation..... (~~(\$10,705,000)~~)
 \$10,709,000

Forest Practices Application Account-State Appropriation (~~(\$2,158,000)~~)
 \$1,896,000

Air Pollution Control Account-State Appropriation (~~(\$872,000)~~)
 \$870,000

NOVA Program Account-State	
Appropriation	(\$734,000)
	<u>\$733,000</u>
<u>Pension Funding Stabilization Account-State</u>	
Appropriation.....	<u>\$3,239,000</u>
Derelict Vessel Removal Account-State	
Appropriation	(\$1,946,000)
	<u>\$1,945,000</u>
Community Forest Trust Account-State	
Appropriation	\$52,000
Agricultural College Trust Management Account-State	
Appropriation	(\$3,056,000)
	<u>\$3,055,000</u>
TOTAL APPROPRIATION.....	\$389,756,000
	<u>\$425,040,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,420,000 of the general fund-state appropriation for fiscal year 2018 and \$1,352,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) (~~\$16,546,000~~) \$44,455,000 of the general fund-state appropriation for fiscal year 2018, \$16,546,000 of the general fund-state appropriation for fiscal year 2019, and \$16,050,000 of the disaster response account-state appropriation are provided solely for emergency fire suppression. The general fund-state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 of the forest and fish support account-state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost

agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund-state appropriation for fiscal year 2018 and \$1,640,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund-state appropriation for fiscal year 2018 and \$147,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within

these counties for residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund-state appropriation for fiscal year 2018 and \$486,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account-state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account-state appropriation

is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account-state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$160,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6109 (wildland urban interface). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$42,000 of the forest development account-state appropriation, \$56,000 of the resources management cost account-state appropriation, and \$2,000 of the agricultural college trust management account-state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2285 (marbled murrelet reports). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(18) \$6,000 of the forest development account-state appropriation, \$36,000 of the resources management cost account-state appropriation, and \$1,000 of the agricultural college trust management account-state appropriation are provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$57,000 of the general fund-state appropriation for fiscal year 2018 and \$136,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2561 (wildland fire advisory committee). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) \$403,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2733 (prescribed burn certificate program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$873,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to the department to provide to the Kittitas county fire district seven as matching funds for a federal staffing for adequate fire and emergency response (SAFER) grant.

(22) \$380,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for one full-time natural resource scientist, one full-time information technology specialist, and related support costs dedicated to

earthquake and tsunami hazards. Duties for these positions include, but are not limited to, developing inventories, maps, evacuation routes, educational materials, databases, and other activities that increase preparedness for earthquakes and tsunamis.

(23) \$37,000 of the aquatic lands enhancement account-state appropriation and \$37,000 of the resources management cost account-state appropriation are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(24) \$25,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to enhance the department's efforts to develop and submit a proposed amendment to the 1997 Washington state trust lands habitat conservation plan for a marbled murrelet long-term conservation strategy. In meeting the department's legal and fiduciary obligations to beneficiaries of state lands and state forestlands, the proposed amendment shall be consistent with the requirements of the 1997 state lands habitat conservation plan, the associated implementation agreement and incidental take permit, and the federal endangered species act.

(25) \$198,000 of the natural resources conservation areas stewardship account-state appropriation is provided solely for weed control and maintenance of public access at natural areas.

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund-State Appropriation (FY 2018)	.....((\$17,281,000))	\$16,888,000
General Fund-State Appropriation (FY 2019)	.....((\$17,525,000))	\$17,465,000
General Fund-Federal Appropriation	.....((\$31,424,000))	\$32,134,000
General Fund-Private/Local Appropriation	.....	\$193,000
Aquatic Lands Enhancement Account-State Appropriation	.....((\$2,565,000))	

	\$2,563,000
State Toxics Control Account—State Appropriation	(\$5,534,000)
	\$6,066,000
Water Quality Permit Account—State Appropriation	\$73,000
<u>Pension Funding Stabilization Account— State</u>	
Appropriation.....	\$1,041,000
TOTAL APPROPRIATION.....	\$74,595,000
	\$76,423,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2018 and \$6,102,905 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2018, and February 1, 2019. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(3) \$132,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the

shellfish interagency permitting team recommendations.

(4) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$2,000 of the general fund—state appropriation for fiscal year 2018 and \$18,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(6) \$144,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(7) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$6,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the industrial hemp research pilot program. Expenditures shall be prioritized for processing licenses and expanding the industrial hemp market.

(9) \$534,000 of the state toxics control account—state appropriation is provided solely for a monitoring program to study the impacts of the use of imidacloprid as a means to control burrowing shrimp and related costs. Department costs include, but are not limited to, oversight and participation on a technical advisory committee, technical assistance, planning, and reporting activities. The department may also use the funding provided in this subsection, as needed, for payments to Washington State University, the United States department of agriculture, and outside consultants for their participation in the monitoring program and technical advisory committee. The department must report to the appropriate committees of the legislature by June 1,

2019, on the progress of the monitoring program.

(10) \$80,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the department to provide to the sheriff's departments of Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$40,000 is for the Ferry county sheriff's department and \$40,000 is for the Stevens county sheriff's department.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency
Underground

Storage Tank Revolving Account-State
Appropriation..... ((\$10,000))
\$90,000

Pollution Liability Insurance Program
Trust Account-State

Appropriation ((\$1,338,000))
\$1,340,000

TOTAL APPROPRIATION..... \$1,348,000
\$1,430,000

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund-State Appropriation (FY 2018) ((\$2,922,000))
\$2,783,000

General Fund-State Appropriation (FY 2019) ((\$2,668,000))
\$2,526,000

General Fund-Federal Appropriation ((\$8,102,000))
\$10,334,000

Aquatic Lands Enhancement Account-State
Appropriation..... ((\$1,420,000))
\$1,419,000

State Toxics Control Account-State
Appropriation \$721,000

Pension Funding Stabilization Account-State

Appropriation.....\$277,000
TOTAL APPROPRIATION.....\$15,833,000
\$18,060,000

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

PART IV

TRANSPORTATION

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund-State Appropriation (FY 2018) ((\$1,460,000))
\$1,688,000

General Fund-State Appropriation (FY 2019) ((\$1,530,000))
\$2,145,000

Architects' License Account-State
Appropriation ((\$995,000))
\$1,203,000

Professional Engineers' Account-State
Appropriation ((\$3,922,000))
\$3,926,000

Real Estate Commission Account-State
Appropriation ((\$11,045,000))
\$11,547,000

Uniform Commercial Code Account-State
Appropriation ((\$3,448,000))
\$3,469,000

Real Estate Education Program Account-State
Appropriation\$276,000

Real Estate Appraiser Commission
Account-State
Appropriation.....\$1,870,000

Business and Professions Account-State
Appropriation ((\$19,302,000))
\$21,985,000

Real Estate Research Account—State
Appropriation \$415,000

Landscape Architects' License Account—
State \$4,000

Geologists' Account—State
Appropriation \$53,000

Derelict Vessel Removal Account—State
Appropriation \$33,000

CPL Renewal Notification Account—State
Appropriation \$183,000

Firearms Range Account—State
Appropriation \$75,000

Pension Funding Stabilization Account—
State

Appropriation..... \$95,000

TOTAL APPROPRIATION..... \$44,607,000

\$48,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws of 2017 (SHB 1420) (theatrical wrestling).

(2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$32,000 of the general fund—state appropriation for fiscal year 2018 and \$32,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department of licensing to issue identicards to youths released from juvenile rehabilitation facilities.

(5) The appropriations in this section include sufficient funding for the implementation of Third Substitute House Bill No. 1169 (student loan assistance).

(6) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Senate Bill No. 6298 (domestic violence harassment/firearms). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$265,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 2018) ((~~\$44,994,000~~))
\$43,800,000

General Fund—State Appropriation (FY 2019) ((~~\$45,986,000~~))
\$46,662,000

General Fund—Federal Appropriation ((~~\$16,260,000~~))
\$16,255,000

General Fund—Private/Local
Appropriation \$3,085,000

Death Investigations Account—State
Appropriation ((~~\$7,087,000~~))
\$8,207,000

County Criminal Justice Assistance
Account—State
Appropriation ((~~\$3,755,000~~))
\$3,752,000

Municipal Criminal Justice Assistance
Account—State
Appropriation ((~~\$1,521,000~~))
\$1,520,000

Fire Service Trust Account—State
Appropriation \$131,000

Vehicle License Fraud Account—State
Appropriation \$110,000

Disaster Response Account—State
Appropriation ((~~\$8,000,000~~))
\$12,400,000

Fire Service Training Account—State
Appropriation ((~~\$11,126,000~~))

	<u>\$11,121,000</u>
Aquatic Invasive Species Management Account-State	
Appropriation	\$54,000
<u>Pension Funding Stabilization Account-State</u>	
<u>Appropriation</u>	<u>\$3,295,000</u>
State Toxics Control Account-State	
Appropriation	(\$549,000)
	<u>\$548,000</u>
Fingerprint Identification Account-State	
Appropriation	(\$15,768,000)
	<u>\$15,745,000</u>
<u>Dedicated Marijuana Account-State Appropriation</u>	
<u>(FY 2019)</u>	<u>\$2,803,000</u>
TOTAL APPROPRIATION.....	\$158,426,000
	<u>\$169,488,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$270,000 of the fire service training account-state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) (~~\$8,000,000~~) \$12,400,000 of the disaster response account-state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account-state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund-state appropriation for fiscal year 2018 and \$41,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$116,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund-state appropriation for fiscal year 2018 and \$90,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account-state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account-state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$495,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the costs related to the 1995 king air maintenance. By June 30, 2019, the state patrol is directed to sell the 1983 king air and proceeds generated from the sale of the 1983 king air must be deposited into the state patrol highway account.

(10) \$2,803,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to create a new drug enforcement task force for the purposes of controlling the potential diversion and illicit production or distribution of marijuana and marijuana-related products in Washington.

(11) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to coordinate with the

governor's office of Indian affairs, federally recognized tribal governments, and the U.S. justice department to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state.

\$58,392,000
 General Fund-Federal Appropriation
 ((~~\$68,460,000~~))
 \$83,422,000

(12) The amounts in this subsection are provided solely for implementing the recommendations of the joint legislative task force on sexual assault forensic examination, and for monitoring and testing untested sexual assault examination kits.

General Fund-Private/Local
 Appropriation ((~~\$8,051,000~~))
 \$8,049,000

(a) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the state patrol to:

Washington Opportunity Pathways
 Account-State
 Appropriation\$584,000

(i) Work in conjunction with state or nonstate entities to test sexual assault kits pursuant to RCW 43.43.545;

Dedicated Marijuana Account-State
 Appropriation
 (FY 2018)\$513,000

(ii) Conduct forensic analysis of sexual assault examination kits in the custody of the state patrol pursuant to chapter 247, Laws of 2015; and

Dedicated Marijuana Account-State
 Appropriation
 (FY 2019) ((~~\$516,000~~))

(ii) Continue the task force.

\$515,000
 Performance Audits of Government
 Account-State
 Appropriation\$211,000

(b) \$1,375,000 of the general fund-state appropriation for fiscal year 2018 and \$1,375,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 247, Laws of 2015 to address the state's backlog in sexual assault examination kits. The seven full-time employees funded under this subsection must work exclusively on processing sexual assault exam kits through the crime laboratory division.

Pension Funding Stabilization Account-
 State
 Appropriation\$2,126,000

(c) Within amounts provided in this section, the Washington state patrol shall adopt rules necessary to implement RCW 43.43.545.

TOTAL APPROPRIATION\$176,067,000
 \$200,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$10,437,000~~)) \$9,612,000 of the general fund-state appropriation for fiscal year 2018 and ((~~\$11,112,000~~)) \$10,236,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

PART V

EDUCATION

Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund-State Appropriation (FY 2018) ((~~\$49,844,000~~))
 \$46,525,000

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

General Fund-State Appropriation (FY 2019) ((~~\$47,888,000~~))

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) (~~(\$3,857,000)~~) \$1,423,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,857,000)~~) \$5,598,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education). Of these amounts:

(a) \$857,000 of the general fund-state appropriation for fiscal year 2018 and \$857,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for maintenance of the apportionment system;

(b) \$566,000 of the general fund-state appropriation for fiscal year 2018 and \$3,741,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education); and

(c) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(3) (a) \$911,000 of the general fund-state appropriation for fiscal year 2018 and \$911,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account-state appropriation is provided solely for the state board of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$3,512,000)~~) \$3,762,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund-state appropriation for fiscal year 2018 and \$2,372,000 of the general fund-state appropriation for fiscal year 2019 are for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program.

Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$25,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(d) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(e) \$250,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to procure or develop professional development for paraeducator subject matter certificates, in English language learner and special education, and must align courses with general paraeducator certificate professional development, including any necessary changes or edits to general paraeducator certificate online modules.

(5) \$266,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$266,000)~~ \$502,000 of the general fund-state appropriation for fiscal year

2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6)(a) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$61,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(b) Within amounts appropriated in this subsection (6), the committee shall review the rules and procedures adopted by the superintendent of public instruction and the state board of education related to the minimum number of students to be used for public reporting and federal accountability purposes. By October 30, 2018, the committee shall report to the office of the superintendent of public instruction, the state board of education, and the appropriations committees of the legislature with its recommendations for the state to meet the following goals: Increase the visibility of the opportunity gap in schools with small subgroups of students; hold schools and school districts accountable to individual student-level support; and comply with federal student privacy laws.

(7) \$61,000 of the general fund-state appropriation for fiscal year 2018 and \$61,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 of the Washington opportunity pathways account-state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(9) \$1,802,000 of the general fund-state appropriation for fiscal year 2018 and \$1,802,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund-state appropriation for fiscal year 2018 and \$123,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund-state appropriation for fiscal year 2018 and \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund-state appropriation for fiscal year 2018 and \$14,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund-state appropriation for fiscal year 2018 and \$62,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with

substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools-recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$131,000 of the general fund-state appropriation for fiscal year 2018, \$131,000 of the general fund-state appropriation for fiscal year 2019, and \$211,000 of the performance audits of government account-state appropriation are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be used to support and prioritize the office of the

superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(20) \$150,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$150,000)~~) \$202,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund-state appropriation for fiscal year 2018 and \$55,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(22) \$2,541,000 of the general fund-state appropriation for fiscal year 2018 and \$2,541,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(24) \$1,221,000 of the general fund-state appropriation for fiscal year 2018 and \$1,221,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing

capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(25) \$3,940,000 of the general fund-state appropriation for fiscal year 2018 and \$3,940,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(26) \$1,354,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$1,354,000)~~) \$1,454,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(27) \$410,000 of the general fund-state appropriation for fiscal year 2018, \$280,000 of the general fund-state appropriation for fiscal year 2019, and (~~(\$1,029,000)~~) \$1,028,000 of the dedicated marijuana account-state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$513,000 of the dedicated marijuana account-state appropriation for fiscal year 2018, and (~~(\$516,000)~~) \$515,000 of the dedicated marijuana account-state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund-state appropriation for fiscal year 2018

and \$2,590,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(29) \$293,000 of the general fund-state appropriation for fiscal year 2018 and \$293,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(30) \$4,894,000 of the general fund-state appropriation for fiscal year 2018 and \$4,894,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants for implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education

committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund-state appropriation for fiscal year 2018 and \$117,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$450,000)~~ \$1,450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Of the amounts in this subsection, up to \$950,000 of the general fund-state appropriation for fiscal year 2019 is for implementation of the K-12 dual language grant program established in RCW 28A.630.095 and \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(35) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent

possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund-state appropriation for fiscal year 2018 and \$2,145,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund-state appropriation for fiscal year 2018 and \$446,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund-state appropriation for fiscal year 2018 and \$1,015,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(37) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund-state appropriation for fiscal year 2018 and \$703,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of

chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund-state appropriation for fiscal year 2018 and \$15,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund-state appropriation for fiscal year 2018 and \$178,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund-state appropriation for fiscal year 2018 and \$912,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund-state appropriation for fiscal year 2018, \$204,000 of the general fund-state appropriation for fiscal year 2019, and \$408,000 of the general fund-federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund-state appropriation for fiscal year 2018 and \$300,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend a qualifying high poverty high school that has received a grant under (a) of this

subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) ~~(\$100,000)~~ \$40,000 of the general fund-state appropriation for fiscal year 2018 ~~((is))~~ and \$60,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund-state appropriation for fiscal year 2018 and \$270,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in

data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund-state appropriation for fiscal year 2018 and \$179,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$97,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1539 (sexual abuse of students). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$676,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2748 (learning assistance program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$230,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1896 (civics education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) Within amounts appropriated in this section, the office of the

superintendent of public instruction and the state board of education shall adopt a rule that the minimum number of students to be used for public reporting and federal accountability purposes is ten.

(54) \$335,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to the office of the superintendent of public instruction for programs to combat bias. The office of the superintendent of public instruction must contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the creation of a comprehensive online encyclopedia of local Holocaust education resources. The online encyclopedia must include teaching trunk materials, Anne Frank materials, genocide resources, and video testimonies.

(56) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act). The office of the superintendent of public instruction must submit a report to the appropriate policy and fiscal committees of the legislature by June 30, 2019, outlining accomplishments and deliverables achieved in fiscal year 2019.

(57) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all

school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(58) \$40,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(59) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit, civil rights and human relations organization with expertise in tracking and responding to hate incidents in schools, and with experience implementing programs designed to empower students to improve upon and sustain school climates that combat bias and bullying. The contract must expand the organization's current anti-bias programs to eight public schools across Washington, with at least half of the public schools located east of the crest of the Cascade mountains. Amounts provided in this subsection may be used to support preprogram planning, trainings, guidance, surveys, materials, and the hiring of a part-time contractor to support data tracking.

(60) \$120,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6162 (dyslexia). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(61) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(62) \$240,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school

districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government.

(63) \$10,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the civic education travel grant program pursuant to RCW 28A.300.480.

(64) Within the amounts appropriated in this section, the office of the superintendent of public instruction may develop recommendations to amend long-standing provisos within Part V of the omnibus operating budget. The office of the superintendent of public instruction shall submit recommendations, to include rationale why each proposed change should be made, to the office of financial management and the fiscal committees of the legislature by July 1, 2018.

(65) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall coordinate with school districts and educational service districts that contract for transportation bus services and report the following information to the appropriate fiscal committees of the legislature by December 1, 2018:

(a) The number of transportation contract employees by job category;

(b) The total cost of the transportation contract, including the amount held by the school district or educational service district for administration of the contract;

(c) Information about the retirement benefit for transportation contract employees, including the name of the provider, the aggregate amount provided, and the amounts provided by employees;

(d) Information about the total health care benefit provided to transportation contract employees, including the name of the provider and the summary of benefits; and

(e) A copy of the transportation contract.

(66) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall:

(a) Make recommendations on the best methods to provide and fund vocational funding enhancement for career and technical education and career-connected learning through alternative learning experience courses;

(b) Solicit and incorporate input received from the online learning advisory committee in making its report recommendations; and

(c) Submit a report of recommendations to the education and fiscal committees of the legislature by December 15, 2018.

(67) \$900,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to leverage federal funding from the e-rate program operated by the universal service administrative company, under the federal communications commission. Funding is provided to enable more student access to digital learning.

(68) \$4,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits to partner with public schools for next generation science standards.

(69) \$722,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to provide grants to educational service districts and school districts to develop or expand regional safety programs to address student safety. At a minimum, programs must implement a multitier threat assessment system; develop a process for notifying schools, including private schools, of safety emergencies; and make recommendations or implement appropriate safety technology consistent with regional need.

(70) \$131,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2685 (high

school preapprenticeships). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 502. 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2018) (~~\$7,183,886,000~~)
\$7,239,334,000

General Fund—State Appropriation (FY 2019) (~~\$7,412,055,000~~)
\$7,142,294,000

Education Legacy Trust Account—State Appropriation (~~\$345,730,000~~)
\$595,730,000

TOTAL APPROPRIATION... ~~\$14,941,671,000~~
\$14,977,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school

district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2017-18 and 2018-19 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(h) For the 2018-19 school year, a school district qualifies for a hold harmless payment if the sum of the school district's state basic education allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of state basic education allocations, local maintenance and operation levy, and local effort assistance provided under the law as it existed on January 1, 2017. For the purposes of this section, the local levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy allowed under the law as of January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

Grade	RCW 28A.150.260	2017 -18	2018 -19
Grade K		17.0	17.0
Grade 1		17.0	17.0
Grade 2		17.0	17.0
Grade 3		17.0	17.0
Grade 4		27.0	27.0
Grade 5-6		27.0	27.0
Grade 7-8		28.5	28.5
Grade 9-12		28.7	28.7

The superintendent shall base allocations for: Laboratory science

average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:	RCW 28A.150.260	2017 -18	2018 -19
Grad e	60	School Year	School Year
Grad e K		17.0	17.0
Grad e 1		17.0	17.0
Grad e 2		17.0	17.0
Grad e 3		17.0	17.0
Grad e 4		27.0	27.0
Grad es 5-6		27.0	27.0
Grad es 7-8		28.5	28.5
Grad es 9-12		28.7	28.7

(iii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors

is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d) (ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2017-18	2018-19
	School Year	School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students.....	1.025
Skill Center students.....	1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2017-18 and 2018-19 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2017-18 and 2018-19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same

grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and (~~23.49~~) 23.65 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and (~~24.60~~) 24.67 percent in the 2018-19 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE			
MSOC Component	2017-18 School Year	2018-19 School Year	
Technology	\$130.7		
	6		(\$132.05)
			) <u>\$133.24</u>
Utilities and Insurance	\$355.3		
	0		(\$360.98)
			) <u>\$362.05</u>
Curriculum and Textbooks	\$140.3		
	9		(\$142.64)
			) <u>\$143.06</u>
Other Supplies and Library Materials	\$298.0		
	5		(\$302.82)
			) <u>\$303.71</u>
Instructional Professional Development for Certificated and Classified Staff	\$21.71		
			(\$22.06)
			) <u>\$22.12</u>
Facilities Maintenance	\$176.0		
	1		(\$178.83)
			) <u>\$179.36</u>
Security and Central Office	\$121.9		
	4		(\$123.89)
			) <u>\$124.26</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,244.16		
			(\$1,264.07)
			) <u>\$1,267.80</u>

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating

costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8) (a) (ii) exceeds (B) of this subsection (8) (a) (ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2017-18 School Year	2018-19 School Year
Technology	\$37.60	((\$38.20)) <u>\$38.31</u>
Curriculum and Textbooks	\$41.02	((\$41.67)) <u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	((\$86.82)) <u>\$87.08</u>
Instructional Professional Development for Certified and Classified Staff	\$6.83	((\$6.95)) <u>\$6.97</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$170.9	((\$173.64)) <u>\$174.16</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 school years, funding for substitute costs for classroom teachers is based on four (4)

funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 school year, pursuant to RCW 28A.150.220 and 28A.150.315.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any

district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92

certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f) (i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (~~((12-))~~) (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2018 and 2019 as follows:

(a) \$638,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$648,000)~~) \$650,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund-state appropriation for fiscal year 2018 and \$436,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time

equivalent student enrolled in those programs.

(16) \$225,000 of the general fund-state appropriation for fiscal year 2018 and \$229,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (~~((12-))~~) (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection ~~((12))~~ (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed ~~((5 percent))~~ the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2017-2019 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

Sec. 503. 2017 3rd sp.s. c 1 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated

administrative, and classified staff units as provided in House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

Statewide Minimum Salary Allocation
For School Year 2018-19

Certificated	((59,333.55))
Instructional Staff	<u>\$65,216.05</u>

Certificated	((79,127.50))
Administrative Staff	<u>\$96,805.00</u>

Classified Staff	((39,975.50))
	<u>\$46,784.33</u>

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as

0	6	8	2	4	2,	5	8
	,	,	,	,	26	,	,
	8	5	0	6	3	7	3
	0	3	4	1		8	4
	5	3	9	1		0	0

1		0	3	6	3,	7	0
		,	,	,	89	,	,
		1	7	3	9	4	1
		6	6	7		9	0
		9	1	5		2	4

2		1	5	8	5,	9	1
		,	,	,	60	,	,
		7	5	2	0	2	9
		5	2	1		5	4
		3	0	1		0	2

3			7	0	7,	1	3
			,	,	36	,	,
			3	0	0	0	8
			2	9		5	2
			2	3		2	3

4			9	2	9,	2	5
			,	,	17	,	,
			1	0	2	9	7
			3	4		8	7
			2	6		1	6

5			0	3	0,	4	7
			,	,	71	,	,
			6	6	0	6	4
			7	6		1	8
			1	0		8	6

6			1	4	1,	5	8
o			,	,	92	,	,
r			8	9	4	9	8
m			8	3		1	3
o			4	2		0	6
r							
e							

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

(a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or

(b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

Sec. 504. 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund-State Appropriation (FY 2018) (~~(\$216,086,000)~~)

\$206,149,000

General Fund-State Appropriation (FY 2019) (~~(\$1,360,536,000)~~)

\$2,029,841,000

Dedicated McCleary Penalty Account-State

Appropriation..... \$84,020,000

TOTAL APPROPRIATION.... ~~\$1,576,622,000~~

\$2,320,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

~~(2) ((In addition to salary allocations specified in this subsection (1) funding in this subsection includes one day of professional learning for each of the funded full-time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~ (a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and ~~((22.85))~~ 23.01 percent for the 2018-19 school year for certificated instructional and certificated administrative staff and 21.10 percent for the 2017-18 school year and ~~((21.10))~~ 21.17 percent for the 2018-19 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for

educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 502, 503, and 504 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per month for the 2017-18 school year and ~~((840.00))~~ \$843.97 per month for the 2018-19 school year. When bargaining for health benefits funding for the school employees' benefits board during the 2017-2019 fiscal biennium, any proposal agreed upon must assume the imposition of a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than ninety-five percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

~~((5))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$699,437,000 of the general fund-state appropriation in fiscal year 2019 and \$84,020,000 of the dedicated McCleary penalty account-state appropriation are provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), regionalization factors as provided in RCW 28A.150.412(2)(b), and professional learning day delay, each as amended by

Engrossed Second Substitute Senate Bill
No. 6362 (basic education).

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2018)	.....(\$502,599,000)	
		<u>\$518,512,000</u>
General Fund—State Appropriation (FY 2019)	.....(\$497,940,000)	
		<u>\$519,533,000</u>
TOTAL APPROPRIATION....	\$1,000,539,000	<u>\$1,038,045,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund-state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund-state appropriation for fiscal year 2019 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique

geographic constraints in the grant award process.

(4) A maximum of \$913,000 of this fiscal year 2018 appropriation and a maximum of (~~\$937,000~~) \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(6) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(7) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2017 3rd sp.s. c 1 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2018)	.....	\$7,111,000
General Fund—State Appropriation (FY 2019)	.....(\$7,111,000)	
		<u>\$8,371,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended

by Engrossed Second Substitute Senate Bill No. 6362 (basic education), except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund-state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 13.5 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) \$31,087,000 of the general fund-state appropriation for fiscal year 2018, (~~(\$31,087,000)~~ \$35,952,000 of the general fund-state appropriation for fiscal year 2019, and (~~(\$31,024,000)~~ \$29,574,000 of the general fund-federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2017-18 and 2018-19 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund-state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund-state appropriation for fiscal year 2018 and \$256,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund-state appropriation for fiscal year 2018, \$50,000 of the general fund-state appropriation for fiscal year 2019, and \$100,000 of the general fund-federal

appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(13) \$21,180,000 of the dedicated McCleary penalty account-state appropriation is provided solely for allocation to school districts to increase the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 508. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR EDUCATIONAL SERVICE DISTRICTS

General Fund-State Appropriation (FY 2018)	.....(\$8,534,000)	
		<u>\$8,549,000</u>
General Fund-State Appropriation (FY 2019)	.....(\$8,558,000)	
		<u>\$9,468,000</u>
TOTAL APPROPRIATION	.....	<u>\$17,092,000</u>
		<u>\$18,017,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2018)	.....(\$449,808,000)	
		<u>\$451,423,000</u>
General Fund—State Appropriation (FY 2019)	.....(\$454,876,000)	
		<u>\$425,973,000</u>
TOTAL APPROPRIATION.....	\$904,684,000	<u>\$877,396,000</u>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	.....(\$13,565,000)	
		<u>\$13,895,000</u>
General Fund—State Appropriation (FY 2019)	.....(\$13,689,000)	
		<u>\$14,096,000</u>
TOTAL APPROPRIATION.....	\$27,254,000	<u>\$27,991,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2018 and \$701,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund-State Appropriation (FY 2018) (~~(\$21,265,000)~~)
\$21,447,000

General Fund-State Appropriation (FY 2019) (~~(\$24,306,000)~~)
\$24,226,000

TOTAL APPROPRIATION..... ~~(\$45,571,000)~~
\$45,673,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund-state appropriation for fiscal year 2018 and \$85,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR MISCELLANEOUS-EVERY STUDENT SUCCEEDS ACT

General Fund-Federal Appropriation (~~(\$4,802,000)~~)

Sec. 513. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-EDUCATION REFORM PROGRAMS

General Fund-State Appropriation (FY 2018) (~~(\$134,741,000)~~)
\$134,384,000

General Fund-State Appropriation (FY 2019) (~~(\$155,464,000)~~)
\$154,111,000

General Fund-Federal Appropriation (~~(\$93,320,000)~~)
\$94,811,000

General Fund-Private/Local Appropriation (~~(\$1,451,000)~~)
\$1,450,000

Education Legacy Trust Account-State Appropriation (~~(\$1,619,000)~~)
\$1,618,000

Pension Funding Stabilization Account-State
Appropriation.....\$765,000

TOTAL APPROPRIATION.....~~(\$386,595,000)~~
\$387,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (a) \$30,421,000 of the general fund-state appropriation for fiscal year 2018, \$26,975,000 of the general fund-state appropriation for fiscal year 2019, \$1,350,000 of the education legacy trust account-state appropriation, and \$15,868,000 of the general fund-federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) (i) The office of the superintendent of public instruction issued a final fiscal note on July 13, 2017, detailing an estimated savings of \$12.7 million in the 2017-2019 biennium and \$15.2 million in the 2019-2021 biennium from the passage of Engrossed Substitute House Bill No. 2224.

(ii) By November 1, 2018, the superintendent must review the fiscal note and report to the legislature on which actions detailed in the fiscal note

were taken by the superintendent to achieve the savings estimated and the actual savings achieved. For those actions provided in the fiscal note that were not taken and for which no savings were achieved, the superintendent must explain why those actions were not taken.

(iii) By November 1, 2018, the superintendent must submit a detailed plan on how the superintendent will achieve all of the savings estimated in the fiscal note for the 2019-2021 biennium.

(2) \$356,000 of the general fund-state appropriation for fiscal year 2018 and \$356,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities (~~(coordinated at the Pacific science center)~~), including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund-state appropriation for fiscal year 2018 and \$3,935,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) (~~(\$62,672,000)~~) \$62,674,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$82,665,000)~~) \$82,778,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of (~~(\$5,381)~~) \$5,397 per teacher in the 2018-19 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch,

(B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2017-18 and 2018-19 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund-state appropriation for fiscal year 2018 and \$477,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund–state appropriation for fiscal year 2018 and \$950,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund–state appropriation for fiscal year 2018 and \$810,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund–state appropriation for fiscal year 2018 and \$3,000,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund–state appropriation for fiscal year 2018 and \$1,802,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs in grades four

through twelve. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund–state appropriation for fiscal year 2018 and \$125,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund–state appropriation for fiscal year 2018 and \$135,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund–state appropriation for fiscal year 2018 and \$10,500,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund–state appropriation for fiscal year 2018 and \$250,000 of the general fund–state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To

be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2018-19 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$9,352,000 of the general fund-state appropriation for fiscal year 2018 and \$14,352,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund-state appropriation for fiscal year 2018 and \$450,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined

by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund-state appropriation for fiscal year 2018 and \$4,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

(17) (~~(\$100,000)~~) \$125,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$100,000)~~) \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,194,000)~~) \$909,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund-state appropriation for fiscal year 2018 and \$36,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund-state appropriation for fiscal year 2018 and \$40,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund-state appropriation for fiscal year 2018 and \$10,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the

superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for contracts with nonprofit organizations that provide direct services to children exclusively through one-to-one volunteer mentoring. The mentor, student, and parent must each receive monthly coaching from professional staff in the first year and coaching every two months in subsequent years.

(25) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for grants to implement a program that provides hands-on education in financial literacy, work readiness, and entrepreneurship.

(26) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

Sec. 514. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund-State Appropriation (FY 2018)	.....(\$147,948,000)
	<u>\$151,517,000</u>
General Fund-State Appropriation (FY 2019)	.....(\$157,744,000)
	<u>\$158,812,000</u>
General Fund-Federal Appropriation	.....(\$92,244,000)
	<u>\$97,244,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	.....<u>\$4,000</u>
TOTAL APPROPRIATION	.....\$397,936,000
	<u>\$407,577,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ~~((2.55))~~ 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(4) The general fund-federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title

III of the elementary and secondary education act.

(5) \$35,000 of the general fund-state appropriation for fiscal year 2018 and \$35,000 of the general fund-state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

(6) \$495,000 of the general fund-state appropriation in fiscal year 2018 and \$198,000 of the general fund-state appropriation in fiscal year 2019 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 515. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-FOR THE LEARNING ASSISTANCE PROGRAM

General Fund-State Appropriation (FY 2018)	.....((\$326,233,000))	<u>\$323,386,000</u>
General Fund-State Appropriation (FY 2019)	.....((\$355,633,000))	<u>\$348,202,000</u>
General Fund-Federal Appropriation	.....((\$505,487,000))	<u>\$519,487,000</u>
TOTAL APPROPRIATION	....<u>\$1,187,353,000</u>	<u>\$1,191,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund-state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which

enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund-federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund-state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2017-18 and 2018-19 school years, school districts are authorized to use

funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2017 3rd sp.s. c 1 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS

Statewide Average Allocations			
	Per Annual	Average	Full-Time
	Equivalent		Student
	Student		
Basic Education Program	2017-18 School Year	2018-19 School Year	
General Apportionment	((\$7,03 <u>\$7,063</u>	((\$8,03 <u>\$8,736</u>	
Pupil Transportation	((\$422 <u>\$429</u>	((\$485 <u>\$531</u>	
Special Education Programs	((\$6,92 <u>\$6,897</u>	((\$7,87 <u>\$8,749</u>	
Institutional Education Programs	((\$13,4 <u>\$14,401</u>	((\$15,3 <u>\$17,811</u>	
Programs for Highly Capable Students	((\$455 <u>\$457</u>	((\$525 <u>\$569</u>	
Transitional Bilingual Programs	((\$1,02 <u>\$1,031</u>	((\$1,16 <u>\$1,250</u>	
Learning Assistance Program	((\$735 <u>\$738</u>	((\$849 <u>\$920</u>	

Sec. 517. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular

district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of

public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2017 3rd sp.s. c 1 s 519 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State

Appropriation (~~(\$62,713,000)~~)
\$55,569,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$2,378,000 of the Washington opportunity pathways account—state appropriation is provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), regionalization factors as provided in RCW 28A.150.412(2)(b), and the professional learning day delay, each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 519. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State

Appropriation (~~(\$477,000)~~)
\$862,000

Charter Schools Oversight Account—State

Appropriation (~~(\$1,958,000)~~)

\$1,572,000

TOTAL APPROPRIATION..... \$2,435,000

\$2,434,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account-state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

PART VI
HIGHER EDUCATION

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund-State Appropriation (FY 2018) (~~(\$662,672,000)~~)

\$629,169,000

General Fund-State Appropriation (FY 2019) (~~(\$668,368,000)~~)

\$637,311,000

Community/Technical College Capital Projects

Account-State Appropriation (~~(\$23,841,000)~~)

\$21,618,000

Education Legacy Trust Account-State Appropriation (~~(\$138,314,000)~~)

\$134,501,000

Pension Funding Stabilization Account-State
Appropriation..... \$67,897,000

TOTAL APPROPRIATION.... \$1,493,195,000

\$1,490,496,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,261,000 of the general fund-state appropriation for fiscal year 2018 and \$33,261,000 of the general fund-state appropriation for fiscal year 2019 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time

equivalent students in fiscal year 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account-state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund-state appropriation for fiscal year 2018 and \$425,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Seattle central college's expansion of allied health programs.

(4) \$5,250,000 of the general fund-state appropriation for fiscal year 2018 and \$5,250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund-state appropriation for fiscal year 2018, and \$1,610,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund-state appropriation for fiscal year 2018 and \$1,500,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at

the Washington aerospace training and research center.

(8) \$100,000 of the general fund-state appropriation for fiscal year 2018 and \$100,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(9) (~~(\$19,588,000)~~) \$18,697,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$18,960,000)~~) \$19,164,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund-state appropriation for fiscal year 2018 and \$157,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund-state appropriation for fiscal year 2018 and \$185,000 of the general fund-state appropriation for fiscal year 2019 are

provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund-state appropriation for fiscal year 2018 and \$42,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund-state appropriation for fiscal year 2018 and \$5,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for program delivery through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund-state appropriation for fiscal year 2018 and \$60,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund-state appropriation for fiscal year 2018 and \$750,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(20) (a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal

periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer. The ctcLink project funded through the community and technical college innovation account created in RCW 28B.50.515 is subject to the conditions, limitations, and review provided in section 724 of this act.

(21) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence hosted by Everett Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$216,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the opportunity center for employment and education at north Seattle college.

(23) \$381,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Highline college to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(25) (a) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the board to contract with an independent professional consulting service to:

(i) Collect academic, classified, and professional employee total compensation data, source of funding, and the duties or categories for which that compensation is paid;

(ii) Identify comparable market rate salaries;

(iii) Incorporate, as appropriate, data from the office of financial management from the compensation studies conducted pursuant to the 2017-2019 memorandum of understanding between the state of Washington community college coalition and the Washington federation of state employees re: regional compensation issues; and

(iv) Provide analysis regarding whether a local labor market adjustment formula should be implemented, and if so which market adjustment factors and methods should be used.

(b) The board must collect, and college districts must provide, the compensation, recruitment, and retention data necessary to accomplish the work required in this subsection.

(c) The consultant shall provide an interim report to the board by August 15, 2018. The consultant shall provide the final data and analysis to the board by October 1, 2018.

(26) \$87,000 of the general fund-state appropriation for fiscal year 2018 and \$350,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for Peninsula college to expand the annual cohorts of the specified programs as follows:

(a) Medical assisting, from 20 to 40 students;

(b) Nursing assistant, from 40 to 60 students; and

(c) Registered nursing, from 24 to 32 students.

(27) \$338,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state labor education and research center at South Seattle College.

(28) \$150,000 of the general fund-state appropriation for fiscal year 2018 and \$150,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the state board to continue the feasibility study for a potential new community and technical college in the Graham, Washington area

that was first authorized by section 605, chapter 4, Laws of 2015 3rd sp. sess. The feasibility study shall be accomplished by continuing to expand enrollment and classes at the Graham-Kapowsin high school and gathering data, such as enrollment numbers, future class interest, and student profile data, from students who participate. The feasibility study shall specifically address the intent of pursuing the establishment of a community college in the Graham, Washington area and the state board of community and technical colleges shall report to the legislature the findings of the feasibility study by June 30, 2019.

(29) \$42,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(30) \$300,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Cascadia community college to convene a task force with the University of Washington-Bothell and the representatives from the Canyon Park biomedical industry cluster to (a) identify workforce development needs of the area's biomedical cluster and (b) engage in the city of Bothell's master planning process to ensure that the retention and expansion of this industry cluster and its workforce are adequately represented in the process.

(31) \$50,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the state board to identify at least two high school equivalency tests that are at least as rigorous as the 2013 general educational test in that sixty percent of high school seniors can pass the test. At least one of the two test options must not require computer proficiency and at least one of the test options must be low cost to the student. At least one of the test options must be fairly normed to the actual academic ability of current high school seniors such that at least sixty percent of high school seniors can pass the high school equivalency test. The state board must identify at least one test option that is appropriate for students who have been in the workforce, need a high school diploma for employment reasons, have been incarcerated, or were in the military. The state board must communicate the

availability of the two test options to public and private test administrators. The state board must report to the legislature and the public the number of students who have received a high school equivalency certificate during the prior month of each year by posting this information on a public page on its web site. The board must also post on a public page on its web site a norming study for every high school equivalency test confirming that the test is within the actual academic ability of recent high school seniors. The norming study must be similar in scope and methods to the norming studies of the 2002 and 2007 GED tests.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund-State Appropriation (FY 2018)(~~\$336,712,000~~)
\$310,920,000

General Fund-State Appropriation (FY 2019)(~~\$353,811,000~~)
\$325,781,000

Aquatic Lands Enhancement Account-State Appropriation\$1,350,000

UW Building Account-State Appropriation.....\$1,052,000

Education Legacy Trust Account-State Appropriation(~~\$30,050,000~~)
\$33,051,000

Economic Development Strategic Reserve Account-State

Appropriation(~~\$3,035,000~~)
\$3,034,000

Pension Funding Stabilization Account-State

Appropriation\$51,068,000

Biotoxin Account-State Appropriation(~~\$597,000~~)
\$596,000

Dedicated Marijuana Account-State Appropriation

(FY 2018)\$247,000

Dedicated Marijuana Account-State Appropriation

(FY 2019)\$247,000

Accident Account-State Appropriation	.....	(((\$7,436,000)))
		<u>\$7,425,000</u>
Medical Aid Account-State	Appropriation	(((\$7,042,000)))
		<u>\$7,032,000</u>
<u>Geoduck Aquaculture Research Account-State</u>		
<u>Appropriation.....</u>		
		<u>\$200,000</u>
TOTAL APPROPRIATION.....		<u>\$741,579,000</u>
		<u>\$742,003,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund-state appropriation for fiscal year 2018 and \$52,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) (~~(\$39,581,000)~~) \$38,807,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$39,353,000)~~) \$39,777,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(3) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(4) \$8,000,000 of the education legacy trust account-state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(5) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how

many students are enrolled in computer science and engineering programs above the prior academic year.

(6) \$1,350,000 of the aquatic lands enhancement account-state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2017, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(7) (~~(\$8,000,000)~~) \$11,000,000 of the education legacy trust account-state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(8) \$1,000,000 of the general fund-state appropriation for fiscal year 2018 and \$1,000,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the university to increase resident undergraduate enrollments in science, technology, engineering, and math majors. The university is expected to increase full-time equivalent enrollment by approximately 60 additional students.

(9) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund-state appropriation for fiscal year 2018 and \$250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund-state appropriation for fiscal year 2018 and \$200,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund-state appropriation for fiscal year 2018 and \$7,400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the

Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) (~~(\$3,200,000)~~) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$2,700,000 of the general fund-state appropriation for fiscal year 2019 (~~(is)~~) are provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund-state appropriation for fiscal year 2018 and \$80,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund-state appropriation for fiscal year 2018 and \$400,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund-state appropriation for fiscal year 2018 and \$2,250,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(18) \$500,000 of the general fund-state appropriation for fiscal year 2018 and \$500,000 of the general fund-state appropriation for fiscal year 2019 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(19) \$125,000 of the general fund-state appropriation for fiscal year 2018 and \$125,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the University of Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total

annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the

state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) General fund-state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(24) \$45,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their military education. The purpose of the research and analysis is to examine possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25) (a) \$140,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the University of Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the Volk decision changed the law in this state;

(ii) Comprehensive review and assessment of the involuntary and voluntary treatment capacity available in the state, including information and data available from the select committee

on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the Volk decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in *Petersen*, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the Volk decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the Volk decision, and a description of any changes as a result of the Volk decision;

(viii) Assessment of whether mental health service providers may be changing practice to limit exposure to the potential risks created by the Volk decision;

(ix) Assessment of legal and practice implications state legal standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including, but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The University of Washington school of law must submit the final report to the

appropriate committees of the legislature by December 1, 2017.

(26) \$85,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(27) To ensure transparency and accountability, in the 2017-2019 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(28) \$77,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the University of Washington school of environmental and forest sciences to pilot a program to advise and facilitate the activities of the Olympic peninsula forest collaborative.

(29) (a) \$172,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(i) Determination of whether wolves have started to recolonize a 5,000 square kilometer study area in the south Cascades of Washington, and if so, an assessment of their distribution over the landscape as well as their health and pregnancy rates;

(ii) Baseline data collection, if wolves have not yet established pack territories in this portion of the state, that will allow for the assessment of how the functional densities and diets of wolves across the landscape will affect the densities and diets in the following predators and prey: Coyote, cougar, black bear, bobcat, red fox, wolverine, elk, white tailed deer, mule deer, moose, caribou, and snowshoe hare;

(iii) Examination of whether the microbiome of each species changes as wolves start to occupy suitable habitat; and

(iv) An assessment of the use of alternative wildlife monitoring tools to cost-effectively monitor size of the wolf population over the long-term.

(b) A report on the findings of the study shall be shared with the Washington department of fish and wildlife.

(30) \$1,000,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

(31) \$200,000 of the geoduck aquaculture research account-state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(32) \$3,000,000 of the general fund-state appropriation for fiscal year 2018 and \$6,000,000 of the general fund-state appropriation for fiscal year 2019 are provided on a one-time basis solely for compensation and central services costs. The funding provided shall temporarily replace a portion of tuition expenditures on central services and salaries and benefits for union-represented and nonrepresented employees. The additional

funding provided in this section will permit the university to fund the incremental cost of compensation costs for all general fund-state and tuition-supported employees in equal amounts from general fund-state and tuition for the remainder of the 2017-2019 fiscal biennium.

(33) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(34) \$135,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Washington MESA to continue the First Nations MESA program in the Yakima Valley.

(35) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(36) \$10,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(37) \$81,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund-State Appropriation (FY 2018) (~~\$215,329,000~~)
\$200,567,000

General Fund-State Appropriation (FY 2019) (~~\$227,266,000~~)
\$212,381,000

WSU Building Account-State Appropriation.....\$792,000

Education Legacy Trust Account-State Appropriation\$33,995,000

Dedicated Marijuana Account—State
Appropriation

(FY 2018) \$138,000

Dedicated Marijuana Account—State
Appropriation

(FY 2019) \$138,000

Pension Funding Stabilization Account—
State

Appropriation..... \$30,983,000

TOTAL APPROPRIATION..... \$477,658,000

\$478,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of

2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$7,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

~~(8) ((Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.~~

~~(9))~~ (9) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

~~((10) \$27,425,000))~~ (9) \$27,586,000 of the general fund—state appropriation for fiscal year 2018 and ~~((27,973,000))~~ \$28,275,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

~~((11))~~ (10) \$230,000 of the general fund—state appropriation for fiscal year 2018 and \$376,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

~~((12))~~ (11) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state

universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

~~((113))~~ (12) \$580,000 of the general fund-state appropriation for fiscal year 2018 and \$580,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

~~((114))~~ (13) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

~~((115))~~ (14) \$760,000 of the general fund-state appropriation for fiscal year 2018 and \$760,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

~~((116))~~ (15) \$630,000 of the general fund-state appropriation for fiscal 2018

and \$630,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

~~((117))~~ (16) \$1,370,000 of the general fund-state appropriation for fiscal year 2018 and \$1,370,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

~~((118))~~ (17) General fund-state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(18) \$768,000 of the general fund-state appropriation for fiscal year 2018 and \$504,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(19) \$89,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$58,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the joint center

for deployment and research in earth abundant materials.

\$52,015,000

(22) \$75,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington State University tree fruit research and extension center in Wenatchee to create a plan for expansion of graduate research in the greater Wenatchee Valley. This plan may include proposals for new research programs, new or expanded facilities, and other elements necessary to facilitate expansion of graduate research in the greater Wenatchee Valley.

Education Legacy Trust Account-State Appropriation\$16,598,000

TOTAL APPROPRIATION.....~~\$118,647,000~~

\$118,826,000

The appropriations in this section are subject to the following conditions and limitations:

(23) \$15,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(1) At least \$200,000 of the general fund-state appropriation for fiscal year 2018 and at least \$200,000 of the general fund-state appropriation for fiscal year 2019 must be expended on the Northwest autism center.

(24) \$20,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature before December 1, 2019.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(25) \$17,000 of the general fund-state appropriation for fiscal year 2018 and \$33,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to provide meeting facilitation and related services for the legislative task force on legislative records as specified in section 925(4) of this act.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) (~~(\$9,851,000)~~) \$9,909,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$10,048,000)~~) \$10,156,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018) (~~(\$50,064,000)~~)
\$50,213,000

General Fund-State Appropriation (FY 2019) (~~(\$51,985,000)~~)

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$55,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$20,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018) (~~(\$49,969,000)~~)
\$48,136,000

General Fund-State Appropriation (FY 2019) (~~(\$52,303,000)~~)
\$50,646,000

CWU Capital Projects Account-State Appropriation \$76,000

Education Legacy Trust Account-State Appropriation \$19,076,000

Pension Funding Stabilization Account-State

Appropriation..... \$3,921,000

TOTAL APPROPRIATION..... ~~\$121,424,000~~
\$121,855,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$11,104,000)~~) \$11,169,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$11,326,000)~~) \$11,448,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$76,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the game on! program, which provides underserved middle and high school students with training in leadership, science, technology, engineering, and math. The program is expected to serve approximately 500 students per year.

(9) \$130,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Central Washington University to partner with the office of the lieutenant governor, and employers and labor representatives from the building and construction trades to create a bachelor's degree program for individuals who have completed or are completing certain registered apprenticeship programs. The program shall be inclusive of prior learning, specifically tailored to experience gained through apprenticeships and work in the building and construction trades, and use an affordable online delivery model. The program's financial model must be designed to make this degree program self-sustaining without state support.

(10) \$23,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund-State Appropriation (FY 2018)	(\$26,543,000)	\$26,608,000
General Fund-State Appropriation (FY 2019)	(\$27,146,000)	\$28,126,000
TESC Capital Projects Account-State Appropriation	\$80,000	
Education Legacy Trust Account-State Appropriation	\$5,450,000	
((Liquor Revolving Account State Appropriation	\$250,000)	
<u>Pension Funding Stabilization Account-State Appropriation</u>		\$2,000
TOTAL APPROPRIATION	\$59,469,000	\$60,266,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$3,377,000)~~ \$3,397,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$3,445,000)~~ \$3,482,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$65,000)~~ \$95,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund-state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$34,000)~~ \$41,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund-state appropriation for fiscal year 2018 and \$43,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect of the national board for professional teaching standards certification on student outcomes by December 15, 2018. The institute shall also report on the following:

(a) Does the certification improve teacher retention in Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) ~~(\$122,000)~~ \$122,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$141,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(12) ~~(\$1,000)~~ \$1,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$1,000)~~ \$7,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

~~((14))~~ (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

~~((15))~~ (14) \$16,000 of the general fund-state appropriation for fiscal year 2018 and ~~(\$22,000)~~ \$50,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a study of single payer and universal coverage health care systems. The institute may seek support from the office of the state actuary. The institute shall provide a report to the appropriate committees of the legislature by December 1, 2018. The study shall:

(a) Summarize the parameters used to define universal coverage, single payer, and other innovative systems;

(b) Compare the characteristics of up to ten universal or single payer models available in the United States or elsewhere; and

(c) Summarize any available research literature that examines the effect of models detailed in (b) of this subsection on outcomes such as overall cost, quality of care, health outcomes, or the uninsured rate. If possible, the

institute shall conduct meta-analyses to address this subsection.

(16) \$56,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for data storage and security upgrades at the Washington state institute for public policy.

(17) \$27,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$150,000 of the general fund-state appropriation for fiscal year 2019 is provided to the Washington state institute for public policy solely for additional research related to marijuana. In addition to those activities performed pursuant to Initiative Measure No. 502, the institute must:

(a) Update the inventory of programs for the prevention and treatment of youth cannabis use published in December 2016; and

(b) Examine current data collection methods measuring use of cannabis by youth and report to the legislature on potential ways to improve data collection and comparisons; and

(c) To the extent information is available, identify effective methods used to reduce or eliminate the unlicensed cultivation or distribution of marijuana or marijuana containing products in jurisdictions with existing recreational and/or medical marijuana markets.

(19) \$37,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1561 (open educational resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$111,000 of the general fund-state appropriation for fiscal year 2018 and \$20,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

(21) (a) \$100,000 of the general fund-state appropriation for fiscal year 2019

is provided solely for the Washington state institute for public policy shall conduct a statewide study on the needs of dually involved females. To the extent possible, the study must review available data for the following purposes:

(i) Understanding the prevalence and demographics of the dually involved female population and their families;

(ii) Tracking outcomes for this population including, but not limited to, academic, social, and vocational achievement; and

(iii) Surveying other states' systems that address and treat the needs of this population.

(b) To the extent possible, the data should be disaggregated by race and ethnicity, gender, sexual orientation and gender identity, county of residence, and other relevant variables.

(c) The study should include a cost-benefit analysis of programs for dually involved females that would show evidence of avoidance of costs associated with public welfare programs or would demonstrate higher educational attainment.

(d) By July 1, 2019, the Washington state institute for public policy shall submit its study findings to the legislative fiscal and policy committees with responsibility for child welfare and juvenile justice issues.

(22) \$57,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to conduct a review of the available research literature on step therapy protocol usage, including any rigorous evidence concerning positive or negative health outcomes resulting from step therapy protocol usage. The institute must also review any rigorous evidence regarding the effectiveness of exceptions to the use of step therapy in improving health outcomes and reducing adverse events, and provide a summary of step therapy protocol exceptions that have been codified in other states. The institute must submit a report on its findings to the appropriate committees of the senate and house of representatives by December 1, 2018.

(23) (a) \$25,000 of the general fund-state appropriation for fiscal year 2018 and \$55,000 of the general fund-state

appropriation for fiscal year 2019 are provided solely for the Washington state institute of public policy to review the higher education funding models in ten states with higher education systems that are similar to Washington state, and report to the legislature by November 1, 2018. The review must include a breakdown of:

(i) The method used to determine state funding levels for institutions of higher education;

(ii) The proportion of state funding that comes from the state general fund or that state's equivalent accounts for salary and benefit increases at institutions of higher education;

(iii) The manner in which salary and benefit increases are determined at or on behalf of employees at institutions of higher education;

(iv) The total proportion of state funding that comes from the state general fund or that state's equivalent accounts for institutions of higher education.

(b) The office of financial management in consultation with the state board for community and technical colleges and the council of presidents, may use information in the report to present funding options to the legislature. The legislature shall consider any options that are made available by the office of financial management under this subsection when making future decisions about funding for salaries and benefits during the 2019-2021 biennium.

(24) \$124,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund-State Appropriation (FY 2018)((~~\$70,456,000~~))
\$70,475,000

General Fund-State Appropriation (FY 2019)((~~\$72,950,000~~))
\$74,825,000

Education Legacy Trust Account—State Appropriation	\$13,831,000
Western Washington University Capital Projects	
Account—State Appropriation (FY 2018)	\$771,000
Western Washington University Capital Projects Account—State	
Appropriation (FY 2019).....	\$712,000
TOTAL APPROPRIATION.....	\$158,720,000
	<u>\$160,614,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) \$630,000 of the general fund—state appropriation for fiscal year 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) (~~(\$15,326,000)~~) \$15,416,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$15,632,000)~~) \$15,801,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$39,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$700,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(11) \$70,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a study of the feasibility of the university creating a four-year degree-granting campus on the Kitsap or Olympic peninsula. The university shall submit a report on the findings of the study to the governor and appropriate committees of the legislature by December 2018.

(12) \$24,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted

by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$1,306,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL-POLICY COORDINATION AND ADMINISTRATION

General Fund-State Appropriation (FY 2018)	(\$5,640,000)	\$5,373,000
General Fund-State Appropriation (FY 2019)	(\$5,791,000)	\$6,704,000
General Fund-Federal Appropriation	(\$4,892,000)	\$4,890,000
<u>Pension Funding Stabilization Account-State</u>		
Appropriation		\$535,000
TOTAL APPROPRIATION	\$16,323,000	\$17,502,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$20,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$363,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2143 (higher education financial aid). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$126,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for the consumer protection unit.

(4) \$245,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$15,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1499 (student loan disbursement). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$444,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL-OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund-State Appropriation (FY 2018)	(\$238,397,000)	\$238,388,000
General Fund-State Appropriation (FY 2019)	(\$242,726,000)	\$262,875,000
General Fund-Federal Appropriation	(\$11,906,000)	\$11,903,000
General Fund-Private/Local Appropriation		\$300,000
Education Legacy Trust Account-State Appropriation	(\$99,955,000)	\$104,291,000
WA Opportunity Pathways Account-State Appropriation	(\$117,389,000)	\$122,350,000
Aerospace Training Student Loan Account-State Appropriation		\$208,000
Health Professionals Loan Repayment and Scholarship		

Program Account—State Appropriation
 \$4,720,000

Pension Funding Stabilization Account—
 State Appropriation \$18,000

TOTAL APPROPRIATION..... ~~\$715,601,000~~
\$745,053,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$229,157,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$223,928,000)~~) \$252,428,000 of the general fund—state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account—state appropriation, and \$88,000,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2) (a) For the 2017–2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017–2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009–2011 and 2011–2013 fiscal biennia are continued in the 2017–2019 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards

for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0–65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) \$15,849,000 of the education legacy trust account—state appropriation and (~~(\$29,389,000)~~) \$34,350,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall consider awards made by the opportunity scholarship program to be

state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(8) \$2,236,000 of the general fund-state appropriation for fiscal year 2018 and (~~(\$2,236,000)~~) \$2,795,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2018 and 2019 for this purpose. Of the amounts in this subsection, \$559,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6274 (apprenticeships/foster). If the bill is not enacted by June 30, 2018, this portion of the amount provided in this subsection shall lapse.

(9) (~~(\$14,730,000)~~) \$19,066,000 of the education legacy trust account-state appropriation is provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(10) \$2,325,000 of the general fund-state appropriation for fiscal year 2018 and \$2,325,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. Contracts between the office and program recipients must guarantee at least three years of conditional loan repayments. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced

registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients. It is the intent of the legislature to provide funding to maintain the current number and amount of awards for the program in the 2019-2021 biennium on the basis of these contractual obligations.

(11) \$42,000 of the general fund-state appropriation for fiscal year 2018 and \$42,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

(a) Materials that help students to choose colleges;

(b) An application guidance booklet;

(c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting

institutions in the state that enable students receiving a packet to apply without paying application fees;

(d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and

(e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1452 (opportunity scholarship program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$500,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$100,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1561 (open educational resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund-State Appropriation (FY 2018)	.....	(((\$1,881,000)))
		<u>\$1,844,000</u>
General Fund-State Appropriation (FY 2019)	.....	(((\$1,795,000)))
		<u>\$1,994,000</u>
General Fund-Federal Appropriation	.....	(((\$55,279,000)))
		<u>\$55,275,000</u>

General Fund-Private/Local
Appropriation\$208,000

Pension Funding Stabilization Account-State

Appropriation\$176,000

TOTAL APPROPRIATION~~\$59,163,000~~

\$59,497,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund-state appropriation for fiscal year 2018 and \$57,000 of the general fund-state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$29,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$260,000 of the general fund-state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6544 (future of work task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund-State Appropriation (FY 2018)	.....	(\$119,174,000)
		\$116,761,000
General Fund-Federal Appropriation	.....	(\$171,032,000)
		\$171,479,000
Education Legacy Trust Account-State Appropriation	.....	\$14,091,000
Home Visiting Services Account-State Appropriation	.....	\$3,133,000
Home Visiting Services Account-Federal Appropriation	.....	\$12,153,000
WA Opportunity Pathways Account-State Appropriation	.....	\$40,000,000
<u>Pension Funding Stabilization Account-State</u>		
<u>Appropriation</u>	.....	\$468,000
TOTAL APPROPRIATION	.....	\$359,583,000
		\$358,085,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$58,185,000 of the general fund-state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account-state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

(2) \$200,000 of the general fund-state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3)(a) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(b)(i) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(A) Increasing child care rates comparable to market rates based on the most recent market survey;

(B) Increasing access to infant and toddler child care;

(C) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand;

(D) Providing nurse consultation services to licensed providers;

(E) Allowing working connections child care consumers who are full-time community or technical college students to attend college full-time and not have to meet work requirements; and

(F) Meeting new or expanded federal mandates.

(ii) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(4)(a) (~~\$76,650,000~~) \$78,026,000 of the general fund-federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the

appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent federal poverty level or below; and

(viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application

and the department of social and health services cannot verify an open child support case or verify household composition through internal agency records, then the applicant must:

(A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(i) A summary of the number of overpayments that occurred;

(ii) The reason for each overpayment;

(iii) The total cost of overpayments;

(iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(6) \$1,560,000 of the general fund-state appropriation for fiscal year 2018 and \$6,712,000 of the general fund-federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) (~~(\$44,663,000)~~) \$42,707,000 of the general fund-state appropriation for fiscal year 2018 and \$13,954,000 of the general fund-federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative

overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account-state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund-federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and

assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$2,651,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is

contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$273,000 is for a base rate increase;

(b) \$55,000 is for increasing paid professional development days from three days to five days;

(c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;

(d) \$114,000 is for increasing licensing incentive payments; and

(e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of

chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

(i) The statewide child care resource and referral network;

(ii) The department;

(iii) The department of commerce;

(iv) The economic opportunity institute;

(v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;

(vi) The state board for community and technical colleges;

(vii) A union representing child care workers;

(viii) The small business administration;

(ix) A member consisting of either an economist or a representative of the workforce development councils;

(x) A representative from an early childhood education and assistance program;

(xi) A representative from a nonprofit child care center;

(xii) A representative from a private child care center; and

(xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Funding in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund-state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund-State Appropriation (FY 2018)(~~(\$6,976,000)~~)
\$6,977,000

General Fund-State Appropriation (FY 2019)(~~(\$7,427,000)~~)
\$7,569,000

General Fund-Private/Local Appropriation\$34,000

Pension Funding Stabilization Account-State

Appropriation\$591,000

TOTAL APPROPRIATION~~(\$14,437,000)~~

\$15,171,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund-State Appropriation (FY 2018)(~~(\$10,646,000)~~)
\$10,293,000

General Fund-State Appropriation (FY 2019)(~~(\$11,679,000)~~)
\$11,564,000

Pension Funding Stabilization Account—
State

Appropriation.....\$727,000
 TOTAL APPROPRIATION.....~~\$22,325,000~~
 \$22,584,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2018) (~~\$1,497,000~~)
 \$1,418,000

General Fund—State Appropriation (FY 2019) (~~\$1,514,000~~)
 \$1,572,000

General Fund—Federal Appropriation (~~\$2,124,000~~)
 \$2,122,000

General Fund—Private/Local Appropriation (~~\$16,000~~)
 \$50,000

Pension Funding Stabilization Account—
State

Appropriation.....\$122,000
 TOTAL APPROPRIATION.....~~\$5,151,000~~
 \$5,284,000

The appropriations in this section are subject to the following conditions and limitations: (~~\$78,000~~) \$58,000 of the general fund—state appropriation for fiscal year 2018 and (~~\$78,000~~) \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2018) (~~\$2,505,000~~)
 \$2,474,000

General Fund—State Appropriation (FY 2019) (~~\$2,603,000~~)
 \$2,833,000

Pension Funding Stabilization Account—
State

Appropriation.....\$230,000
 TOTAL APPROPRIATION.....~~\$5,108,000~~
 \$5,537,000

The appropriations in this section are subject to the following conditions and limitations: \$22,000 of the general fund—state appropriation for fiscal year 2018 and \$138,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to commemorate the centennial of national women's suffrage.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2018) (~~\$1,991,000~~)
 \$1,926,000

General Fund—State Appropriation (FY 2019) (~~\$2,044,000~~)
 \$2,092,000

Pension Funding Stabilization Account—
State

Appropriation.....\$213,000
 TOTAL APPROPRIATION.....~~\$4,035,000~~
 \$4,231,000

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2018) (~~\$1,133,223,000~~)

\$1,115,140,000

\$5,213,000

General Fund-State Appropriation (FY 2019) (~~\$1,190,324,000~~)

\$1,164,747,000

State Building Construction Account-State Appropriation \$6,456,000

Columbia River Basin Water Supply-State Appropriation \$79,000

State Taxable Building Construction Account-State

Appropriation \$376,000

Debt-Limit Reimbursable Bond Retire Account-State

Appropriation \$570,000

TOTAL APPROPRIATION.... ~~\$2,331,028,000~~

\$2,287,368,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2017 3rd sp.s. c 1 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund-State Appropriation (FY 2018) \$1,400,000

General Fund-State Appropriation (FY 2019) \$1,400,000

~~((Hood Canal Aquatic Rehabilitation State~~

~~Appropriation..... \$1,000))~~

State Building Construction Account-State

Appropriation \$2,191,000

Columbia River Basin Water Supply-State Appropriation \$58,000

Columbia River Basin Taxable Bond Water

Supply-State Appropriation.... \$14,000

State Taxable Building Construction Account-State

Appropriation \$150,000

TOTAL APPROPRIATION..... ~~\$5,214,000~~

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(a) John Weiler, claim number 99970144\$7,975

(b) Samson Asfaw, claim number 99970145.....\$18,873

(c) Kevon Turner, claim number 99970147.....\$9,750

(d) Arthur Eshe, claim number 99970148\$12,900

(e) Woody J. Pierson, claim number 99970235.....\$19,789

(f) Steve Sainsbury, claim number 99970236.....\$10,000

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074\$79,000

NEW SECTION. Sec. 704. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT-SCHOOL EMPLOYEES' INSURANCE ADMINISTRATIVE ACCOUNT**

General Fund-State Appropriation (FY 2018).....\$11,307,000

General Fund-State Appropriation (FY 2019).....\$17,423,000

TOTAL APPROPRIATION.....\$28,730,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations in this

section, or so much thereof as may be necessary, are provided solely for expenditure into the school employees' insurance administrative account for start-up costs for the school employees' benefits program pursuant to chapter 13, Laws of 2017 3rd sp. sess. It is the intent of the legislature that this amount, plus interest as determined by the treasurer, be repaid to the general fund-state during the 2019-2021 fiscal biennium.

Sec. 705. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2018) \$36,386,000
 General Fund—State Appropriation (FY 2019) \$36,386,000
 TOTAL APPROPRIATION..... \$72,772,000

The appropriations in this section are subject to the following conditions and limitations: The state treasurer shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2018	FY 2019	2017 -2019 Bien nium
((Adams County Health District)) Adams County Integrated Health Care Services	\$121,213	\$121,213	\$242,426
Asotin County Health District	\$159,890	\$159,890	\$319,780
Benton-Franklin	\$1,614,337	\$1,614,337	\$3,228,674

Health District			
Chelan-Douglas Health District	\$399,634	\$399,634	\$799,268
Clallam County Health and Human Services Department	\$291,401	\$291,401	\$582,802
((Clallam County Health District)) Clark County Public Health	\$1,767,341	\$1,767,341	\$3,534,682
((Skamania County Health Department)) Skamania County Community Health	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
((Cowlitz County Health Department)) Cowlitz County Health and Human Services	\$477,981	\$477,981	\$955,962
Garfield County	\$93,154	\$93,154	\$186,308

Health District				<u>Public Health District</u>			
Grant	\$297	\$297	\$595				
County Health District	,761	,761	,522	Kittitas County Public Health (Department)	\$198,979	\$198,979	\$397,958
((Grays Harbor Health Department))	\$335,666	\$335,666	\$671,332	Klickitat County Public Health (Department)	\$153,784	\$153,784	\$307,568
<u>Grays Harbor Public Health and Social Services</u>				((Lewis County Health Department))	\$263,134	\$263,134	\$526,268
Island County Health Department	\$255,224	\$255,224	\$510,448	Lewis County Public Health and Social Services			
((Jefferson County Health and Human Services))	\$184,080	\$184,080	\$368,160	Lincoln County Health Department	\$113,917	\$113,917	\$227,834
<u>Jefferson County Public Health</u>				((Mason County Department of Health Services))	\$227,448	\$227,448	\$454,896
((Seattle-King County Department of Public Health))	\$12,685,521	\$12,685,521	\$25,371,042	Mason County Public Health and Human Services			
<u>Public Health - Seattle & King County</u>				((Bremerton-Kitsap County Health District))	\$997,476	\$997,476	\$1,994,952
((Bremerton-Kitsap County Health District))	\$997,476	\$997,476	\$1,994,952	((Okanogan County Health District))	\$169,882	\$169,882	\$339,764
<u>Kitsap County Health District</u>				<u>Okanogan County Health District</u>			

County Public Health				(Thurston County Health Department))	\$1,0 46,897	\$1,0 46,897	\$2,0 93,794
(Pacific County Health Department)) Pacific County Health and Human Services	\$169 ,075	\$169 ,075	\$338 ,150	Thurston County Public Health and Social Services			
Tacom a-Pierce County Health Departme nt	\$4,1 43,169	\$4,1 43,169	\$8,2 86,338	((Wahkiaku County Health Departme nt)) Wahkiaku County Health and Human Services	\$93, 181	\$93, 181	\$186 ,362
San Juan County Health and Communit y Services	\$126 ,569	\$126 ,569	\$253 ,138	((Walla Walla County City Health Departme nt)) Walla Walla County Departme nt of Communit y Health	\$302 ,173	\$302 ,173	\$604 ,346
Skagi t County Health Departme nt	\$449 ,745	\$449 ,745	\$899 ,490	Whitman County Health Departme nt	\$189 ,355	\$189 ,355	\$378 ,710
Snoho mish Health District	\$3,4 33,291	\$3,4 33,291	\$6,8 66,582	Whatcom County Health Departme nt	\$1,2 14,301	\$1,2 14,301	\$2,4 28,602
((Spokane County Health District)) Spokane Regional Health District	\$2,8 77,318	\$2,8 77,318	\$5,7 54,636	Whitman County Health Departme nt	\$189 ,355	\$189 ,355	\$378 ,710
North east Tri- County Health District	\$249 ,303	\$249 ,303	\$498 ,606	Yakima Health District	\$1,0 52,482	\$1,0 52,482	\$2,1 04,964

TOTAL \$36, \$36, \$72,
 APPROPRI 386,000 386,000 772,000
 ATIONS

Sec. 706. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund-State Appropriation (FY 2018) \$5,000,000

General Fund-State Appropriation (FY 2019) \$4,000,000

TOTAL APPROPRIATION..... \$9,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program.

Sec. 707. 2017 3rd sp.s. c 1 s 721 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-HOME VISITING SERVICES ACCOUNT

General Fund-State Appropriation (FY 2018) \$691,000

General Fund-State Appropriation (FY 2019) (~~(\$744,000)~~)

\$3,043,000

TOTAL APPROPRIATION..... \$1,435,000

\$3,734,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account for the home visiting program.

Sec. 708. 2017 3rd sp.s. c 1 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-HEALTH PROFESSIONS ACCOUNT

Dedicated Marijuana Account-State Appropriation

(FY 2018) (~~(\$352,000)~~)

\$2,652,000

Dedicated Marijuana Account-State Appropriation

(FY 2019)\$352,000

TOTAL APPROPRIATION.....~~\$704,000~~

\$3,004,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 709. 2017 3rd sp.s. c 1 s 723 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-LEASE COST POOL

General Fund-State Appropriation (FY 2018) (~~(\$9,712,000)~~)

\$5,312,000

General Fund-State Appropriation (FY 2019).....\$4,400,000

General Fund-Federal Appropriation\$2,431,000

TOTAL APPROPRIATION.....\$12,143,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account ((created in section 949 of this act for state agency office relocation costs as shown in LEAP omnibus document LEAS2-2017, dated March 14, 2017, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus document LEAS-2017, dated March 14, 2017, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$2,431,000 to the lease cost pool in accordance with schedules provided by the office of financial management)).~~

(2) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account in an amount not to exceed the actual costs for the office relocations.

NEW SECTION. Sec. 710. 2017 3rd sp.s. c 1 s 737 (uncodified) is repealed.

NEW SECTION. Sec. 711. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT**

General Fund—State Appropriation (FY 2019) \$2,665,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial information systems account.

NEW SECTION. Sec. 712. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT**

General Fund—State Appropriation (FY 2019) \$1,600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization trust account.

Sec. 713. 2017 3rd sp.s. c 1 s 724 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2018) \$6,000,000

General Fund—State Appropriation (FY 2019) \$8,226,000

General Fund—Federal Appropriation \$816,000

Other Appropriated Funds..... \$103,000

TOTAL APPROPRIATION..... \$15,145,000

(1) The appropriations in this section (~~is~~) are provided solely for expenditure into the information technology investment revolving account created in (~~section 950 of this act~~) RCW 43.41.433.

(a) Amounts in the account are provided solely for the following information technology projects:

(i) Department of services for the blind - business management system;

(ii) Secretary of state - modernize elections system;

(iii) Office of the superintendent of public instruction - school financial system redesign;

(iv) Department of social and health services - time, leave, attendance scheduling;

(v) Human rights commission - new case management database;

(vi) Department of health - syringe service data tracking;

(vii) Department of fish and wildlife - enforcement records management;

(viii) Department of fish and wildlife - rebuild WDFW network infrastructure;

(ix) Washington state patrol - dedicated state network;

(x) Office of the superintendent of public instruction - data center migration;

(xi) Office of the superintendent of public instruction - web site upgrade for ADA compliance.

(b) To facilitate the transfer of moneys from other funds and accounts that are associated with projects listed in (a)(i) through (~~(iii)~~) (xi) of this subsection, the state treasurer must transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funding from the information technology investment revolving account.

(3) Agencies must apply to the office of the state chief information officer for approval before proceeding with each stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project complies with state information technology and security policy and strategies. Allocations and allotments may be made only during discrete stages of projects, which at a minimum must include a planning stage, procurement stage, and implementation and integration stage. Prior to an allocation or allotment of funds to an agency, the office of financial management, jointly with the office of the chief information officer, must deliver to the legislative fiscal committees the following information for each project receiving an allocation:

(a) A technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. If the project affects more than one agency, a technology budget must be prepared for each agency;

(b) The technology implementation plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project; and

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product.

(c) A letter from the office of the chief information officer certifying that:

(i) The project is consistent with the state's enterprise architecture and other policies developed by the office of the chief information officer;

(ii) The agency has the organizational capacity, preparedness, and leadership to implement the project successfully;

(iii) The agency has adequately assessed and minimized the risks inherent with the project;

(iv) The project has the management, staffing, and oversight resources needed for the cost, complexity, and risks associated with the project;

(v) The project has implementation schedules and performance measures for timeliness, deliverables, quality, and budget;

(vi) The agency has an adequate risk management plan that also enables the office of the chief information officer to assess, intervene, and take necessary action when performance measures are not being met; and

(vii) For any investment that does not use commercial off-the-shelf or software as a service technology solution, the proposed project represents the best business solution and should not be delayed.

(4) For any project that exceeds two million dollars in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(i) Quality assurance for the project must report independently to the office of the chief information officer;

(ii) The office of the chief information officer must review, and if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(iii) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(iv) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed; and

(v) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(5) The office of the chief information officer may suspend or terminate a project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the state chief information officer. If a project is terminated, the office of financial management must terminate the agency's allocation from the information technology investment revolving account and the agency shall return any remaining funds to the account

to be reallocated to other projects by the office of financial management.

(6) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

NEW SECTION. Sec. 714. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:**FOR THE DEPARTMENT OF NATURAL RESOURCES—FOREST FIRE PROTECTION ASSESSMENT ACCOUNT**

Forest Fire Protection Assessment Account—State

Appropriation (FY 2019) ... \$1,690,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of natural resources to increase fire response capability, including upgrading information technology systems and equipment for wildfire and forest health data, training department and fire service personnel, adding fire management staff, and replacing aviation fuel trucks and fire engines.

Sec. 715. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION AND RECREATION ACCOUNT

General Fund—State Appropriation (FY 2018) \$750,000

General Fund—State Appropriation (FY 2019) \$750,000

TOTAL APPROPRIATION..... \$1,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the outdoor education and recreation account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351. Of the amounts appropriated, \$500,000 is provided solely to partner with organizations that employ at least one veteran.

Sec. 716. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2018)\$70,050,000

General Fund—State Appropriation (FY 2019)(~~\$73,350,000~~)

\$73,650,000

TOTAL APPROPRIATION.....~~\$143,400,000~~

\$143,700,000

The appropriations in this subsection (1) are subject to the following conditions and limitations: \$3,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6214 (industrial insurance for PTSD). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2018)\$8,700,000

General Fund—State Appropriation (FY 2019)\$8,400,000

TOTAL APPROPRIATION.....\$17,100,000

(3) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2018)\$500,000

General Fund—State Appropriation (FY 2019)\$500,000

TOTAL APPROPRIATION.....\$1,000,000

NEW SECTION. Sec. 717. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:FOR THE GAMBLING COMMISSION

General Fund-State Appropriation (FY 2019)\$50,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for the gambling commission to contract for a study to analyze the scope of services available for pathological or problem gamblers and their families in the state. The commission will set the parameters of the study which may include, but not be limited to: (1) The availability of prevention programs and services offered within the state; (2) the availability of treatment programs and services offered for individuals with gambling-related problems and their families; and (3) strengths and deficits in problem gambling programs and services. Distribution of these funds is contingent upon securing additional funding for the study from the commission and other governmental or private sources to provide at least one dollar in matching funds for each dollar in state funds received by the commission. The gambling commission shall submit results of the study and any policy recommendations to the legislative committees of jurisdiction by February 15, 2019.

NEW SECTION. Sec. 718. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:FOR THE OFFICE OF FINANCIAL MANAGEMENT-PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

General Fund-State Appropriation (FY 2019)\$2,900,000

Special Retirement Contribution Increase Revolving

Account-State Appropriation (\$1,900,000)

TOTAL APPROPRIATION.....\$1,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies for costs of revised eligibility criteria for the public safety employees' retirement system as provided in Substitute House Bill No. 1558 (public safety employees retirement system membership). If the bill is not enacted

by June 30, 2018, the appropriations in this section shall lapse.

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2017 3rd sp.s. c 1 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER-STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions..((~~\$9,731,000~~))
\$9,730,000

General Fund Appropriation for prosecuting attorney

distributions.....((~~\$6,786,000~~))
\$6,643,000

General Fund Appropriation for boating safety and

education distributions....\$4,000,000

General Fund Appropriation for public

utility district excise tax distributions.....((~~\$60,611,000~~))
\$30,230,000

Death Investigations Account Appropriation for

distribution to counties for publicly funded

autopsies.....((~~\$3,556,000~~))
\$3,135,000

Aquatic Lands Enhancement Account Appropriation for

harbor improvement revenue distribution.....\$140,000

Timber Tax Distribution Account Appropriation for

distribution to "timber" counties.....((~~\$77,367,000~~))

\$68,009,000

County Criminal Justice Assistance Appropriation.....((~~\$96,145,000~~))

\$93,628,000

Municipal Criminal Justice Assistance Appropriation.....((~~\$38,126,000~~))

\$36,908,000

City-County Assistance
 Appropriation \$27,160,000

Liquor Excise Tax Account
 Appropriation for liquor
 excise tax distribution... \$56,058,000

Streamlined Sales and Use Tax
 Mitigation Account
 Appropriation for distribution to
 local taxing
 jurisdictions to mitigate the
 unintended revenue
 redistributions effect of sourcing law
 changes (~~(\$20,012,000)~~)
\$20,549,000

Columbia River Water Delivery Account
 Appropriation
 for the Confederated Tribes of the
 Colville
 Reservation..... \$8,074,000

Columbia River Water Delivery Account
 Appropriation
 for the Spokane Tribe of
 Indians \$5,402,000

Liquor Revolving Account Appropriation
 for liquor
 profits distribution..... \$98,876,000

General Fund Appropriation for other
 tax
 distributions..... \$80,000

General Fund Appropriation for
 Marijuana Excise
 Tax distributions..... (~~(\$12,000,000)~~)
\$30,000,000

General Fund Appropriation for Habitat
 Conservation
 Program distributions..... \$5,347,000

TOTAL APPROPRIATION..... ~~\$529,471,000~~
\$503,969,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account:
 For transfer to
 the state general fund, \$4,450,000 for
 fiscal
 year 2018 and \$4,450,000 for fiscal
 year 2019.....\$8,900,000

Dedicated Marijuana Account: For
 transfer to
 the basic health plan trust account,
 the lesser
 of the amount determined pursuant to
 RCW 69.50.540
 or this amount plus \$40,494,000 for
 fiscal year
 2018, (~~(\$170,000,000)~~) \$226,654,000
 and this
 amount for fiscal year 2019,
 (~~(\$180,000,000)~~)
\$194,000,000.....(~~(\$350,000,000)~~)
\$420,654,000

Dedicated Marijuana Account: For
 transfer to
 the state general fund, the lesser of
 the amount
 determined pursuant to RCW 69.50.540
 or this amount
 for fiscal year 2018, (~~(\$120,000,000)~~)
\$130,000,000
 and this amount for fiscal year 2019,
 (~~(\$130,000,000)~~)
\$137,000,000.....(~~(\$239,239,000)~~)
\$267,000,000

Aquatic Lands Enhancement Account: For
 transfer to
 the clean up settlement account as
 repayment of
 the loan provided in section 3022(2)
 chapter 2,
 Laws of 2012, 2nd sp. sess. (ESB 6074
 2012
 supplemental capital budget), \$620,000
 for fiscal
 year 2018 and \$620,000 for fiscal year
 2019.....\$1,240,000

Tobacco Settlement Account: For
 transfer to the
 state general fund, in an amount not
 to exceed the

actual amount of the annual base payment to the

\$6,000,000 for fiscal year 2019.....\$12,000,000

tobacco settlement account for fiscal year 2018 \$101,639,000

Statewide Information Tech System Maintenance and

Tobacco Settlement Account: For transfer to the

Operations Revolving Account: For transfer to the

state general fund, in an amount not to exceed the

consolidated technology services revolving account,

actual amount of the annual base payment to the

\$5,500,000 for fiscal year 2018.....\$5,500,000

tobacco settlement account for fiscal year 2019 \$101,639,000

General Fund: For transfer to the family and medical

State Toxics Control Account: For transfer to the

leave insurance account as start-up costs for

cleanup settlement account as repayment of the

the family and medical leave insurance program

loan provided in section 3022(2) chapter 2,

pursuant to enactment of Substitute House Bill

Laws of 2012, 2nd sp. sess. (ESB 6074, 2012

No. 1116 (family and medical leave insurance),

supplemental capital budget), \$620,000 for

Senate Bill No. 5975 (paid family and medical

fiscal year 2018 and \$620,000 for fiscal

leave insurance), or Senate Bill No. 5032

year 2019..... \$1,240,000

(family and medical leave insurance),

General Fund: For transfer to the streamlined sales

\$82,000,000 for fiscal year 2018.....\$82,000,000

and use tax account, (~~(\$11,171,000)~~) \$12,877,000

Family and Medical Leave Insurance Account: For

for fiscal year 2018 and (~~(\$8,641,000)~~) \$7,672,000

transfer to the General Fund as repayment for

for fiscal year 2019.. (~~(\$20,012,000)~~)

start-up costs for the family and medical leave

\$20,549,000

insurance program pursuant to implementation of

Aerospace Training and Student Loan Account: For

Substitute House Bill No. 1116 (family and

transfer to the state general fund, \$750,000

medical leave insurance), Senate Bill No. 5975

for fiscal year 2018 and \$750,000 for fiscal

(paid family and medical leave insurance),

year 2019..... \$1,500,000

or Senate Bill No. 5032 (family and medical

Disaster Response Account: For transfer to the state

leave insurance), the lesser of the amount

general fund, \$42,000,000 for fiscal year 2018 \$42,000,000

determined by the treasurer for full repayment

State Treasurer's Service Account: For transfer to the state

of the \$82,000,000 transferred from the general

general fund, \$6,000,000 for fiscal year 2018 and

fund in fiscal year 2018 for start-up costs

with any related interest or this amount for

fiscal year 2019, \$90,000,000 \$90,000,000

Public Works Assistance Account: For transfer to the

education legacy trust account, \$136,998,000 for

fiscal year 2018 and \$117,017,000 for fiscal

year 2019..... \$254,015,000

General Fund: For transfer to the firearms range

account for fiscal year 2018.. \$75,000

~~((Death Investigations Account: For transfer to~~

~~the state general fund, \$1,186,000 for fiscal year 2018..... \$1,186,000))~~

New Motor Vehicle Arbitration Account: For transfer

to the state general fund, \$2,000,000 for fiscal

year 2018..... \$2,000,000

Local Toxics Control Account: For transfer to the

state toxics control account, \$9,000,000 for

fiscal year 2018 and \$12,000,000 for fiscal

year 2019..... \$21,000,000

State Toxics Control Account: For transfer to water

pollution control revolving account, \$3,000 for

fiscal year 2018..... \$3,000

Aquatic Lands Enhancement Account: For transfer to

the geoduck aquaculture research account for

fiscal year 2019..... \$200,000

General Fund: For transfer to the dedicated McCleary

penalty account for fiscal year 2018 \$105,200,000

The amount transferred represents the monetary

sanctions accrued from August 13, 2015, through

June 30, 2018, under the order of the state supreme

court of August 13, 2015, in McCleary v. State.

General Fund: For transfer to the disaster response

account for fiscal year 2018.....\$58,535,000

Oil Spill Response Account: For transfer to the oil

spill prevention account: \$1,748,000 for fiscal

year 2018 and \$2,973,000 for fiscal year 2019.....\$4,721,000

General Fund: For transfer to the Washington

internet crimes against children account for fiscal

year 2018.....\$1,500,000

Funeral and Cemetery Account: For transfer to the

skeletal human remains assistance account for fiscal

year 2018.....\$15,000

General Fund: For transfer to the statewide tourism

marketing account for fiscal year 2019.....\$1,500,000

Public Works Administration Account: For transfer to

the state general fund for fiscal year 2018.....\$1,500,000

PART IX

MISCELLANEOUS

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The

account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—
SUPER COALITION—INSURANCE BENEFITS**

An agreement was reached for the 2017-2019 biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$916 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the

public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES
OUTSIDE SUPER COALITION—INSURANCE
BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$916 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(3) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED
EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$916 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment. All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for

reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar year (~~(*)~~) 2018 (~~and 2019~~), the subsidy shall be up to \$150 per month. For calendar year 2019, the subsidy shall be up to \$168 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month in calendar year 2018, and \$168 in calendar year 2019. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and (~~(\$68.67)~~) \$71.08 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and ~~((~~\$68.67~~))~~ \$71.08 beginning September 1, 2018, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 905. RCW 28B.20.476 and 2013 2nd sp.s. c 4 s 960 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the ~~((2013-2015))~~ 2017-2019 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 906. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

**INITIATIVE 732 COST-OF-LIVING
INCREASES**

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1,

2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and ~~((seven-tenths of a))~~ one percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of ~~((one))~~ seven-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 907. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this obligation.

Sec. 908. RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund any distribution in 2019 and 2021 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

Sec. 909. RCW 69.50.530 and 2016 sp.s. c 36 s 942 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 and 2017-2019 fiscal (~~biennium~~) biennia, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

Sec. 910. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis:

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial

behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d)(i) An amount not less than one million two hundred fifty thousand dollars to the state liquor and cannabis board for administration of this chapter as appropriated in the omnibus appropriations act; (~~and~~)

(ii) (~~Three hundred fifty-one thousand seven hundred fifty~~) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health(~~(. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium)~~);

(iii) Two million eight hundred three thousand dollars for fiscal year 2019 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of

ecology for research on accreditation of marijuana product testing laboratories.

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a)(i) Up to fifteen percent to the department of social and health services division of behavioral health and recovery for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the secretary of the department of social and health services must consult, at least annually, with the University of Washington's social development research group and the

University of Washington's alcohol and drug abuse institute.

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred

fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the state liquor and cannabis board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this

subsection (2) may not exceed ~~((six))~~ fifteen million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ~~((six))~~ fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 911. RCW 70.105D.070 and 2017 3rd sp.s. c 1 s 980 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The

costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Stormwater pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the 2015-2017 and 2017-2019 fiscal biennia, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(u) During the 2013-2015 fiscal biennium, actions at the state

conservation commission to improve water quality for shellfish;

(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;

(w) During the 2015-2017 and 2017-2019 fiscal biennia, for the University of Washington Tacoma soil remediation project;

(x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;

(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and

(z) For the 2015-2017 and 2017-2019 fiscal biennia, forest practices regulation at the department of natural resources.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under ~~((c))~~ (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under ~~((c))~~ (c)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Stormwater pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government stormwater planning and implementation activities.

(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.

(e) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has

demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (e)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(f) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies; construction, maintenance, or operation; or ~~((after January 1, 2010, for))~~ projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 and the 2015-2017 fiscal biennia, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may

exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

(10) During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the stormwater financial assistance program administered by the department of ecology.

(11) During the 2017-2019 fiscal biennium:

(a) The state toxics control account, the local toxics control account, and the environmental legacy stewardship account may be used for interchangeable purposes and funds may be transferred between accounts to accomplish those purposes.

(b) The legislature may direct the state treasurer to make transfers of moneys in the state toxics control account to the water pollution control revolving account.

Sec. 912. RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1)(a) If any owner of forestland within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of

such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars, (ii) twenty-seven cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

Year	Number of Parcels
2002	10 or more parcels

Year	Number of Parcels
2003	8 or more parcels
2004 thereafter	and 6 or more parcels

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(3) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forestlands.

(4) For the purpose of this chapter, the department may divide the forestlands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forestlands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection

districts as provided for in RCW 52.16.170.

(5) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forestlands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for department of natural resources wildfire response and forest health activities.

(6) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

(7) All nonfederal public bodies owning or administering forestland included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account

assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and are subject to interest charges at the legal rate. During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be appropriated to The Evergreen State College for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(8) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forestlands owned or administered by it, is liable for the costs of suppression incurred by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

(9) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

Sec. 913. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	1,909
Asotin	36,123
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams.....	((1,235)) <u>1,909</u>
Asotin.....	((26,425)) <u>36,123</u>
Chelan.....	39,858
Columbia.....	20,713
Ferry.....	22,798
Garfield.....	12,744
Grant.....	71,930
Kittitas.....	382,638
Klickitat.....	51,019
Lincoln.....	((13,000)) <u>13,535</u>
Okanogan.....	264,036
Pend Oreille.....	5,546
Yakima.....	186,056

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

Sec. 914. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement,

or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2013-2015, 2015-2017, and 2017-2019 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2013-2015 and 2017-2019 fiscal (~~biennium~~) biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) (~~After January 1, 2010,~~) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 915. RCW 82.19.040 and 2017 3rd sp.s. c 1 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Until June 30, (~~2019~~) 2018, taxes collected under this chapter shall be distributed as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

(3) Beginning June 30, 2018, and until June 30, 2019, taxes collected under this chapter shall be distributed as follows: (a) Four million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

NEW SECTION. Sec. 916. Section 916 of this act expires June 30, 2019.

Sec. 917. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from

the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for the purposes specified under chapter 90.--- RCW (the new chapter created in section 305, chapter 1, Laws of 2018).

Sec. 918. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the 2015-2017 biennium, the legislature may transfer up to two million two hundred twenty-five thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(c) During the 2017-2019 fiscal biennium, the legislature may transfer up to four million seven hundred twenty-one thousand dollars from the account to the

oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

(a) Natural resource damage assessment and related activities;

(b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

(c) Interagency coordination and public information related to a response; and

(d) Appropriate travel, goods and services, contracts, and equipment.

Sec. 919. RCW 18.39.810 and 2009 c 102 s 24 are each amended to read as follows:

The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 biennium, the legislature may transfer moneys from the funeral and cemetery account to the skeletal human remains assistance account.

NEW SECTION. **Sec. 920.** A new section is added to chapter 43.79 RCW to read as follows:

The dedicated McCleary penalty account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues in the account consist of moneys transferred to the account pursuant to the legislative directive. Expenditures from the account may be used only to meet the state's obligation for basic education funding under RCW 28A.150.220.

Sec. 921. 2017 c 290 s 2 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on sexual assault forensic examination best practices is established for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

- (I) The Washington state patrol;
- (II) The Washington association of sheriffs and police chiefs;
- (III) The Washington association of prosecuting attorneys;
- (IV) The Washington defender association or the Washington association of criminal defense lawyers;
- (V) The Washington association of cities;
- (VI) The Washington association of county officials;
- (VII) The Washington coalition of sexual assault programs;
- (VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016;

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members,

except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by December 1st of the following year.

(9) This section expires June 30, ~~((2018))~~ 2019.

Sec. 922. RCW 43.79.445 and 2017 3rd sp.s. c 1 s 970 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 2013-2015 fiscal

biennium for the activities of the state crime laboratory within the Washington state patrol. ~~((In addition, during the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the death investigations account to the state general fund.))~~

Sec. 923. RCW 39.12.080 and 2006 c 230 s 2 are each amended to read as follows:

The public works administration account is created in the state treasury. The department of labor and industries shall deposit in the account all moneys received from fees or civil penalties collected under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the account may be made only for the purposes of administration of this chapter, including, but not limited to, the performance of adequate wage surveys, and for the investigation and enforcement of all alleged violations of this chapter as provided for in this chapter and chapters 49.48 and 49.52 RCW. During the 2017-2019 fiscal biennium the legislature may direct the state treasurer to make transfers of moneys in the public works administration account to the state general fund. It is the intent of the legislature to use the moneys transferred in the 2017-2019 biennium to support apprenticeship programs.

Sec. 924. RCW 43.350.070 and 2016 sp.s. c 36 s 937 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the 2015-2017 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund. During the 2017-2019 fiscal biennium, the

legislature may make appropriations from the fund to the department of commerce for providing life sciences research grants.

NEW SECTION. Sec. 925. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) The senate facilities and operations committee and the house of representatives executive rules committee shall convene a legislative task force to examine establishing standards for maintaining and disclosing public records for the legislative branch of government.

(2) The meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives. The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research. Meeting facilitation and related services for the task force shall be provided by the William D. Ruckelshaus center as specified in section 603(25) of this act.

(5) The task force shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2018.

(6) This section expires December 31, 2018.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.41.433, 28B.20.476, 41.26.802, 69.50.530, 69.50.540, 70.105D.070, 76.04.610, 77.12.203, 79.105.150, 82.19.040, 86.26.007, 90.56.500, 18.39.810, 43.79.445, 39.12.080, and 43.350.070; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 148, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 721, 722, 723, 724, 718, 718, 801, 805, 936, 937, 942, and 944 (uncodified); amending 2017 c 290 s 2 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); adding a new section to chapter 43.79 RCW; repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; providing expiration dates; and declaring an emergency."

Senators Billig and Rolfes
Representatives Ormsby and Robinson

There being no objection, the House adopted the conference committee report on SENATE BILL NO. 6032 and advanced the bill as recommended by the conference committee to final passage.

**FINAL PASSAGE OF HOUSE BILL AS
RECOMMENDED BY CONFERENCE COMMITTEE**

Representatives Robinson, Jinkins, Graves, Kagi, Santos, Ormsby, Chapman, and Sullivan spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Klippert, Jenkin, Kraft, Dye, Vick, Barkis, Muri, Haler, Irwin, Maycumber, Taylor, McDonald, Pike, Hargrove, Chandler, Condotta, Van Werven, Dent, Caldier, Hayes, Orcutt, MacEwen, Young and Kraft (again)

spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Senate Bill No. 6032, as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6032, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

SENATE BILL NO. 6032, as recommended by the conference committee, having received the constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 6032 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 2008,
SECOND SUBSTITUTE HOUSE BILL NO. 2269,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408,
ENGROSSED HOUSE BILL NO. 2444,
SUBSTITUTE HOUSE BILL NO. 2448,
ENGROSSED HOUSE BILL NO. 2519,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580,
ENGROSSED HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2990,
SUBSTITUTE HOUSE BILL NO. 2998,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2519, and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 6007,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

March 7, 2018

MR. SPEAKER:

The President has signed:

HOUSE BILL NO. 1336,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,
HOUSE BILL NO. 2435,
HOUSE BILL NO. 2468,
HOUSE BILL NO. 2474,
SUBSTITUTE HOUSE BILL NO. 2515,
SUBSTITUTE HOUSE BILL NO. 2612,
HOUSE BILL NO. 2649,
SECOND SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2696,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2701,
HOUSE BILL NO. 2785,
SUBSTITUTE HOUSE BILL NO. 2822,
HOUSE BILL NO. 2858,
SUBSTITUTE HOUSE BILL NO. 2887,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,
SUBSTITUTE HOUSE BILL NO. 2951,

ENGROSSED HOUSE BILL NO. 2957,
SUBSTITUTE HOUSE BILL NO. 2970,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 2748 and asks the House to concur,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE HOUSE BILL NO. 2748 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2008 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective planning for and implementation of core state services for children requires predictability and stability in the budgeting process for these services. For these reasons, the legislature intends that costs for behavioral rehabilitation services, child protective services staff, and contracted visitation services be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting program caseloads, and incorporating forecast-based program costs into the maintenance level budget, the state can ensure predictable funding levels for this program.

NEW SECTION. Sec. 2. (1) The children and families services program of the department of social and health services

through June 30, 2018, and of the department of children, youth, and families effective July 1, 2018, shall facilitate a stakeholder work group in a collaborative effort to design a behavioral rehabilitation services rate payment methodology that is based on actual provider costs of care. The work group may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, and in compliance with RCW 43.01.036, the department of children, youth, and families must submit a report with the final work group findings and recommendations to the appropriate legislative committees.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The office of innovation, alignment, and accountability must develop a single validated tool to assess the care needs of foster children. Once the validated tool is available for use on a statewide basis, the department of children, youth, and families must use the tool for assessing the care needs of foster children, including but not limited to whether the department should provide foster children with behavioral rehabilitation services. The department must notify the caseload forecast council, the office of financial management, and the appropriate fiscal committees of the legislature when it begins statewide use of the validated tool.

Sec. 4. RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW ~~((43.215.405))~~ 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.88 RCW to read as follows:

For the purposes of this chapter, expenditures for the following foster care, adoption support and related services, and child protective services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect;

(3) Court-ordered parent-child and sibling visitations delivered by contractors; and

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on the effective date of this section including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative

placements when the caregiver is at work or in school.

NEW SECTION. Sec. 6. (1) No later than December 1, 2020, the department of children, youth, and families shall report to the appropriate committees of the legislature on the actual and projected funding levels in fiscal years 2019 through 2021 for section 5 (1) through (3) of this act and compare them to expenditures prior to inclusion in the maintenance level forecasting and budgeting process.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 7. (1) The department of children, youth, and families shall, as part of its budget request submittal for the 2019-2021 biennial operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

(a) An analysis of the need for licensed foster homes;

(b) A listing of support resources available for parents in licensed foster homes; and

(c) A review of department policies that affect the recruitment and retention of licensed foster homes.

A report containing the results of the review shall be submitted to the office of financial management and the appropriate policy and appropriation committees of the legislature no later than October 1, 2018.

(2) This section expires October 1, 2018."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO.

2008 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2008, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2008, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McDonald, Morris, McCabe, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Van Werven, Volz, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, DeBolt, Jenkin, Klippert, Kretz, Maycumber, McCaslin, Nealey, Orcutt, Pike, Shea, Taylor, Vick, Walsh and Young.

ENGROSSED HOUSE BILL NO. 2008, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

POINTS OF PERSONAL PRIVILEGE

Representative Kagi: "Mr. Speaker it has been the greatest honor of my life and I really didn't want to get upset about this. It truly has been the greatest honor of my life to serve in this body, and this bill is the last piece of the puzzle. I've always said that legislation is like a puzzle and you have to get each piece in place for it to work and providing this funding base for this new department gives them so much opportunity to change the lives of children and families, which is what we have all worked so hard to do over the 20 years that I've been here. We have, together on a bipartisan basis, a bicameral basis, made steady progress on early learning and on family assessment response and the department and I am so proud of this Legislature and I know that I leave it and these issues in good hands. That there are many leaders who will fight for children and families when I'm gone, but I won't really be gone, I'll be back. I'll be talking to you about the importance of supporting children, youth, and families. But I appreciate every one of you and I particularly appreciate the leadership that I've had the great

privilege to serve under. You and I came in together, Mr. Speaker, and the Speaker of the House became Co-Speaker when we came in, so we have served together and I, as I said, am so proud of the work that we've done. Thank you Mr. Speaker."

Representative McCaslin: "I'll make this short, but I would really like to say that the speaker right before us has a heart for children. This is coming from a former kindergarten teacher but, her consistency and her ability to stick to what she wanted to do. Now, we disagreed about how, and sometimes the what, but there was never any question about the pureness of her vision and what she wanted to do well, and she did, and I'm sad today, rising for this reason because we, on our side, we always knew where she was coming from. There was never any 'oh, well I'm thinking of this but I'm going to do that instead.' No, never. And she was always open to listening to the ranking and me, the assistant ranking now on that committee. It has been an absolutely wonderful experience and my hat is off to her and I encourage her in her future pursuits, as she works on the issues of how to do our best job for children and families. Thank you Mr. Speaker."

Representative Dent: "Thank you Mr. Speaker. Well I wasn't ready for this, although I had a hint this morning, early. The gentlelady from the 32nd is, she's been a real journey for me. When I was first elected and I hadn't even taken office yet and I received a phone call from her and she knew that I had a passion for children and we had quite a conversation, and I think we began to develop a friendship before I had even met her in person. I feel privileged that I had the opportunity to serve with her. We've had many great conversations and many great arguments over where we think we should go with our children but every time it seems like we could come together and find a direction that would work for both of us and I do want to say, I do want to say thank you for allowing me, listening to me and taking my ideas under consideration. It has truly been an honor to serve with you and I look forward to, hopefully we can have many more conversations in the future. Thank you.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Access to health care is fundamental to the health and safety of the citizens of Washington state;

(b) Health insurance coverage is necessary for most people to access health care;

(c) Due to uncertainty in the health insurance marketplace, volatility in the current federal regulatory environment, and rising health care costs, ensuring access to the private health insurance market in every county in Washington state is becoming more difficult;

(d) The consequences of losing private health insurance coverage in a county would be catastrophic, leading to deteriorating health outcomes, lost productivity, and lower quality of life; and

(e) If the private market fails to provide coverage in a county, the state must intervene.

(2) The legislature therefore intends to:

(a) Leverage the provider networks used by private insurers offering coverage to state and school employees to ensure private insurance coverage is available in all counties where those insurers offer coverage to state and school employees; and

(b) Until such coverage is available, make coverage in the Washington state health insurance pool more affordable to persons residing in counties where no private insurance is available.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) For plan years beginning January 1, 2020, at least one health carrier in an insurance holding company system must offer in the exchange at least one silver and one gold qualified health plan in any county in which any health carrier in that insurance holding company system offers a fully insured health plan that was approved, on or after the effective date of this section, by the school employees' benefits board or the public employees' benefits board to be offered to employees and their covered dependents under this chapter.

(2) The rates for a health plan approved by the school employees' benefits board or the public employees' benefits board may not include the administrative costs or actuarial risks associated with a qualified health plan offered under subsection (1) of this section.

(3) The authority shall perform an actuarial review during the annual rate setting process for plans approved by the

school employees' benefits board or the public employees' benefits board to ensure compliance with subsection (2) of this section.

(4) For purposes of this section, "exchange" and "health carrier" have the same meaning as in RCW 48.43.005.

(5) For purposes of this section, "insurance holding company system" has the same meaning as in RCW 48.31B.005.

Sec. 3. RCW 48.41.200 and 2007 c 259 s 28 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate

calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person, other than a person eligible for a rate reduction under subsection (4) of this section, whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person, other than a person eligible for a rate reduction under subsection (4) of this section, whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

(4) The rate for any person eligible for pool coverage under RCW 48.41.100(1)(a)(i) shall be reduced as follows:

(a) The rate for a person whose current modified adjusted gross income is less than or equal to two hundred percent of the federal poverty level must be reduced by eighty percent from what it otherwise would be;

(b) The rate for a person whose current modified adjusted gross income is more than two hundred percent, but less than or equal to three hundred percent of the federal poverty level must be reduced by sixty percent from what it otherwise would be;

(c) The rate for a person whose current modified adjusted gross income is more than three hundred percent, but less than or equal to four hundred percent of the

federal poverty level must be reduced by fifty percent from what it otherwise would be; and

(d) The rate for a person whose current modified adjusted gross income is more than four hundred percent of the federal poverty level must be reduced by thirty percent from what it otherwise would be.

Sec. 4. RCW 48.41.090 and 2013 2nd sp.s. c 6 s 7 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the total net cost of pool operation which shall include:

(a) Net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses; ~~((and))~~

(b) The amount of pool contributions specified in the state omnibus appropriations act for deposit into the health benefit exchange account under RCW 43.71.060, to assist with the transition of enrollees from the pool into the health benefit exchange created by chapter 43.71 RCW; and

(c) Any rate reductions received by individuals under RCW 48.41.200(4).

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction. The numerator of the fraction equals that member's total number of resident insured persons, including spouse and dependents, covered under all health plans in the state by that member during the preceding calendar year. The denominator of the fraction equals the total number of resident insured persons, including spouses and dependents, covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan;

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person;

(iii) Health plans serving medical care services program clients under RCW 74.09.035 are exempted from the calculation; and

(iv) Health plans established to serve elderly clients or medicaid clients with disabilities under chapter 74.09 RCW when the plan has been implemented on a demonstration or pilot project basis are exempted from the calculation until July 1, 2009.

(c) Except as provided in RCW 48.41.037, any deficit incurred by the pool, including pool contributions for deposit into the health benefit exchange account, shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members. The monthly per member assessment may not exceed the 2013 assessment level. If the maximum assessment is insufficient to cover a pool deficit the assessment shall be used first to pay all incurred losses and pool administrative expenses, with the remainder being available for deposit in the health benefit exchange account.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) Subject to the limitation imposed in subsection (2)(c) of this section, the pool administrator shall transfer the assessments for pool contributions for the operation of the health benefit exchange to the treasurer for deposit into the health benefit exchange account with the quarterly assessments for 2014 as specified in the state omnibus appropriations act. If assessments exceed actual losses and administrative expenses of the pool and pool

contributions for deposit into the health benefit exchange account, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act expire December 31, 2019.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 48.41.200 and 48.41.090; adding a new section to chapter 41.05 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Cody moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408.

Representatives Cody, Schmick and Caldier spoke in favor of the adoption of the motion.

The motion to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408 was adopted and the bill, as amended by the Senate was advanced to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody, Johnson, Riccelli and Walsh spoke in favor of the passage of the bill.

Representatives Manweller, Pike, Condotta and Holy spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2408, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2408, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hayes, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Maycumber, McBride, McDonald, Morris, McCabe, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Wilcox and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2448 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is need to expand housing opportunities for persons with developmental disabilities. The legislature finds it is often preferable for persons with developmental disabilities to remain residing in their home, when it is safe and appropriate, to foster ongoing stability. The legislature recognizes that securing a child's future housing and services provides the parents of persons with developmental disabilities peace of mind. The legislature further finds that providing a new mechanism for the transfer of residential property into housing for persons with developmental disabilities expands the state's housing capacity and helps meet demand. The legislature further finds that utilizing existing residential property will reduce the demands on the housing trust fund. The legislature finds that there is an opportunity and need, for advocates and the supporters of the developmental disabilities community to work together,

to develop model transfer agreements that will provide peace of mind and assist parents of children with developmental disabilities more readily access this program.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 3, chapter . . . , Laws of 2018 (section 3 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to reduce the tax burden on individuals and businesses imposed by the existing real estate excise tax rates.

(4) If a review finds that there is an increase of residential property transfers by parents of a person with developmental disabilities to a qualified entity as a result of the relief from this tax preference, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

Sec. 3. RCW 82.45.010 and 2014 c 58 s 24 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and

title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation

of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q) (i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of

the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(s) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(s) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

Sec. 4. RCW 43.185.050 and 2017 3rd sp.s. c 12 s 13 are each amended to read as follows:

(1) The department must use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle (~~shall~~) must be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; (~~and~~)

(k) Projects making housing more accessible to families with members who have disabilities; and

(l) Remodeling and improvements as required to meet building code, licensing requirements, or legal operations to residential properties owned and operated by an entity eligible under RCW 43.185A.040, which were transferred as described in RCW 82.45.010(3)(s) by the parent of a child with developmental disabilities.

(3) Preference (~~shall~~) must be given for projects that include an early learning facility.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs associated with application, distribution, and project development activities of the department may not exceed three percent of the annual funds available for the housing assistance program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

(7) Administrative costs associated with compliance and monitoring activities of the department may not exceed one-quarter of one percent annually of the contracted amount of state investment in the housing assistance program."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 82.45.010 and 43.185.050; and creating new sections."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2448 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Lytton and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2448, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2448, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2448, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580 with the following amendment:

On page 11, line 22, after "landfill" insert "or processing biogas from an anaerobic digester or landfill into marketable coproducts"

On page 16, beginning on line 25, after "digester" strike all material through "coproducts" on line 26

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Morris and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2580, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2580, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2750 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Washington state is ranked number one in the nation in offering quality

choices in its long-term services and supports system. Assisted living facilities are an important part of the state's long-term services and supports plan;

(2) Consumers should have access to current information about assisted living facilities to make informed choices;

(3) Washingtonians choose to live in assisted living facilities for many different reasons including safety, access to care, socialization, rehabilitation, and community;

(4) Deciding where to live and what kind of facility to live in are big decisions for potential residents and families. They deserve to have access to all information collected by the state to use in making their decisions. Providing transparency will allow for more informed consumer choices;

(5) Consumers already have access to information on nursing homes and adult family homes. This act would bring assisted living facilities in line with other settings; and

(6) Assisted living facilities need to be held accountable for the residents in their care and the fine structure should be reflective of that responsibility.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

The department shall provide information to consumers about assisted living facilities. This information must be made available online and must include information related to site visits, substantiated inspection and complaint investigation reports, including any citation and remedy imposed, and a listing of licensed assisted living facilities by geographic location.

NEW SECTION. Sec. 3. A new section is added to chapter 18.20 RCW to read as follows:

(1) The department shall facilitate a work group process to recommend quality metrics for assisted living facilities. The department shall keep a public record of comments submitted by stakeholders throughout the work group process.

(2) The work group shall consist of representatives from the department, assisted living provider associations, the long-term care ombuds; organizations

with expertise in serving persons with mental health needs in an institutional setting, as selected by the department; organizations with expertise in serving persons with developmental disability needs in an institutional setting, as selected by the department; organizations with expertise in serving culturally diverse and non-English-speaking persons in an institutional setting, as selected by the department; health care professionals with experience caring for diverse and non-English-speaking patients, as selected by the department; licensed health care professionals with experience caring for geriatric patients, as selected by the department; and an Alzheimer's advocacy organization. The work group may solicit input from individuals with additional expertise, if necessary.

(3) The work group shall make an interim report by September 1, 2019, and final recommendations to the appropriate legislative committees by September 1, 2020, and shall include a dissent report if agreement is not achieved among stakeholders and the department.

(4) The work group must submit recommendations for a quality metric system, propose a process for monitoring and tracking performance, and recommend a process to inform consumers.

(5) The department shall include at least one meeting dedicated to review and analysis of other states with quality metric methodologies for assisted living and must include information on how well each state is achieving quality care outcomes. In addressing data metrics the work group shall consider whether the data that must be reported reflect and promote quality of care and whether reporting the data is unnecessarily burdensome upon assisted living facilities.

Sec. 4. RCW 18.20.190 and 2012 c 10 s 13 are each amended to read as follows:

(1) The department of social and health services is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an assisted living facility provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an assisted living facility without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions, using a tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of ~~((not more than))~~ at least one hundred dollars per day per violation. Until July 1, 2019, the civil penalties may not exceed one thousand dollars per day per violation. Beginning July 1, 2019, through June 30, 2020, the civil penalties may not exceed two thousand dollars per day per violation. Beginning July 1, 2020, the civil penalties may not exceed three thousand dollars per day per violation;

(d) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed facility;

(e) Suspend, revoke, or refuse to renew a license;

~~((e))~~ (f) Suspend admissions to the assisted living facility by imposing stop placement; or

~~((f))~~ (g) Suspend admission of a specific category or categories of residents as related to the violation by imposing a limited stop placement.

(3) When the department orders stop placement or a limited stop placement, the facility shall not admit any new resident until the stop placement or limited stop placement order is terminated. The department may approve

readmission of a resident to the facility from a hospital or nursing home during the stop placement or limited stop placement. The department shall terminate the stop placement or limited stop placement when: (a) The violations necessitating the stop placement or limited stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations that the department reasonably believes will result in a new stop placement or new limited stop placement, the previous stop placement or limited stop placement shall remain in effect until the new stop placement or new limited stop placement is imposed.

(4) After a department finding of a violation for which a stop placement or limited stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification. Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, limited stop placement, or conditions for continuation of a license are effective immediately upon

notice and shall continue pending any hearing.

(6) All receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account created in RCW 18.20.430.

(7) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents.

Sec. 5. RCW 18.20.430 and 2016 sp.s. c 36 s 912 are each amended to read as follows:

The assisted living facility temporary management account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for the protection of the health, safety, welfare, or property of residents of assisted living facilities found to be deficient. Uses of the account include, but are not limited to:

(1) Payment for the costs of relocation of residents to other facilities;

(2) Payment to maintain operation of an assisted living facility pending correction of deficiencies or closure, including payment of costs associated with temporary management authorized under this chapter; ~~((and))~~

(3) Reimbursement of residents for personal funds or property lost or stolen when the resident's personal funds or property cannot be recovered from the assisted living facility or third-party insurer; and

(4) The protection of the health, safety, welfare, and property of residents of assisted living facilities found to be noncompliant with licensing standards.

~~((During the 2015-2017 fiscal biennium, the account may be expended for funding the costs associated with the assisted living program.))"~~

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 18.20.190 and 18.20.430; adding new sections to chapter 18.20 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2750 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2750, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2750, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Caldier, Orcutt and Young.

ENGROSSED HOUSE BILL NO. 2750, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2990 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.46 RCW to read as follows:

(1) The legislature finds funding of the Tacoma Narrows bridge facility to be distinct from other Washington state tolling facilities due to its increasing debt service costs, which is the primary driver of the facility's escalating costs. Washington state has since recommended and established financing structures with steadier levels of debt service payments for subsequent tolled transportation facilities, supporting better management of the state's debt burden and a lower financial burden for toll ratepayers.

(2) The Tacoma Narrows bridge facility debt service structure resulted, in part, from a decision by the legislature to fund construction of the bridge without drawing from state tax dollars. As a result, toll revenue was committed to fund ninety-nine percent of bridge construction costs, as well as the associated interest payments and other associated debt service costs. This is not the standard more recently utilized by the legislature, as is the case of the state route 520 bridge's construction, seventy-two percent of which is to be paid for with toll revenues. In light of the maximum burden for bridge construction that was placed on Tacoma Narrows bridge toll ratepayers, there is no equitable reason that the burden of future debt service payment increases should be borne by these same toll ratepayers.

(3) The legislature established the Tacoma Narrows bridge work group in 2017 and tasked it with identifying opportunities for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. The work group recommended a request of up to one hundred twenty-five million dollars in state funding from the legislature to offset future debt service payment increases, allocated across the remaining years of tolling at levels that result in maintaining toll rates at fiscal year 2018 levels.

(4) Due to the findings aforementioned, an alternative is put forward by the legislature. State contribution loans for each fiscal

biennium are to be made through the life of the debt service plan of up to a total of eighty-five million dollars, and will be repaid in annual amounts beginning after the debt service and deferred sales tax are fully repaid. It is the intent of the legislature that the commission will:

(a) Maintain tolls at no more than toll rates effective at the fiscal year 2018 level until fiscal year 2022; and

(b) Maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level beginning in fiscal year 2022 until such time as the debt service and deferred sales tax obligation is fully met according to the repayment schedule in place as of the effective date of this section and until any state contribution loans are fully repaid.

(5) To offset part of the toll rate increases that would otherwise be necessary to meet increases in future debt service payments, it is the intent of the legislature that the state treasurer make state contribution loan transfers to the Tacoma Narrows toll bridge account created in RCW 47.56.165 on the first day of each fiscal biennium, beginning in the 2019-2021 fiscal biennium, through the life of the debt service plan. It is the intent of the legislature that the state treasurer make state contribution loan transfers in amounts necessary to ensure debt service payments are made in full after toll revenue from the Tacoma Narrows bridge toll facility is applied to the debt payment amounts and other required costs.

(6) This section does not create a private right of action.

NEW SECTION. Sec. 2. A new section is added to chapter 47.46 RCW to read as follows:

(1) Through 2031, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes sufficient information to enable the legislature to determine an adequate amount of contribution from nontoll sources required for each fiscal biennium to maintain tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level, while also maintaining the debt service plan repayment schedule in place as of the effective date of this section. The report must be submitted by January 5th of each year.

(2) Beginning in 2031, and until such time as the state contribution loans described in section 1(4) of this act are repaid, the commission shall submit to the transportation committees of the legislature on an annual basis a report that includes information detailing the annual expected toll revenue to be used for repayment of the state contribution loans while maintaining tolls at no more than twenty-five cents higher than the toll rates effective at the fiscal year 2018 level. The report must be submitted by January 5th of each year.

(3) This section does not create a private right of action.

Sec. 3. RCW 47.46.110 and 2002 c 114 s 8 are each amended to read as follows:

(1) The commission shall retain toll charges on any existing and future facilities constructed under this chapter and financed primarily by bonds issued by the state until:

(a) All costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund have been fully repaid, except as provided in subsection (2) (b) of this section;

(b) Obligations incurred in constructing that facility have been fully paid; ~~(and)~~

(c) The motor vehicle fund is fully repaid under RCW 47.46.140; and

(d) The accounts from which moneys are provided to reduce the debt service according to section 1(5) of this act are fully repaid.

(2) This section does not:

(a) Prohibit the use of toll revenues to fund maintenance, operations, or management of facilities constructed under this chapter except as prohibited by RCW 47.56.245;

(b) Require repayment of funds specifically appropriated as a nonreimbursable state financial contribution to a project.

(3) Notwithstanding the provisions of subsection (2)(a) of this section, upon satisfaction of the conditions enumerated in subsection (1) of this section:

(a) The facility must be operated as a toll-free facility; and

(b) The operation, maintenance, upkeep, and repair of the facility must be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington."

On page 1, line 2 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 47.46.110; and adding new sections to chapter 47.46 RCW."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2990 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fey and Young spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2990, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2990, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Kilduff.

SUBSTITUTE HOUSE BILL NO. 2990, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2018

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2998 with the following amendment:

On page 2, line 13, after "subdivision" insert ", or a hospital that is affiliated with a state institution,"

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2998 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Robinson and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2998, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2998, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Volz, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Graves, Kraft, Vick and Walsh.

SUBSTITUTE HOUSE BILL NO. 2998, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE INITIATIVE NO. 940, By People of the State of Washington.

Law enforcement

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Klippert and Hayes spoke in favor of the passage of the bill.

There being no objection, the House deferred action on HOUSE INITIATIVE NO. 940, and the bill held its place on the third reading calendar.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, and has passed the bill as recommended by the Conference Committee.

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 8, 2018

ESSB 6614 Prime Sponsor, Committee on Ways & Means: Concerning funding for the support of common schools. (REVISED FOR ENGROSSED: Providing property tax relief by reducing calendar year 2019 state property taxes and redirecting revenue to

the education legacy trust account for fiscal year 2019) Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Frame, Vice Chair; Dolan; Pollet; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Condotta.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Nealey and Stokesbary.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6614 was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6140, by Senators King, Van De Wege and Sheldon

Promoting the efficient and effective management of state-managed lands.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 26, 2018).

Representative Tharinger moved the adoption of amendment (1466) to the committee striking amendment:

On page 4, beginning on line 31 of the striking amendment, strike all of section 6 and insert the following:

"**NEW SECTION. Sec. 6.** A new section is added to chapter 79.10 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The asset valuation required in subsections (3) and (4) may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for

those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The asset valuation must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes, including but not limited to: timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining, and; other income production. The asset valuation must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.

(4) For each of the different asset classes and for each of the various trusts, the asset valuation must calculate the average annual gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report by December 1, 2018. A follow-up progress report must be provided by December 1, 2019 and may include any initial recommendations. The final report must be submitted by June 30, 2020 and must include options to:

(a) Improve the net rates of return on different classes of assets;

(b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and

(c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to: statutory, constitutional, operational, and social."

On page 6, after line 11 of the striking amendment, insert the following:

"**Sec. 8.** RCW 79.64.110 and 2017 3rd sp.s. c 13 s 315, 2017 3rd sp.s c 1

s 986, and 2017 c 248 s 6 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2015-2017 and 2017-2019 fiscal biennia, the board may increase the twenty-five percent limitation up to twenty-seven percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. A county may pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange pursuant to section 3122, chapter 2, Laws of 2018, for the property identified in the LEAP capital document No. 2017-2H acquired through RCW 79.22.040 within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within

seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Tharinger and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1466) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6140, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6140, and the bill, as amended by the House, passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED SENATE BILL NO. 6140, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SENATE BILL NO. 6140 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003,
and the same is herewith transmitted,

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1085
HOUSE BILL NO. 1095
HOUSE BILL NO. 1133
SECOND SUBSTITUTE HOUSE BILL NO. 1293
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434
HOUSE BILL NO. 1499
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523
HOUSE BILL NO. 1790
HOUSE BILL NO. 1939
SUBSTITUTE HOUSE BILL NO. 2016
SUBSTITUTE HOUSE BILL NO. 2101
SUBSTITUTE HOUSE BILL NO. 2256
SUBSTITUTE HOUSE BILL NO. 2282
SUBSTITUTE HOUSE BILL NO. 2298
SUBSTITUTE HOUSE BILL NO. 2342
HOUSE BILL NO. 2368
SUBSTITUTE HOUSE BILL NO. 2398
HOUSE BILL NO. 2443
HOUSE BILL NO. 2446
SUBSTITUTE HOUSE BILL NO. 2514
SUBSTITUTE HOUSE BILL NO. 2516
SUBSTITUTE HOUSE BILL NO. 2528
SUBSTITUTE HOUSE BILL NO. 2576
HOUSE BILL NO. 2582
SUBSTITUTE HOUSE BILL NO. 2639
HOUSE BILL NO. 2682
HOUSE BILL NO. 2699
HOUSE BILL NO. 2702
SUBSTITUTE HOUSE BILL NO. 2752

The Speaker called upon Representative Lovick to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362, by Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Rolfes and Billig)

Modifying basic education provisions. Revised for 2nd Substitute: Modifying basic education funding provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 50, February 26, 2018).

With the consent of the house, amendments (1393), (1447), (1329), (1392), (1362), (1374) and (1382) to the committee striking amendment were out of order.

Representative Dolan moved the adoption of the striking amendment (1472):

Strike everything after the enacting clause and insert the following:

"PART I: PROGRAM FUNDING

Sec. 101. RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) (a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4) (b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education

programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3) (a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education	
average class size	
Grades K-3.....	17.00
Grade 4.....	27.00
Grades 5-6.....	27.00
Grades 7-8.....	28.53
Grades 9-12.....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science	
average class size	
Grades 9-12.....	19.98

(b)(i) Beginning September 1, (~~2018~~) 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated

actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical	
education average	
class size	
Approved career and technical	
education offered at	
the middle school and high school	
level.....	23.00
Skill center programs meeting the	
standards established	
by the office of the superintendent of	
public	
instruction.....	20.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

	E1	M	H
	ement	idd	igh
	ary	le	Sch
	Schoo	Sch	ool
	l	ool	
Principals,			
assistant			
principals, and	1.	1	1
other certificated	253	.35	.88
		3	0

building-level administrators

Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs

0.	0	0
663	.51	.52
	9	3

Health and social services:

School nurses ..

0.	0	0
076	.06	.09
	0	6

Social workers .

0.	0	0
042	.00	.01
	6	5

Psychologists ..

0.	0	0
017	.00	.00
	2	7

Guidance counselors, a function that includes parent outreach and graduation advising

0.	1	2
493	.21	.53
	6	9

Teaching assistance, including any aspect of educational instructional services provided by classified employees

0.	0	0
936	.70	.65
	0	2

Office support and other noninstructional aides

2.	2	3
012	.32	.26
	5	9

Custodians

1.	1	2
657	.94	.96
	2	5

Classified staff providing student and staff safety ..

0.	0	0
079	.09	.14
	2	1

Parent involvement coordinators

0.	0	0
0825	.00	.00

(6) (a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000

K-12 students

Technology.....0.628

Facilities, maintenance, and grounds.....1.813

Warehouse, laborers, and mechanics.....0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4) (a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8) (a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average

full-time equivalent student

in grades K-12

Technology..... \$130.76

Utilities and insurance..... \$355.30

Curriculum and textbooks..... \$140.39

Other supplies (~~and library materials~~)..... (~~(\$298.05)~~) \$278.05

Library materials.....\$20.00

Instructional professional development for certificated and

classified staff..... \$21.71

Facilities maintenance..... \$176.01

Security and central office administration \$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average full-time equivalent student in grades 9-12

Technology..... \$36.35

Curriculum and textbooks..... \$39.02

Other supplies ((and library materials)) ((~~\$82.84~~)) \$77.28

Library materials..... \$5.56

Instructional professional development for certificated and classified staff..... \$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a) (i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school

year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in (~~schools where at least fifty percent of students are eligible for free and reduced-price meals~~) qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b) (i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the

superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 102. RCW 28A.150.390 and 2017 3rd sp.s. c 13 s 406 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages

birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~(0.9309)~~ 0.9609.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.160 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment,

geographic density of students, the percentage of students served under the McKinney-Vento homeless assistance act from outside the district, or whether the district is a nonhigh district.

Sec. 104. RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each amended to read as follows:

(1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools ~~((buildings))~~ as defined in RCW 28A.150.260(10) and must be expended by the district for those ~~((buildings))~~ schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools ~~((buildings))~~.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must require school districts to have identification procedures for their highly capable programs that are clearly stated and implemented by school districts using the following criteria:

(a) Districts must use multiple objective criteria to identify students who are among the most highly capable. Multiple pathways for qualifications must be available and no single criterion may disqualify a student from identification;

(b) Highly capable selection decisions must be based on consideration of criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms at the same percentile;

(c) Subjective measures such as teacher recommendations or report card grades may not be used to screen out a student from assessment. These data points may be used alongside other

criteria during selection to support identification, but may not be used to disqualify a student from being identified; and

(d) To the extent practicable, screening and assessments must be given in the native language of the student. If native language screening and assessments are not available, a nonverbal screening and assessment must be used.

(2) The superintendent of public instruction must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices.

Sec. 106. RCW 28A.150.392 and 2017 3rd sp.s. c 13 s 407 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing

their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual special education students served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a program of education for students enrolled in special education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((h))~~ (i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

~~((i))~~ (j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By ~~((September 1, 2019))~~ December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

PART II: COMPENSATION

NEW SECTION. **Sec. 201.** The legislature recognizes that Initiative Measure No. 1433 was approved by the voters of the state of Washington in 2016 requiring employers to provide paid sick leave to each of its employees. The legislature acknowledges that the enactment of this initiative contributes to the costs of operations of the state's public schools and intends to provide funding in the omnibus appropriations act to support school districts with these additional costs.

Sec. 202. RCW 28A.150.410 and 2017 3rd sp.s. c 13 s 101 are each amended to read as follows:

(1) Through the 2017-18 school year, the legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher-librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Through the 2017-18 school year, salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Through the 2017-18 school year, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year and through the 2017-18 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated instructional staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of sixty-four thousand dollars adjusted for inflation from the 2017-18 school year.

(6) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for certificated administrative staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of ninety-five thousand dollars adjusted for inflation from the 2017-18 school year.

(7) By the ~~((2019-20))~~ 2018-19 school year, the minimum state allocation for salaries for classified staff in the basic education program must be increased ~~((beginning in the 2018-19 school year))~~ to provide a statewide average allocation of forty-five thousand nine hundred twelve dollars adjusted by inflation from the 2017-18 school year.

(8) ~~((To implement the new minimum salary allocations in subsections (5) through (7) of this section, the legislature must fund fifty percent of~~

~~the increased salary allocation in the 2018-19 school year and the entire increased salary allocation in the 2019-20 school year.))~~ For school year 2018-19, a district's minimum state allocation for salaries is the greater of the district's 2017-18 state salary allocation, adjusted for inflation, or the district's allocation based on the state salary level specified in subsections (5) through (7) of this section, and as further specified in the omnibus appropriations act.

(9) Beginning with the 2018-19 school year, state allocations for salaries for certificated instructional staff, certificated administrative staff, and classified staff must be adjusted for regional differences in the cost of hiring staff. Adjustments for regional differences must be specified in the omnibus appropriations act for each school year through at least school year 2022-23. For school years 2018-19 through school year 2022-23, the school district regionalization factors are based on the median single-family residential value of each school district and proximate school district median single-family residential value as described in RCW 28A.150.412.

(10) Beginning with the 2023-24 school year and every ~~((six))~~ four years thereafter, the minimum state salary allocations and school district regionalization factors for certificated instructional staff, certificated ~~((administration [administrative]))~~ administrative staff, and classified staff must be reviewed and rebased, as provided under RCW 28A.150.412, to ensure that state salary allocations continue to align with staffing costs for the state's program of basic education.

(11) For the purposes of this section, "inflation" has the meaning provided in RCW 28A.400.205 for "inflationary adjustment index."

Sec. 203. RCW 28A.150.412 and 2017 3rd sp.s. c 13 s 104 are each amended to read as follows:

(1) Beginning with the 2023 regular legislative session, and every ~~((six))~~ four years thereafter, the legislature shall review and rebase state basic education compensation allocations compared to school district compensation data, regionalization factors, what inflationary measure is the most

representative of actual market experience for school districts, and other economic information. The legislature shall revise the minimum allocations ((and)), regionalization factors, and inflationary measure if necessary to ensure that state basic education allocations continue to provide market-rate salaries and that regionalization adjustments reflect actual economic differences between school districts.

(2)(a) For school districts with single-family residential values above the statewide median residential value, regionalization factors for school years 2018-19 through school year 2022-23 are as follows:

(i) For school districts in tercile 1, state salary allocations for school district employees are regionalized by six percent;

(ii) For school districts in tercile 2, state salary allocations for school district employees are regionalized by twelve percent; and

(iii) For school districts in tercile 3, state salary allocations for school district employees are regionalized by eighteen percent.

(b) In addition to the regionalization factors specified in (a) of this subsection, school districts located west of the crest of the Cascade mountains and sharing a boundary with any school district with a regionalization factor more than one tercile higher, are regionalized by six additional percentage points.

(c) In addition to the regionalization factors specified in this subsection, for school districts that have certificated instructional staff median years of experience that exceed the statewide average certificated instructional staff years of experience and a ratio of certificated instructional staff advanced degrees to bachelor degrees above the statewide ratio, an experience factor of four percentage points is added to the regionalization factor, beginning in the 2019-20 school year.

(d) Additional school district adjustments are identified in the omnibus appropriations act, and these adjustments are partially reduced or eliminated by the 2022-23 school year as follows:

(i) Adjustments that increase the regionalization factor to a value that is greater than the tercile 3 regionalization factor must be reduced by two percentage points each school year beginning with school year 2020-21, through 2022-23.

(ii) Adjustments that increase the regionalization factor to a value that is less than or equal to the tercile 3 regionalization factor must be reduced by one percentage point each school year beginning with school year 2020-21, through 2022-23.

(3) To aid the legislature in reviewing and rebasing regionalization factors, the department of revenue shall, by November 1, 2022, and by November 1st every ~~((six))~~ four years thereafter, determine the median single-family residential value of each school district as well as the median value of proximate districts within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(4) No district may receive less state funding for the minimum state salary allocation as compared to its prior school year salary allocation as a result of adjustments that reflect updated regionalized salaries.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Median residential value of each school district" means the median value of all single-family residential parcels included within a school district and any other school district that is proximate to the school district.

(b) "Proximate to the school district" means within fifteen miles of the boundary of the school district for which the median residential value is being calculated.

(c) "School district employees" means state-funded certificated instructional staff, certificated administrative staff, and classified staff.

(d) "School districts in tercile 1" means school districts with median single-family residential values in the first tercile of districts with single-family residential values above the statewide median residential value.

(e) "School districts in tercile 2" means school districts with median

single-family residential values in the second tercile of districts with single-family residential values above the statewide median residential value.

(f) "School districts in tercile 3" means school districts with median single-family residential values in the third tercile of districts with single-family residential values above the statewide median residential value.

(g) "Statewide median residential value" means the median value of single-family residential parcels located within all school districts, reduced by five percent.

Sec. 204. RCW 28A.400.006 and 2017 3rd sp.s. c 13 s 703 are each amended to read as follows:

(1) A school district may not ~~((provide any)) increase average total school district expenditures for certificated administrative staff ((with a percentage increase to total salary)) for the 2018-19 school year ((, including supplemental contracts, that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated administrative staff salary is less than the average certificated administrative salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated administrative staff salary equals the average certificated administrative staff salary allocated by the state)) in excess of the following:~~

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to what was the prior year's practice within the school district; or

(c) School districts with an average total certificated administrative staff salary less than the statewide average certificated administrative staff salary allocation used to distribute funds for

basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 205. RCW 28A.400.200 and 2017 3rd sp.s. c 13 s 103 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the ~~((2019-20))~~ 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c) (i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW

28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3)(a)(i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(ii) For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation,

and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220.

(c)(i) Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276. ~~((The rate the district pays under a supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified pursuant to subsection (3)(a)(iii) of this section.))~~

(ii) For a supplemental contract, or portion of a supplemental contract, that is time-based, the hourly rate the district pays may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)(iii) of this section. For a supplemental contract, or portion of a supplemental contract that is not time-based, the contract must document the additional duties, responsibilities, or incentives that are being funded in the contract. The rate the district pays under a supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)(iii) of this section.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

Sec. 206. RCW 28A.400.205 and 2017 3rd sp.s. c 13 s 102 are each amended to read as follows:

(1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the ~~((2020-21))~~ 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For

teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means, for any school year, the implicit price deflator for that fiscal year, using the official current base, compiled by the bureau of ~~((labor statistics, United States department of labor for the state of Washington))~~ economic analysis, United States department of commerce.

Sec. 207. RCW 41.56.800 and 2017 3rd sp.s. c 13 s 701 are each amended to read as follows:

(1) A school district collective bargaining agreement for classified staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district classified staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average classified staff salary is less than the average classified salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average classified staff salary equals the average classified staff salary allocated by the state)) in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260; or

(d) School districts with an average total classified staff salary less than the statewide average classified salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

Sec. 208. RCW 41.59.800 and 2017 3rd sp.s. c 13 s 702 are each amended to read as follows:

(1) A school district collective bargaining agreement for certificated instructional staff that is executed or modified after July 6, 2017, and that is in effect for the 2018-19 school year may not ~~((provide school district certificated instructional staff with a percentage))~~ increase ~~((to))~~ average total salary for the 2018-19 school year, including supplemental contracts, ~~((that exceeds the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle. However, if a district's average certificated instructional staff salary is less than the average certificated instructional staff salary allocated by the state for that year, the district may increase salaries not to exceed the point where the district's average certificated instructional staff salary equals the average certificated instructional staff salary allocated by the state))~~ in excess of the following:

(a) Annual salary inflationary adjustments based on the rate of the yearly increase of the previous calendar year's annual average consumer price index, using the official current base compiled by the bureau of labor statistics, United States department of labor, for the city of Seattle;

(b) Annual experience and education salary step increases according to the salary schedule specified in the agreement;

(c) Salary changes for staffing increases due to enrollment growth or state-funded increases under RCW 28A.150.260;

(d) Salary changes to provide professional learning under RCW 28A.415.430;

(e) Increases related to bonuses for attaining certification from the national board for professional teaching standards;

(f) School districts with an average total certificated instructional staff salary less than the statewide average certificated instructional staff salary allocation used to distribute funds for basic education as estimated by the office of the superintendent of public instruction for the 2018-19 school year may provide salary increases up to the statewide average allocation; or

(g) Salaries for new certificated instructional staff hired in the 2018-19 school year.

(2) Changes to any terms of an employment contract for nonrepresented employees must comply with the same requirements established in this section.

(3) This section expires August 31, 2019.

NEW SECTION. Sec. 209. The superintendent of public instruction shall convene a work group, that must include representatives of diverse school districts and education stakeholders to make recommendations to define the duties and responsibilities that entail a "school day" under the state's statutory program of basic education under RCW 28A.150.220 and 28A.150.260. The recommendations must consider: The professional responsibilities, time, and effort required to provide the state's statutory program of basic education that exceed the required number of instructional hours specified in RCW 28A.150.220, and duties covered by state salary allocations that may be outside of school instructional time including, but not limited to, direct instruction required in RCW 28A.150.220; the necessary

preparations, planning, and coordination for that instruction; meeting with and collaborating with parents and other teachers or other staff regarding the program of basic education; and the necessary evaluation of student learning from that instruction. The superintendent shall report the recommendations to the education policy and operating budget committees of the legislature by January 14, 2019.

PART III: LEVIES

Sec. 301. RCW 28A.150.276 and 2017 3rd sp.s. c 13 s 501 are each amended to read as follows:

(1) (a) Beginning September 1, ~~((2019))~~ 2018, school districts may use local revenues only for documented and demonstrated enrichment of the state's statutory program of basic education as authorized in subsection (2) of this section.

(b) Nothing in this section revises the definition or the state funding of the program of basic education under RCW 28A.150.220 and 28A.150.260.

(c) For purposes of this section, "local revenues" means enrichment levies collected under RCW 84.52.053, ~~((transportation vehicle enrichment levies,))~~ local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, except that "local revenues" does not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250.

(2) (a) Enrichment activities are permitted under this section if they provide supplementation beyond the state:

(i) Minimum instructional offerings of RCW 28A.150.220 or 28A.150.260;

(ii) Staffing ratios or program components of RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components of RCW 28A.150.200, 28A.150.220, or 28A.150.260; or

(iv) Program of professional learning as defined by RCW 28A.415.430 beyond that allocated pursuant to RCW 28A.150.415.

(b) Permitted enrichment activities consist of:

(i) Extracurricular activities, extended school days, or an extended school year;

(ii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(iii) Activities associated with early learning programs;

(iv) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under this subsection; and

(v) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under (a) of this subsection and for which the superintendent approves proposed expenditures during the preballot approval process required by RCW 84.52.053 and 28A.505.240.

(3) In addition to the limitations of subsections (1) and (2) of this section and of RCW 28A.400.200, permitted enrichment activities are subject to the following conditions and limitations:

(a) If a school district spends local revenues for salary costs attributable to the administration of enrichment programs, the portion of administrator salaries attributable to that purpose may not exceed ~~((the proportion))~~ twenty-five percent of the ~~((district's local revenues to its other revenues))~~ total district expenditures for administrator salaries; and

(b) Supplemental contracts under RCW 28A.400.200 are subject to the limitations of this section.

(4) The superintendent of public instruction must adopt rules to implement this section.

Sec. 302. RCW 28A.320.330 and 2017 3rd sp.s. c 13 s 601 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the (~~2019-20~~) 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle (~~enrichment~~) levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide any supplemental expenditure schedules required by the superintendent of public instruction or state auditor for purposes of RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-

effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f) (i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2) (f) (ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2) (g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter

39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 303. RCW 28A.500.015 and 2017 3rd sp.s. c 13 s 206 are each amended to read as follows:

(1) Beginning in calendar year 2019 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) For an eligible school district, annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy divided by the school district's maximum allowable enrichment levy.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district whose maximum allowable enrichment levy divided by the school district's total student enrollment in the prior school year is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.

(d) "Maximum local effort assistance" means ~~((the school district's student enrollment in the prior school year multiplied by))~~ the difference ~~((of))~~ between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and ~~((a))~~

(ii) The school district's maximum allowable enrichment levy ~~((divided by the school district's student enrollment in the prior school year))~~.

(e) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

(f) "State local effort assistance threshold" means one thousand five hundred dollars per student, ~~((adjusted))~~ increased for inflation beginning in calendar year 2020.

(g) "Student enrollment" means the average annual ~~((resident))~~ full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

Sec. 304. RCW 28A.505.240 and 2017 3rd sp.s. c 13 s 204 are each amended to read as follows:

(1) As required by RCW 84.52.053(4), before a school district may submit an enrichment levy ~~((, including a transportation vehicle enrichment levy,))~~ under RCW 84.52.053 to the voters, it must have received approval from the office of the superintendent of public instruction of an expenditure plan for the district's enrichment levy and other local revenues as defined in RCW

28A.150.276. Within thirty days after receiving the plan the office of the superintendent of public instruction must notify the school district whether the spending plan is approved. If the office of the superintendent of public instruction rejects a district's proposed spending plan, then the district may submit a revised spending plan, and the superintendent must approve or reject the revised submission within thirty days. The office of the superintendent of public instruction may approve a spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(2)(a) Except as provided in (b) of this subsection, after a school district has received voter approval for a levy for an enrichment levy under RCW 84.52.053, a school district may change its spending plan for the voter-approved levy by submitting a revised spending plan to the office of the superintendent of public instruction for review and approval. To revise a previously approved spending plan, the district must provide notice and an opportunity for review and comment at an open meeting of the school board, and the board must adopt the revised spending plan by resolution. The board must then submit the plan to the office of the superintendent of public instruction. Within thirty days after receiving the revised spending plan the office must notify the school district whether the revised spending plan is approved. The office of the superintendent of public instruction may approve a revised spending plan only if it determines that the enrichment levy and other local revenues as defined in RCW 28A.150.276(1) will be used solely for permitted enrichment activities as provided in RCW 28A.150.276(2).

(b) If the superintendent has approved expenditures for specific purposes under (a) of this subsection, a district may change the relative amounts to be spent for those respective purposes for the same levy in subsequent years without having to first receive approval for the change from the office of the superintendent of public instruction if the district adopts the change as part of its annual budget proposal after a public hearing under RCW 28A.505.060.

(3) This section applies to taxes levied for collection beginning in calendar year 2020 and thereafter.

NEW SECTION. Sec. 305. A new section is added to chapter 84.52 RCW to read as follows:

For districts in a high/nonhigh relationship, if the high school district is subject to the maximum per pupil limit under RCW 84.52.0531, the high school district's maximum levy amount must be reduced by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy.

Sec. 306. RCW 84.52.053 and 2017 3rd sp.s. c 13 s 201 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) and Article IX, section 1 of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for enrichment funding for a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130 (~~(through calendar year 2019, authorizing two-year levies for transportation vehicle enrichment beginning with calendar year 2020,)~~) or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2) (a) Once additional tax levies have been authorized for enrichment funding for a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for enrichment funding for the district for that period may be authorized, except for additional levies to provide for

subsequently enacted increases affecting the district's maximum levy.

(b) Notwithstanding (a) of this subsection, any school district that is required to annex or receive territory pursuant to a dissolution of a financially insolvent school district pursuant to RCW 28A.315.225 may call either a replacement or supplemental levy election within the school district, including the territory annexed or transferred, as follows:

(i) An election for a proposition authorizing two-year through four-year levies for enrichment funding for a school district may be called and held before the effective date of dissolution to replace existing enrichment levies and to provide for increases due to the dissolution.

(ii) An election for a proposition authorizing additional tax levies may be called and held before the effective date of dissolution to provide for increases due to the dissolution.

(iii) In the event a replacement levy election under (b) (i) of this subsection is held but does not pass, the affected school district may subsequently hold a supplemental levy election pursuant to (b) (ii) of this subsection if the supplemental levy election is held before the effective date of dissolution. In the event a supplemental levy election is held under (b) (ii) of this subsection but does not pass, the affected school district may subsequently hold a replacement levy election pursuant to (b) (i) of this subsection if the replacement levy election is held before the effective date of dissolution. Failure of a replacement levy or supplemental levy election does not affect any previously approved and existing enrichment levy within the affected school district or districts.

(c) For the purpose of applying the limitation of this subsection (2), a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for enrichment funding for a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing

such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

(4) (a) Beginning September 1, ~~((2019))~~ 2018, school districts may use enrichment levies ~~((and transportation vehicle enrichment levies))~~ solely to enrich the state's statutory program of basic education as authorized under RCW 28A.150.276.

(b) Beginning with propositions for enrichment levies ~~((and transportation vehicle enrichment levies))~~ for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan from the superintendent of public instruction under RCW 28A.505.240 before submission of the proposition to the voters.

Sec. 307. RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 are each amended to read as follows:

(1) Beginning with taxes levied for collection in 2019, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of one dollar and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit.

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means ((inflation as defined in RCW 84.55.005)), for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(b) "Maximum per-pupil limit" means two thousand five hundred dollars, multiplied by the number of average annual ~~((resident))~~ full-time equivalent students enrolled in the school district in the prior school year. Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.

(c) "Prior school year" means the most recent school year completed prior to the

year in which the levies are to be collected.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

~~((4))~~ (6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

~~((5))~~ (7) Beginning with taxes levied for collection in ~~((2020))~~ 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

~~((6))~~ (8) Funds collected from ~~((transportation vehicle enrichment levies shall not be subject to the levy limitations in))~~ levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

PART IV: OTHER POLICIES

NEW SECTION. Sec. 401. (1) For the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction shall allocate a hold-harmless payment to school districts if the sum of (b) of this subsection is greater than the sum of (a) of this

subsection for either of the respective school years or if a school district meets the criteria under subsection (2) of this section.

(a) The current school year is calculated as the sum of (a)(i) through (iii) of this subsection using the enrollments and values in effect for that school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) The lesser of the school district's voter-approved enrichment levy collection or the maximum levy authority provided under RCW 84.52.0531 for the previous calendar year.

(b) The baseline school year is calculated as the sum of (b)(i) through (iii) of this subsection using the current school year enrollments and the values in effect during the 2017-18 school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) Maintenance and operation levy collection under RCW 84.52.0531 in the 2017 calendar year.

(2) From amounts appropriated in this act, the superintendent of public instruction must prioritize hold harmless payments to districts that meet both the following criteria:

(a) The sum of the school district's enrichment levy under RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 and local effort assistance under RCW 28A.500.015 is less than half of the sum of the maintenance

and operations levy and local effort assistance provided under law as it existed on January 1, 2017. For purposes of the calculation in this subsection, the maintenance and operations levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy under law as of January 1, 2017; and

(b) The adjusted assessed value of property within the school district as calculated by the department of revenue is greater than twenty billion dollars in calendar year 2017.

(3) Districts eligible for hold-harmless payments under subsection (1) of this section shall receive the difference between subsection (1)(b) and (a) of this section through the apportionment payment process in RCW 28A.510.250.

(4) The voters of the school district must approve an enrichment levy under RCW 84.52.0531 to be eligible for a hold-harmless payment under this section.

(5) This section expires December 31, 2020.

Sec. 402. RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each amended to read as follows:

(1) Beginning with the ~~((2018-19))~~ 2019-20 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. The state allocation must be used solely for the purpose of providing professional learning. At a minimum, the state must allocate funding for:

(a) One professional learning day in the ~~((2018-19))~~ 2019-20 school year;

(b) Two professional learning days in the ~~((2019-20))~~ 2020-21 school year; and

(c) Three professional learning days in the ~~((2020-21))~~ 2021-22 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each local educational agency. The professional learning allocation shall be equal to the proportional increase

resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus appropriations act. Professional learning allocations shall be included in per-pupil calculations for programs funded on a per student rate calculation.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

~~((3))~~ (4) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

(5) The use of the funding provided under this section must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of this section.

Sec. 403. RCW 28A.710.280 and 2016 c 241 s 128 are each amended to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average ~~((staff mix factor))~~ salaries set forth in RCW 28A.150.410 for certificated instructional staff adjusted by the regionalization factor that applies to the school district in which the charter school is geographically located, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection ~~((7 as applicable))~~.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys

appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

Sec. 404. RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students

and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be apportioned by the superintendent of public instruction according to the schedule established under RCW 28A.510.250, including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations for certificated instructional staff must be based on the statewide average ((staff mix ratio of the school, as calculated by the superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act)) salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Allocations for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located (~~(, subject to conditions and limitations established by the omnibus appropriations act)~~) as set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the school is located. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

Sec. 405. RCW 72.40.028 and 2009 c 381 s 7 are each amended to read as follows:

All teachers employed by the Washington state center for childhood deafness and hearing loss and the state school for the blind shall meet all

certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendent and the director, by rule, may adopt additional educational standards for their respective facilities. Salaries of all certificated employees shall be ~~((set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in))~~ based on the statewide average salary set forth in RCW 28A.150.410, adjusted by the regionalization factor that applies to the school district in which the program or facility is located. The superintendent and the director may provide for provisional certification for teachers in their respective facilities including certification for emergency, temporary, substitute, or provisional duty.

Sec. 406. RCW 43.09.2856 and 2017 3rd sp.s. c 13 s 503 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200.

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school

districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415.

NEW SECTION. Sec. 407. A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts must make reasonable efforts to streamline the process used for charging and collecting student fees. The streamlining must seek to increase student participation in the activities for which the fees are collected. The process for charging and collecting fees from students eligible for free or reduced-price meals must be identical to the process for charging and collecting fees from other students.

(2) For the purpose of determining a student's eligibility for free or reduced-price meals, school districts must include on forms completed annually by students' parents or guardians, an option for the parent or guardian to affirmatively consent to disclosing their student's eligibility for free or reduced-price meals to school district departments or programs. The form must indicate that: (a) The purpose of the disclosure is to provide fee discounts or other benefits to students eligible for free or reduced-price meals; and (b) free and reduced-price meal program eligibility information will not be used for other purposes within the school district or disclosed outside the school district for any purpose.

(3) School districts offering fee discounts to students eligible for free or reduced-price meals must use the information collected under subsection (2) of this section to automatically charge the discounted rate during the fee collection process. The requirements of this subsection (3) apply when and if the district has the appropriate technology to comply with this subsection.

(4) To the extent necessary to comply with the requirements of this section and to the extent permitted by state and federal law, school districts may share student information with vendors.

(5) For purposes of this section, eligible for free or reduced-price meals means a student who is eligible under the national school lunch program or school breakfast program to receive lunch or breakfast at no cost to the student or at a reduced cost to the student.

NEW SECTION. Sec. 408. The sum of twelve million dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund to the superintendent of public instruction solely for hold harmless payments for purposes of section 401(2) of this act.

Sec. 409. RCW 28A.505.140 and 2017 3rd sp.s. c 13 s 602 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction shall adopt such rules as will ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter. By the ((2019-20)) 2018-19 school year, the rules must require school districts to provide separate accounting of state and local revenues to expenditures.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules of the superintendent of public instruction.

NEW SECTION. Sec. 410. The following acts or parts of acts are each repealed:

(1) RCW 28A.415.020 (Credit on salary schedule for approved in-service training, continuing education, and internship) and 2011 1st sp.s. c 18 s 5, 2007 c 319 s 3, 2006 c 263 s 808, 1995 c 284 s 2, 1990 c 33 s 415, & 1987 c 519 s 1;

(2) RCW 28A.415.023 (Credit on salary schedule for approved in-service training, continuing education, or internship—Course content—Rules) and

2012 c 35 s 6 & 2011 1st sp.s. c 18 s 6;
and

(3) RCW 28A.415.024 (Credit on salary schedule—Accredited institutions—Verification—Penalty for submitting credits from unaccredited institutions) and 2006 c 263 s 809 & 2005 c 461 s 1.

NEW SECTION. Sec. 411. Sections 303 and 307 of this act take effect January 1, 2019."

Correct the title.

Representative Taylor moved the adoption of amendment (1478) to the striking amendment (1472):

On page 19, line 34 of the striking amendment, after "(3)" insert "By September 1, 2018, school districts must report projected increases provided to certificated administrative staff provided under subsection (1) and (2) of this section to the office of the superintendent of public instruction.

(4) "

On page 21, line 1 of the striking amendment, after "with the" strike "2019-20" and insert "~~((2019-20))~~ 2018-19"

On page 22, line 4 of the striking amendment, after "September 1," strike "2019" and insert "~~((2019))~~ 2018"

On page 24, line 16 of the striking amendment, after "(3)" insert "By September 1, 2018, school districts must report projected increases provided to classified staff provided under subsections (1) and (2) of this section to the office of the superintendent of public instruction.

(4) "

On page 25, line 20 of the striking amendment, after "(3)" insert "By September 1, 2018, school districts must report projected increases provided to certificated administrative staff provided under subsection (1) and (2) of this section to the office of the superintendent of public instruction.

(4) "

On page 25, after line 20 of the striking amendment, insert the following:

"**Sec. 209.** RCW 28A.505.040 and 2017 3rd sp.s. c 13 s 604 are each amended to read as follows:

(1) On or before the tenth day of July in each year, all school districts shall prepare their budget for the ensuing fiscal year. The annual budget development process shall include the development or update of a four-year budget plan that includes a four-year enrollment projection. The four-year budget plan must include an estimate of funding necessary to maintain the continuing costs of program and service levels and any existing supplemental contract obligations.

(2)(a) The completed budget must include a summary of the four-year budget plan and set forth the complete financial plan of the district for the ensuing fiscal year.

(b) The completed budget for the 2018-19 school year must include estimated 2019-20 school year expenditures, including the estimated funding necessary to maintain the continuing costs of the 2018-19 program and service levels and any existing supplemental contract obligations, in its four-year budget plan. The plan must balance in the 2018-19 and 2019-20 school years, including any anticipated changes to revenue for each school year.

(3)(a) Upon completion of their budgets, every school district shall electronically publish a notice stating that the district has completed the budget, posted it electronically, placed it on file in the school district administration office, and that a copy of the budget and a summary of the four-year budget plan will be furnished to any person who calls upon the district for it.

(b) School districts shall submit one copy of their budget and the four-year budget plan summary to their educational service districts and the office of the superintendent of public instruction for review and comment by July 10th. The superintendent of public instruction may delay the date in this section if the state's operating budget is not finally approved by the legislature until after June 1st.

(c) The office of the superintendent of public instruction shall consider the information provided under (b) of this subsection when ranking each school district by the financial health of the school district in order to provide information for districts to avoid

potential financial difficulty, insolvency, or binding conditions."

Renumber remaining sections consecutively and correct internal references accordingly.

Representative Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dolan spoke against the adoption of the amendment to the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 48 - YEAS; 50 - NAYS.

Amendment (1478) to the striking amendment (1472) was not adopted.

Representative Dolan moved the adoption of amendment (1476) to the striking amendment (1472):

On page 22, line 20 of the striking amendment, after "contract." strike "The rate the district pays under a supplemental contract may not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3) (a) (iii) of this section."

Representative Dolan spoke in favor of the adoption of the amendment to the committee striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

Amendment (1476) to the striking amendment (1472) was adopted.

Representative Dolan moved the adoption of amendment (1479) to the striking amendment (1472):

On page 36, line 7 of the striking amendment, after "28A.320.330, and" insert "for the 2018-19 school year"

Representatives Dolan and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1479) to the striking amendment (1472) was adopted.

Representative Dolan moved the adoption of amendment (1477) to the striking amendment (1472):

On page 42, beginning on line 3 of the striking amendment, strike all of section 407

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Dolan and Taylor spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1477) to the striking amendment (1472) was adopted.

Representative Taylor moved the adoption of amendment (1474) to the striking amendment (1472):

On page 43 of the striking amendment, after line 24, insert the following:

NEW SECTION. Sec. 410. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Public schools may develop curricula that:

(a) Links student learning with engagement in seasonal or nonseasonal outdoor-based activities, including activities related to academic requirements in science, health and fitness, and career and technical education;

(b) Aligns with the essential academic learning requirements under RCW 28A.655.070 that are a component of the state's instructional program of basic education; and

(c) Includes locally administered competency based assessments that align with the Washington state learning standards.

(2) Public schools that develop curricula under this section may request authorization from the superintendent of public instruction as provided in section 411 of this act to consider student participation in seasonal or nonseasonal outdoor-based activities as instructional days for the purposes of basic education requirements established in RCW 28A.120.220 (5).

NEW SECTION. Sec. 411. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in section 410 of this act to consider student participation in seasonal or nonseasonal outdoor-based

activities as instructional days for the purposes of basic education requirements established in RCW 28A.120.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Taylor, Dolan and Santos spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1474) to the striking amendment (1472) was adopted.

Representative Dolan spoke in favor of the adoption of the striking amendment as amended.

Representative Harris spoke against the adoption of the striking amendment as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

The striking amendment (1472), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Dolan and Sullivan spoke in favor of the passage of the bill.

Representatives Taylor, Smith and Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6362, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6362, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6362 was immediately transmitted to the Senate.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4688, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Washington State Representative Melanie Stambaugh was born in Puyallup, Washington on September 25, 1990; and

WHEREAS, Representative Melanie Stambaugh attended and graduated from Emerald Ridge High School in Puyallup; and

WHEREAS, Representative Melanie Stambaugh represented Pierce County as Daffodil Festival Queen as a high school senior; and

WHEREAS, Representative Melanie Stambaugh earned a bachelor's degree in business administration from the University of Washington Foster School of Business in 2013; and

WHEREAS, Representative Melanie Stambaugh co-founded a small business dedicated to helping individuals build confidence through leadership and professional development programs; and

WHEREAS, Representative Melanie Stambaugh serves on the board of Communities In Schools of Puyallup, whose mission is to surround students with a community of support, empowering them to stay in school and achieve in life; and

WHEREAS, Representative Melanie Stambaugh ran for office and was elected to the Washington State House of Representatives in 2014; and

WHEREAS, Representative Melanie Stambaugh became the youngest woman elected to the Legislature since 1936; and

WHEREAS, Representative Melanie Stambaugh has put people before politics, focusing on issues such as college affordability, women's health, children's privacy, transportation infrastructure, road worker safety, and career and technical education funding opportunities; and

WHEREAS, Representative Melanie Stambaugh's first bill signed into law was House Bill 1554, which protects the privacy of children enrolled in child care, early learning, parks and recreation, after-school and youth development programs; and

WHEREAS, Representative Melanie Stambaugh saw four of her bills signed into law by the governor in her first two years in the Legislature; and

WHEREAS, Representative Melanie Stambaugh was named "2015 Legislator of the Year" by the Washington Student Association; and

WHEREAS, Representative Melanie Stambaugh was selected to serve in the Governing Institute's Women in Government Leadership Program in 2016; and

WHEREAS, Representative Melanie Stambaugh was appointed to the Education Accountability System Oversight Committee in 2015, the School Safety Summit in 2016, and the Office of Homeless Youth Advisory Committee in 2017; and

WHEREAS, Representative Melanie Stambaugh's leadership has made a positive difference in the 25th Legislative District and the state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Representative Melanie Stambaugh's dedication to serving the communities of the 25th Legislative District with joy, purpose, and resolve; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Honorable Representative Melanie Stambaugh.

Representative McDonald moved adoption of HOUSE RESOLUTION NO. 4688

Representative McDonald: "Thank you Madame Speaker. I am so very honored to stand here and honor my seatmate. Most of you don't know but I met Melanie when she was 14 or 15 years old and she actually served as my page on the floor of the House and when she came down here, she was just as bright and poised, probably not totally as bright and poised, but she was a wonderful young lady and even at that time, she was very involved in her community and obviously her trip here to the House of Representatives helped open up new avenues for her. She has been so involved in our community. She served, as you

stated, she was Daffodil Queen. Now it's one thing to be a daffodil princess, but the queen rises above, and that's been Melanie and I know that her mom and her dad and her family are so proud of her. She also is very involved in communities and schools in Puyallup, where she helps other young children know what they can do with their lives. She talks to them and lets them know that they have a future ahead of them and the sky is the limit and it's so encouraging to see her smile and to see her look at those kids and know that they have a bright future. You know, sometimes on this floor of the House, House of Representatives, I always used to say every year I spent here I aged two years, and for me being older, that's tough, but for Melanie, although she's served four years, it probably feels like eight, but she looks as fresh and wonderful as she did when she walked in this door, and when you go out Melanie, you are going to do great things and we just love and appreciate you and just want to ask God to bless you today. Thank you for being my seatmate and for me seeing your enthusiasm, that helped. Thank you."

Representative Sawyer: "Thank you Madame Speaker. It's very rare that I get up on the House floor if it's not my bill or my committee but I wanted to take a moment and thank the Representative from the 25th for her service and just to thank you for showing us your grace and your leadership over the four years that you've been here. But this isn't a retirement speech. You could live twice as long, take a decade off and still be younger than my seatmate. So one thing I've gotten, I've had the opportunity to get to know Representative Stambaugh for the last four years, and I've seen her at her best, at her worst, her most angry, and I've learned a lot from her. She's shown me a lot about what it's like to stand at a tempest and to stand by who you are no matter what's coming at you when you feel you're in the right, and no matter your age, I think we've all learned, I think, a lot from her to show what poise it takes to take such stances that you've taken and to be on the receiving end of what you've been on the receiving end of, and there are a couple of things I've also realized that, you know, kind of stealing from a movie a little bit, but you never get involved in a land war in Asia and you never cross a Stambaugh woman. I have seen the Representative, I asked her permission to tell this story, but I've, I think I've seen her cry on two occasions and it's never out of sadness, it's only out of anger and when you see that kind of resolve and her ability to handle anything, I just am, I think so blessed to know you as a friend, and I'm so blessed to have served with you and I think we all can take some lessons and I think you've left an imprint her for all of us, so thank you."

"Representative Barkis: Thank you Madame Speaker. It is truly an honor to rise today for I have had a great experience, a unique experience and one that I have to tell you started with being intimidated and I was telling this to the good lady from the 25th that, you know, I'm new but I'm not young and I've been around in business and different various things I've done in my life but when I was told that I was going to be sitting in the front row, intimidation number one and then I was told that I was going to be sitting next to the good lady from the 25th I thought "Oh boy" because I've never seen somebody with such poise and grace

and a command of the language and an elegance in speaking and the ability to put thoughts together and I've watched her put her notes together and so quickly the intimidation turned to learning, watching, following and then this great thing happened, a friendship, a relationship, which is what we all just love about this place is it's about the relationships that we build here and I've had a great opportunity to build a relationship with my deskmate, my floormate here, who has educated me, who has shared opinions and we've debated issues and talked about stuff and I guess I would say she's maybe changed a vote or two, but it's been phenomenal that I can't even see the age because of the amount of wisdom and then to add to that, we just happen to have our offices right next to each other and to add to that, both our LA's are named Shelby so it's kind of confusing when people come down to see us. But I've had this great experience of getting to know the good lady from the 25th who has been a mentor to me in my first two years here. Who has helped me to be a better legislator and who I know will help countless numbers of people out in the world to be better people. To be better leaders. She is going to be truly missed and I'm going to miss sitting by her here on the floor. Thank you."

Representative Senn: "Thank you Madame Speaker. It is with great honor and pride that I stand to honor the good lady from the 25th. I first met her when she was a freshman, and I'd heard a rumor that there was a legislator who knew a little bit about social-emotional learning which was great, because I actually didn't really know that much about social-emotional learning, but I heard that was a thing and I was kind of getting my feet wet in that topic and so I went to her office and she welcomed me in and we had a half-an-hour conversation which, as we all know in this body, is a long time and I learned all about her business and all about her passion for teaching people, not just about etiquette, but what that means and how to carry yourself and how to emote and have empathy and I think it was through that conversation that I actually started to understand what social-emotional learning was and from that point we worked together on many issues, signed onto bills together and it was just amazing to just work with her from the pure point of view of our passion for issues and for legislation and the idea of moving that forward. When it became time for the first vote on the House floor around equal pay, again, I think Melanie was still a freshman and she voted for the equal pay bill and it was a bipartisan move, it was a tough vote, I imagine, but it also, I think, showed from that very first moment, that get-go, how brave, how principled, how unbending but not inflexible you were, and it was something that I think just really made you stand out, certainly in my eyes but I think in everyone's on this floor that this is somebody who really knows who she is and she's going to take the stands when she wants to and you have never faltered on that and that is something for all of us to really, to look to. I would also be loathe if I didn't mention that her name actually comes up quite often because when people come into my office I sometimes get compliments on its decoration and I have to admit I've felt a little competitive. If anyone's been to the good lady's office, she is clearly quite the classy decorator and I stole some ideas from her office and I have curtains in my office as well and it's because of yours, because of your inspiration, so thank you for that.

They continue to be there. And then just lastly, you truly remind us on this House floor the importance of diversity in all that it means and obviously a number of us have mentioned this but, the importance of diversity around age as well and you constantly speak up for our youth and you make sure that we remember that there is an important youth voice. It might be different from other voices that we hear and you are an unbelievable champion and a stalwart of reflecting that voice. So, Godspeed and you'll be missed and I'm sure we will not, this will not be the last, that we hear of you."

There being no objection, HOUSE RESOLUTION NO. 4688 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4686, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Representative Jay Rodne was first elected to the Washington State House of Representatives in 2004, ably representing the people of the 5th Legislative District; and

WHEREAS, Representative Jay Rodne graduated cum laude and earned a juris doctorate from Gonzaga University School of Law in 1997 and continued his education at the University of Washington, where he received a master's degree in health administration in 2012; and

WHEREAS, Representative Jay Rodne began his career of public service in the Snoqualmie City Council in 2002; and

WHEREAS, In addition to his time in elected office, Representative Jay Rodne served in the U.S. Marine Corps for the past 29 years, five of which were active duty and 24 in the U.S. Marine Corps Reserves, and currently holds the rank of colonel; and

WHEREAS, Representative Jay Rodne served during the Persian Gulf War, in Somalia during Operation Restore Hope, and in Kuwait and Iraq in support of Operation Iraqi Freedom; and

WHEREAS, In an effort to thank veterans and military members for their sacrifices, Representative Jay Rodne

sponsored legislation to create the Washington State Flag Account for the benefit of our military personnel; and

WHEREAS, Representative Jay Rodne introduced groundbreaking, comprehensive youth concussion legislation in honor of Zackary Lystedt of Maple Valley, who sustained a life-altering head injury while playing football in 2006; and

WHEREAS, Representative Jay Rodne pursued policies to improve the safety and reliability of our transportation system, sponsoring legislation to designate State Route 169 as a highway of statewide significance and working to secure tens of millions of dollars in funding to ease congestion at significant bottlenecks in his district; and

WHEREAS, Representative Jay Rodne prioritized the care and treatment of mentally ill individuals by helping enact Joel's Law and sought to improve oversight at our state mental health facilities; and

WHEREAS, Representative Jay Rodne has said he owes much of his success as a state representative to his fellow lawmakers, the people of his district, and his family, namely his children Tye and Kalyn;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the service of Representative Jay Rodne to our great state and nation; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Jay Rodne.

Representative Hayes moved adoption of HOUSE RESOLUTION NO. 4686

Representative Hayes: "Thank you Madame Speaker. You know we're losing some great members here over the last couple of days. Something you and I can certainly agree with but here, this afternoon, I'm standing to honor a good friend of mine. A man who I've really come to respect and indeed love, as a brother and you know, when we were honoring Representative Stambaugh, a moment ago, there were so many great things that were said and very polite things but I must admit when I think about the stories that I have with Representative Rodne, I don't know that I can share many of them here on this floor. That's the kind of friend that I'm losing and Representative Rodne's moving away. You know, I've got to think that the men and women of Duluth Minnesota and Kel and Kathleen Rodne must be incredibly proud of my brother Jay, because they brought forth to our nation a great man. A guy that's known as being a gentleman, a guy that's known as being a counselor, both out in the public and in his day job as an attorney and here in the state House of Representatives but even beyond that, we have a Marine, a United States Marine. A warrior of the United States who has gone to foreign lands, demonstrated honor and come home to continue that honor as a veteran and a current member of the United States Marine Reserves as a colonel. So he came here in 1978 and after 44 years of service, I'm sorry, I guess it was 2004, 14 years of service, something like that, he's a lot older than me, so, but now he's moving on to a new chapter in his life and I'll remember the

first couple times I got to meet Jay was I came here to the House floor and he sat across from me and with our good friend Charley, Charley Ross, and after that he moved on to have the pleasure of sitting with my seatmate, Representative Smith. Representative Smith came to me, in my role as a whip, she said 'Dave, I have to sit with Jay. He needs supervision.' But all joking aside, you know, I will miss you brother. I'll miss your sense of humor, I'll miss your counsel, and I'll just remind you that friendship never ends. Semper Fi. Hoo Rah!"

Representative Jinkins: "Thank you Madame Speaker. Jay and I met, actually, in 2004, just after he'd been elected. I worked at the Department of Health and was on a rural health tour that the Legislature started and I remember very clearly being on the bus and a member pointing him out and saying to me 'He was just elected, he ran as a Republican but he's actually a Democrat in disguise.' And I mean, I worked for a state agency, I took it all in, you know, and so then we fast forward to 2011 and I start my service here and I'm serving on the Health Care Committee with him and on the Transportation Committee with him and I think back to that conversation and I think, maybe I didn't understand what a Democrat is, huh. But you know, for me, Jay and I have served together on the Judiciary Committee which is where we interacted most closely and he's, Jay, you have held down polarities for me in the sense that you are both intense and easy going at the same time. You are very curious about things and you're very clear on what your values are at the same time. You're also randomly early and randomly late to things in very unpredictable ways for me but you've always always been super smart and laser sharp at your abilities to hone in on questions and try and get the answers to them and the other thing that has absolutely always been true about you is your compassion and I think a lot about our work together on mental health and on getting Joel's law across the finish line and you were such an amazing partner to make that happen and in part I know you did that because of the connection you made to Joel's parents as did I. And so I guess that's one thing that I would note in terms of how we became able to refer to each other as brother and sister when we're talking and actually just to be clear, my brother also asked me to mention to the whole body that he is a very good golfer, so he is, if he says so. I did it Jay, you asked me to. But, you know, like family, we are, I think, we want the best for each other and I very much want the best for you. We're also like family in that we're able to criticize each other but we're not really very good at letting anyone else criticize each other to other people and I think that's the way family works and in fact Jay and I had, there was something we were not getting along about and he said 'Hey, I love you sister.' and I said 'I know you love me but you know I have a brother that I don't speak to because he's kind of a jerk so don't push me on this Jay.' So Jay, I just really really want to say to you congratulations on your service to the people of the state of Washington. I want to wish you the very very best, brother, in what you do, especially improving your almost perfect golf game already, but whatever you do, you've been a wonderful family member to actually both battle with and battle against other people and other things and bad things with and I always knew that on the big things

we could be together on them and I love and respect you. Best wishes.”

Representative MacEwen: “Thank you Madame Speaker. It’s truly an honor to recognize our good friend here. And Colonel, I’ve got to let you know a few moments ago I was texting with my son and he was asking me what was going on. I told him, I said actually we’re getting ready to say goodbye to you and so, you’re on live right now in Camp Pendleton as well - he’s watching this and so, you know, this is one of the beauties of this institution, we go to battle against each other down here and you hear the comments from both sides of the aisle and the friendships we have down here are incredible and I’m certainly going to miss Jay. The gentleman from the 10th, he and I were commenting beforehand, like who’s going to go first because I think we’re both going to say the same things and he couldn’t come up with anything original so I let him go first. But I think back to what your career has been and I only know what you’ve told me but as a young lieutenant, there in Somalia and the terrible situation, but as I’ve gotten to know you I can only imagine the confidence and the calmness you instilled, probably, in your unit during that fight and that you brought that with you through your years here and that has carried on. Jay was and is a mentor to both of my sons who now wear the same uniform as he and I appreciate your mentorship of them and I am very grateful for that. Jay is certainly one that stands on principle, his judicial skills as a lawyer come through in everything he does and he stands firm in what he believes and that’s missing in society today oftentimes and I certainly appreciate that about you. You know when we’re caucusing on something and I sit next to him there in caucus and he’s like ‘I’m a no on this’ and I’m like ‘oh crap’ it makes you think again and he’s just that convicted in what he believes and I really appreciate that and he stands strong on his faith and again I think that’s something that is lacking in our society today and I appreciate that about Jay that your faith is important in your life and that’s a shining example to everyone as well. You’ve certainly got that sense of humor and I don’t know Madame Speaker, if you’ve ever gaveled anybody when they’ve been doing these farewell speeches so I’m going to have to refrain from some of those humorous stories that I also share with him and that is our military background and maybe we don’t share the same decorum outside of here that we do inside here so rest assured to this body that we have a lot of good stories that are probably better left just between us and those that we’ve shared them with. Another interesting thing I share in common with the colonel is we’re both from Minnesota originally so good things do come out of the mid-west and we’re both here and it’s a fun background to share and one little tidbit I found out today is if you look at his jacket and tie, apparently that is the same one he wore when he was sworn in. There’s somebody who’s stayed in shape. One funny story I can share: A couple of years ago when we were honoring one of the branches of the military down here, had them in caucus and Jay decided that we should all sing our respective branches anthems so he does the Marine Corps and turns to myself and the good gentleman from the 10th to do the Navy one - I think we got through the first bar and that was about it, so he certainly showed us up on that. Again, his humor

on all that is excellent. People come and go here all the time and this year it’s really hit me. I’m losing a friend from the chamber, I’m still going to have you as a friend of course and so you are going to be greatly missed here and I appreciate the contribution you’ve made to this chamber, to this state, to the people we represent and it will be missed and I wish you the best my friend. I know we’ll stay in touch and I will just end with this. We can probably think of some fictional Marine characters that have been in various movies, certainly Colonel Jessup comes to mind, and again we’ll refrain from some of those quotes, but how about Lieutenant Kendrick in *A Few Good Men*. I’ve certainly never been to the Colonel’s house, but I picture when Lieutenant Kendrick made the quote in the movie, he said ‘I sleep well at night because next to my bed is the Marine Corps Code of Conduct and the King James Bible.’ I’m pretty sure that applies to you as well, so I salute you Colonel. I’m going to miss you and I wish you the best. Thank you.”

Representative Cody: “Thank you Madame Speaker. Well for some reason, the Health Care Committee has had someone from the 5th on it the entire time I have been in the Legislature and I don’t know whether the 5th has just decided that they get a seat on the Health Care Committee or what. I can talk about some of his predecessors on the committee but he’s been on it for the last 14 years and I would say that during that time we’ve had some interesting debates through the years. For some reason since he’s been working for hospitals, he doesn’t think nurses deserve a break, and I do. We’ve had a few of those, but we’ve also had some good times on rural health care tours that I won’t go into – similar to some of the other comments here - but the thing many people probably don’t know is that we have something in common. We both went to Creighton, a good Jesuit school, and we’ve had a lot of philosophical debates about religion and our beliefs and for some reason the Jesuits failed him. So, I have not been able to figure out where they went wrong with him but you know there’s still hope and we will hold that out but I was actually upset when I heard that you were retiring and I thought, boy I’m really going to miss him, until yesterday when he told people I was 70 and so, don’t let the door hit you on the way out, Rodne.”

There being no objection, HOUSE RESOLUTION NO. 4686 was adopted.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SENATE BILL NO. 6087,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 7, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034,
SUBSTITUTE SENATE BILL NO. 6055,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6034,
SUBSTITUTE SENATE BILL NO. 6055,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6269,
SUBSTITUTE SENATE BILL NO. 6317,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 5020,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6162,
SUBSTITUTE SENATE BILL NO. 6334,
SUBSTITUTE SENATE BILL NO. 6452,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5683,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,
SUBSTITUTE SENATE BILL NO. 6051,
SENATE BILL NO. 6058,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6068,
SUBSTITUTE SENATE BILL NO. 6133,
SENATE BILL NO. 6159,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6160,

SENATE BILL NO. 6163,
SUBSTITUTE SENATE BILL NO. 6175,
ENGROSSED SENATE BILL NO. 6211,
SECOND SUBSTITUTE SENATE BILL NO. 6245,
SUBSTITUTE SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2269,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5987,
SUBSTITUTE SENATE BILL NO. 6340,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 5598,
ENGROSSED SENATE BILL NO. 5917,
SUBSTITUTE SENATE BILL NO. 5991,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6273,
SECOND SUBSTITUTE SENATE BILL NO. 6274,

SUBSTITUTE SENATE BILL NO. 6313,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6329,
 SUBSTITUTE SENATE BILL NO. 6388,
 SENATE BILL NO. 6407,
 SUBSTITUTE SENATE BILL NO. 6419,
 SENATE BILL NO. 6471,
 SUBSTITUTE SENATE BILL NO. 6474,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6491,
 SUBSTITUTE SENATE BILL NO. 6493,
 SUBSTITUTE SENATE BILL NO. 6514,
 SUBSTITUTE SENATE BILL NO. 6560,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5064,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5084,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
 5179,
 SUBSTITUTE SENATE BILL NO. 5522,
 SUBSTITUTE SENATE BILL NO. 5553,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The President has signed:

HOUSE BILL NO. 2582,
 SUBSTITUTE HOUSE BILL NO. 2597,
 HOUSE BILL NO. 2611,
 SUBSTITUTE HOUSE BILL NO. 2634,
 SUBSTITUTE HOUSE BILL NO. 2639,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,
 HOUSE BILL NO. 2661,
 HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,
 SUBSTITUTE HOUSE BILL NO. 2686,
 HOUSE BILL NO. 2699,
 HOUSE BILL NO. 2702,
 SUBSTITUTE HOUSE BILL NO. 2703,
 HOUSE BILL NO. 2751,
 SUBSTITUTE HOUSE BILL NO. 2752,
 SUBSTITUTE HOUSE BILL NO. 2786,
 ENGROSSED HOUSE BILL NO. 2808,
 HOUSE BILL NO. 2851,
 ENGROSSED HOUSE BILL NO. 2861,
 ENGROSSED HOUSE BILL NO. 2948,
 HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614, by Senate Committee on Ways & Means (originally sponsored by Senators Mullet, Rolfes, Dhingra and Frockt)

Concerning funding for the support of common schools. Revised for 1st Substitute: Concerning funding for the support of common schools. (REVISED FOR ENGROSSED: Providing property tax relief by reducing calendar year 2019 state property taxes and redirecting revenue to the education legacy trust account for fiscal year 2019)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lytton, Stokesbary, Dolan, Frame, Irwin and Pollet, spoke in favor of the passage of the bill.

Representative Muri, Walsh, Orcutt, Condotta and Young spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6614.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6614, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harmsworth, Hudgins, Irwin, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, Manweller, McBride, McDonald, Morris, McCabe, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Griffey, Haler, Hargrove, Harris, Hayes, Holy, Jenkin, Johnson, Klippert, Kraft, Kretz, Kristiansen, MacEwen, Maycumber, McCaslin, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Smith, Steele, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6614, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 6614 was immediately transmitted to the Senate.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

The House resumed consideration of HOUSE INITIATIVE NO. 940 on third reading.

HOUSE INITIATIVE NO. 940, By People of the State of Washington.

Law enforcement

Representatives Klippert, Ryu and Macri spoke in favor of the passage of the initiative.

Representatives Rodne, Holy and Pike spoke against the passage of the initiative.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Initiative No. 940.

ROLL CALL

The Clerk called the roll on the final passage of House Initiative No. 940, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Chapman, Clibborn, Cody, Doglio, Dolan, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hayes, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Klippert, Kloba, Lovick, Lytton, Macri, McBride, Morris, Nealey, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Valdez, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Eslick, Graves, Hargrove, Harmsworth, Harris, Holy, Irwin, Jenkin, Johnson, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, McDonald, McCabe, Muri, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

HOUSE INITIATIVE NO. 940, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4692, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves,

Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins, Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Representative Ruth Kagi served in the House of Representatives for twenty sessions with poise and an unwavering focus on helping people; and

WHEREAS, She has a long history of community and public service that includes serving for 20 legislative sessions in the House of Representatives and formerly as Chair of the National Conference of State Legislatures Human Services Committee, the Vice President of the League of Women Voters of Washington, and the Vice Chair of the Thrive Washington board of directors; and

WHEREAS, Representative Ruth Kagi worked tirelessly to champion the cause of supporting children and families including helping foster children, improving the child welfare system, reforming drug sentencing laws, and strengthening early learning and child care; and

WHEREAS, She spearheaded the creation of the Department of Children, Youth, and Families, which united programs and services that had been scattered among other state agencies. She advocated for the Early Start Act of 2015, which expanded high quality early learning to thousands of Washington children; and

WHEREAS, Speaker Frank Chopp praised Representative Ruth Kagi's legacy of advocating for children and families by saying, "Ruth is the conscience of our caucus when it comes to children and families"; and

WHEREAS, Speaker Chopp also said, "With her leadership, the Legislature changed the way the state views early learning challenges, transforming the way we address these issues from separate components to a holistic approach";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate and commemorate Representative Ruth Kagi's dedicated service to Washington state and for representing the people of the 32nd Legislative District with focus and grace; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Ruth Kagi and her family.

Representative Ryu moved adoption of HOUSE RESOLUTION NO. 4692

Representative Ryu: “Thank you Mr. Speaker. Representative Kagi and I actually have a lot in common. We are both Huskies, we are the strong women of the 32nd Legislative District, I think that legacy goes back at least 20 years. We actually served on very complementary committees. I don’t think I served on any committees with my good seatmate here, however, the issues that we are passionate about and worked on, worked really well for us when we had many many joint tele-town halls, joint newsletters, and even joint district offices. It’s been a pleasure serving with Representative Kagi. The one thing that we do not have in common, however, is that Representative Kagi has two adorable grandchildren and I don’t. I knew that when her son Chris had a gorgeous daughter, a granddaughter for Ruth, and then Annie had a son, a grandson for Ruth, I started thinking, uh oh, some day we’re going to lose Ruth because she’s gonna want to play with them all day long and so we are going to lose Ruth and I’m going to miss you a lot. But you know what? Our loss is their gain and I’m sure we will see you here often so I look forward to seeing you as a private citizen and a constituent. May God be with you.”

Representative Dent: “Thank you Mr. Speaker. As I said earlier today when I was in shock that my first experience with Representative Kagi was after I’d won an election. So, I want you to think about this a little bit - You have this country boy, flies airplanes and raises cows, but has a passion for children, and we have this urban city girl, right, who’s been the chairman of this committee a long time and I’m just thinking what’s going through her mind - what am I going to have on my committee now? But she reached out to me and we began that relationship and it’s the one thing I knew we had in common from the beginning was relationships because we both knew that relationships are everything. I’m going to tell you, she reached out and she worked hard to build that relationship with me. In the first year on her committee, I was just on the committee, but we had the Early Start Act and that’s sort of when we began to build more of a relationship and learning about early learning and these things and she spent time to teach me so I knew what it was about. She put up with my arguments and my pushbacks and I knew she had it in her mind that she was going to direct me in a different direction. That proved to be a little harder than she thought, I think. But it continued on and that first year, with my passion for children and her passion for children, we built that relationship but I did other things here as we all do and my first year was successful here and I was proud of my first year here and a lot of that came from the help I received from Representative Kagi because she, I’m talking to her about airplanes which she knows nothing about, but she believed that I was telling the truth and she helped me. She helped me do something that was really important to me. Right down to the end of the last special session she was hanging in there with me and I’ll never forget that because I thought I was going to lose it. I came back on a Saturday and I’m running up the stairs in the LEG building and she’s coming down, she says ‘hold on Tom, it’s ok, it’s still in there, it’s good’ and I’ll never forget that because I knew then that even though we had a lot of differences, that we were friends. The second year on our committee, our assistant ranking chose to step away from

that position so they made me assistant ranking. That was interesting but we worked together and continued on and then our ranking member decided to run for the Senate at the end of that year, so, now Representative Kagi was stuck with me as the ranking member. I’m sure that she was concerned. I know she was concerned because she told my leadership, she says ‘you know, Tom reads everything. I don’t know how I can work with this.’ But oh well, I really didn’t read everything but she thought I did. I let her think that. But we worked together on 1661, on the Children, Youth and Families, and I have to tell you, that was a lot of fun. We negotiated, we talked, we changed that bill, we looked at the direction, we still did, we had a meeting, this morning we had a meeting, still working on that direction and where we want that department to go and it was, I’ve got to say, it was probably one of the better experiences I’ve had since I’ve been here, being able to work with somebody that close and find a way to make this work because we both have the same passion. We both want this to be a better department, we both want better outcomes for children and she is so passionate for this. She’s been here a long time and she has the same passion this morning as she had the first morning I was here. I’m impressed. This year has been an experience working together. We’ve had a lot of bills, it’s been a very intense session, as everyone here knows, and I think this year we really worked well together. I’m not sure if she’s got me trained or she’s just putting up with me, but it really went well this year. I want to tell you, I’m a man of a lot of faith and I truly believe that nothing happens by accident and I believe that I was put here in this body to work with Representative Kagi, my friend Ruth Kagi, there was a reason for that and even though I may not know that reason even tonight, I know it was to be. I am so honored, I’m so grateful to have spent this time with you and I just thank you for everything you’ve given me and all the best in your future.”

Representative Goodman: “Thank you Mr. Speaker. So Mr. Speaker, we all have the name honorable in front of our name just because we got elected to this body and we’re not honorable because we got elected to this body, we’re honorable because of what we do while we’re here. We have to earn it and I can’t think of anyone who is more honorable than Ruth Kagi. We say that so-and-so, he’s my mentor, she’s my mentor and Mr. Speaker, I can say you’re my mentor but you know, you’re my buddy, actually. Ruth Kagi is my mentor. She’s been my mentor for 20 years and I really can’t think of anybody else in my last 20 years who has surpassed the influence in setting the example. Think of the legacy - we should call it not the Department of Children, Youth and Families but the Ruth Kagi Department. How many members of the Legislature can actually establish a new department of government and not just that, but one that’s focused on caring for who we say is first. We say kids are first, but you know kids are invisible around here. There’s lobbyists around here, there are adults around here and sometimes it’s easier to say ‘oh kids are first’ and then we just forget about it and we fund everything else and we pay attention to other policy problems. But Ruth Kagi was here to remind us that kids are first and not just that kids are our future but that kids are right now. Think of the legacy - think of home visiting programs - new mothers who are

vulnerable, whose lives are turned around by these small investments. There's no better investment of public money. Ruth Kagi championed that. Not only that but it wasn't just public money, it was public-private partnership and that's a fund that we now have going and it is setting an example. Think about our childcare system, which we acknowledged was troubled and needed improvement. Where childcare workers need to understand child development. And what are we doing? We're dramatically improving the quality of childcare throughout the state. About 20 years ago, I was I guess a little bit of a troublemaker myself and I always believed that the war on drugs was a failed policy. I was a little bit of a burr under the saddle of the legislature before I got elected here, saying that we shouldn't be incarcerating people who have drug problems, we should provide therapeutic treatment. Ruth Kagi listened and she got everybody together and changed the way we handle people who have drug problems, by not needlessly incarcerating them, but by providing therapeutic care to improve their lives. So we have a new system in the state and it's an example for the country. It was the first time that a state Legislature did that and it was back in 2002, that's a long time ago. Now the idea of treatment rather than incarceration for people with drug problems, is not given a second thought, of course we should be doing that. It was revolutionary back then and so I'm proud just to have been involved in that work, even before I got elected to the Legislature. I, even now as a colleague of Ruth Kagi, I have trouble calling her Ruth. You know, when I receive an email or send an email back or a phone call or just talking, I want to say Representative Kagi. I want to acknowledge the honor of the office that she occupies and because she wasn't just Ruth, she's Representative Kagi. Someone, a personage, not just a person. Someone with an aura. And to me, Ruth Kagi personifies compassion, personifies greatness, and personifies righteousness which is different from self-righteousness and is an example to me now and will always be an example to me in the rest of my career and the rest of my life. So thank you so much, Ruth, for your example for me."

Representative Caldier: "Thank you Mr. Speaker. You know, 20 years ago, Ruth, when you first came into the Legislature, I still had family members who were still in foster care and we both know how horrible the foster care system was and I have to say that later on when I became a foster parent, there was a lot of improvements and I know that you had a lot to do with that and I am so grateful for all of your work over these years. There's still a lot of work to do but I am so grateful for everything that you've done and the impact that you've made. For children who really, a lot of times they never felt like they had a voice and they didn't have much of a hope but you were always there, and words cannot express how grateful that I am, my family is and many other children are for you. You know, I saw how hard you worked last year to pass the Department of Children, Youth and Family Services. I mean, essentially you changed government. Think about that for a second. I can barely pass a bill out of this place. You literally changed government. You are so amazing. I'm very grateful. I am honored to call you my friend, I'm honored to have served with you and thank you so much."

There being no objection, HOUSE RESOLUTION NO. 4692 was adopted.

THIRD READING

MESSAGE FROM THE SENATE

March 8, 2018

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2444 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.45.010 and 2014 c 58 s 24 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for

the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's

spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3) (q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that

person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection

(3) (s) in calendar year 2033, as required under chapter 43.136 RCW.

NEW SECTION. Sec. 2. This act applies with respect to transfers occurring before, on, or after the effective date of this section. However, this act may not be construed by the department of revenue, state board of tax appeals, or any court as authorizing the refund of any tax liability imposed or authorized under chapter 82.45 or 82.46 RCW and properly paid before the effective date of section 1 of this act with respect to a transfer of qualified low-income housing as defined in RCW 82.45.010(3) (s) .

NEW SECTION. Sec. 3. This act takes effect July 1, 2018."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 82.45.010; creating a new section; and providing an effective date."

and the same is herewith transmitted,

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2444 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Slatter, Orcutt and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2444, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2444, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCaslin, McDonald, Morris, McCabe, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall,

Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2444, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2018

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6147 and asks the House to recede therefrom,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House adheres to its position on SUBSTITUTE SENATE BILL NO. 6147 and asked the Senate to recede therefrom.

With the consent of the House, SUBSTITUTE SENATE BILL NO. 6147 was immediately transmitted to the Senate.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4691, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Representative Judy Clibborn served in the House of Representatives with uncommon grace and an unflinching sense of bipartisanship and cooperation; and

WHEREAS, Before being elected to the House of Representatives, she already had a long track record of public service, serving on the Mercer Island City Council, as Mayor of Mercer Island, and as executive director of the Mercer Island Chamber of Commerce; and

WHEREAS, Representative Judy Clibborn worked tirelessly to bring together lawmakers from both parties and pass transportation reforms and budgets that connected every corner of the great state of Washington; and

WHEREAS, She started her career as a registered nurse at Harborview Medical Center and used that background in her work advocating for better health care, especially when she helped lead the effort to give every child in Washington state access to affordable health coverage; and

WHEREAS, Representative Judy Clibborn championed legislation to help foster children and served as a foster parent herself; and

WHEREAS, Speaker Frank Chopp praised Representative Judy Clibborn's legacy of public service and track record of achievements on transportation by saying, "There are few legislators serving here who have had such an impact on the lives of Washingtonians as has Judy Clibborn"; and

WHEREAS, Speaker Chopp also said, "In her role as chair of the Transportation Committee, she has crafted budgets that created tens of thousands of public works jobs, improved our roads and highways, invested in transit, and kept our freight systems functioning"; and

WHEREAS, Speaker Chopp also remarked, "Perhaps most importantly, she did all this while working across the aisle in a bipartisan fashion. We in the Legislature will miss her expertise and leadership";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives celebrate and commemorate Representative Judy Clibborn's dedicated service to Washington state and for representing the people of the 41st Legislative District with integrity and honor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Judy Clibborn and her family.

Representative Fey moved adoption of House Resolution 4691.

Representative Fey: "Well Madam Speaker, in my career here as a legislator I feel probably more honored right now than any time before, and I'm honored that I get to be the one to make the motion and start the remarks about a great, very great person, Judy Clibborn. You know, Madam Speaker, when I got to the Legislature, even before I started here, I was told because I had an interest in transportation that I better go over and interview with Judy Clibborn and see if she would take me. I'm so glad she did because its been the best five years, five-six years, that I've had - especially since the time we had adjoining offices here in the Legislature. So Madam Speaker, I'm going to go through a lot of adjectives that describe my friend Judy Clibborn, but I want to say at the outset, I'm going to say these words but it's not that Judy is mediocre about all these terms I'm going to use, she's excellent - excels at all of these things and so let me just say, gracious, generous, facilitating, forgiving, empowering, caring, enabling, unflappable,

empathetic, and what I've learned, which I can't begin to do myself, the patience of a saint. I know that Judy has a great family so I feel very jealous of that because not everyone gets blessed with a great family and I know that she has a great family. She talks about her family and her grandchildren and I'm just so excited that she gets to spend more time with those young kids. This is very hard for me because I've gotten to know Judy in a way that not many of us got to know Judy and I know that having talked to other members in the caucus there's members here that have known Judy a lot longer than I have. I'll just have to give one example of a kind of, sort of typical situation that happened today - her last day here of the session. I was working on an issue and Judy, as she graciously has done, allowed me to carry the ball on it and we got it to a certain point and I told Judy we need to go over to the Senate because I need you to be the closer on this deal. We went over there and it was very interesting because we were met by a majority member and we walked over to a minority member across the way and on the way he said, 'Oh, I don't know if we're going to be able to get this.' and Judy just said '525?' and they said, 'it's a deal.' And as we were walking back with the Senator, the Senator remarked 'I don't know how you do that, I mean I have been working on this for a long, long time and you just came in and said one word and it was done.' So that's the continuing best example of the personality, the wonderfulness of Judy Clibborn that it took one word and the deal was done. So Judy, I'm going to miss you in a way that I can't begin to express but I know that you're going to have a great rest of your life and I hope that I can share a moment or two in the future. Thank you very much."

Representative Orcutt: "Thank you Madame Speaker. When we had the Transportation OPR staff down front, I went down and shook hands with all of them, and came walking back and about that time the gentlelady from the 41st was getting up and I literally just got to here when she said that that was her last budget and I froze in my tracks. I couldn't believe it and I'm sitting there, standing there, I don't even know what I was doing at that point because I was shocked that she was leaving because she has been transportation in this Legislature for so many years. I came in a year before she did but I didn't come onto the Transportation Committee until many many years after she had actually been chair and I voted, you know, I had seatmates that didn't vote for transportation budgets and I didn't vote for transportation budgets and somewhere along the way I voted for one and I got this really nice note from Judy saying thank you so much for supporting the budget and I thought wow, all I did was vote yes and I got this really really nice note and I just thought, you know, that's a pretty wonderful person right there that would do that - very thoughtful, and it was a few years later that somebody decided it was a good idea to put me on Transportation as Ranking Member. I still don't know who was more shocked or more concerned about me being Ranking Member, whether it was me or whether it was Judy. She brought it up and I tended to agree with her that yeah I was pretty much as concerned about it as she was and we'd met actually a week before session started in 2013 and that's when the Senate Majority Coalition Caucus was forming and they hadn't

figured out how they were going to operate over there yet and so Judy was, we sat down and met in Judy's office and she said 'Well, we don't really know how they're going to operate over there. We don't know if they're going to do co-chairs or, you know, or if the Republicans are going to be the chairs or just how they're going to do it.' and I said 'Well you know Judy, if they do co-chairs in the Senate, we really should do co-chairs here too.' She caught on a little too quick to what I was trying to do there but I think maybe when I said that, I maybe helped put her a little bit at ease that the only experience she really had with me was we didn't sit on any committees together, so all she saw was my floor speeches and that's really all she had to go on. Some of them were kind of powerful and passionate floor speeches and she just was like whoa, what's this going to be like sitting next to this guy three or four days a week and being in Budget Cabinet and all of that. As we talked a little bit more during that meeting I think we both got a little bit more comfortable with the situation and so starting in January 2013 is when I started spending a lot of quality time with Judy. We made it through that first session, there was a tax package that was proposed. We were writing a two-year budget and she's got a brand new ranking member that had never actually sat on Transportation before and she told me how Budget Cabinet worked. She invited me to be part of Budget Cabinet and I'm still learning a lot, I mean, well six years later, I'm still learning a lot. But whenever I spoke up about something, Judy listened. She considered the thoughts that I had, the ideas that I had, the concerns that I had and she always gave them consideration – very serious consideration, and once in a while she actually agreed with me and I was able to get something changed in the budget. We get into committee and we have all those amendments and she didn't take a lot of my amendments, but one of the things that I really appreciated about Judy was when your amendment got turned down, it wasn't the last word on the amendment or the idea behind the amendment. It actually, frequently was the start and she always said that, too – 'We're not going to adopt that right now but I'm intrigued by the idea, I want to talk more about this,' and we did. It wasn't just words, it was actions. That's the way she has operated the entire time and I have so appreciated being included in Budget Cabinet. I've so appreciated being able to work with the gentlelady and, I pop off with jokes, you've probably heard a few of them. Well, sitting right next to her, she's heard a lot of them – probably more than her share, probably more than she deserves to hear, but I'd cut off some joke or something like that, while we're in committee, and she'd tell me later on, she'd go 'People are looking and going, you guys are having way too much fun up there, what's going on, what's going on?' she said 'they're getting a little suspicious.' I said 'that's really not a bad thing. Let's just let them wonder.' But, in all that time, we worked well together, we've become very good friends. In fact, when I went down and talked with her after she made her announcement, that's one thing she said to me, she said 'We'll always be friends.' And I will always cherish the six years that we've spent together working on Transportation. Whether it be in committee or being in negotiations, Budget Cabinet, being on a tour somewhere into Eastern Washington or Central Washington or down south into Clark County, you know, all of the things we've had to do. In fact the one last thing I want to mention

is when the Skagit Bridge went down, Judy decided that she wanted to go up and see for herself and I said 'Yes, I'd like to go too.' And I drove up to Mercer Island very very early on a Sunday morning and stopped at the park-and-ride in Mercer Island and got into the car with her and Bruce and we rode up together and we showed up there together and we had a chance to see it together and talk about it together and just have some time for friendship and fellowship on the way up and the way back and I really have appreciated all of that throughout the six years that we've worked together. You will very much be missed, Judy. Thank you so much for your friendship and your work.'

Representative Springer: "Thank you Madame Chair. I think I've recovered from yesterday. It was a little difficult yesterday Mrs. Clibborn, so, I'm not happy with you. I will mention a couple of things. There is an adjective that the good gentleman from the 27th I think left off and that's tenacious, and let me mention two or three or four things that took tenacity. The almost immediate miraculous repair of the Skagit River Bridge. The almost immediate and rapid response to a mudslide in the 14th. The fact that we're about to open a tunnel in downtown Seattle. The fact that the 520 Bridge actually got built, and after how many years of trying there is a north-south bypass in Spokane. Those things don't happen by accident, they happen because somebody leads the way and you've done that. If you would indulge me, Madame Speaker, I'd like to read a text I got from somebody just a few minutes ago. That is if I can open my phone. It goes something like this: What seems like a long time ago, it actually was, many of us in local government were recruited to come to Olympia and make a difference. To bring our local government experience to state issues. We have - Judy Clibborn showed us how. I wish we could bring more of that bipartisan nature that she used on the eastside to our national dialogue. We would all be the better for it. I miss you all, not that much, but still happy to be out of it, Love Deb Eddy. That's by way of just remembering that 25 years ago, you and I and Deb started cohorting around on the eastside in local politics. We were mayors together – all three of us. We were, all three, chairs of the Suburban Cities Association that used to meet every month in the Mercer Island City Hall and then somehow or other we just all ended up here and you were first and we all followed in those footsteps. I am going to work really hard at continuing to follow in your footsteps. I think the state of Washington for generations to come will see your fingerprints all over it. I love you, I wish you the best."

Representative Johnson: "Thank you Madame Speaker. Judy, Judy, Judy. You're leaving us, but let's take a little trip down memory lane. Do you remember when I first met you? Here was this articulate, poised, charming lady and she was the Mayor of Mercer Island and I was the Mayor of Toppenish. Little difference in the two communities I'll have to admit, but it was at an Association of Washington Cities convention. That was just a few years before either one of us came here to Olympia. When I came to Olympia 10 years ago I was assigned to the Transportation Committee and again I had the pleasure of meeting this charming, poised, articulate lady. We had interesting times in those days and you will remember the ranking republican at that

time was my seatmate up here from Wenatchee and I frankly didn't know much about this place because I had never thought I would be here because my predecessor was younger and had been here for a number of years. We got into one of our very first caucuses in Transportation. We had a younger member in our caucus in Transportation who kept yelling 'Lock up, Lock up' you remember that Judy? Anyway, I thought maybe they were going to throw her in jail or something. I wasn't quite sure what this term 'lock up' meant but my seatmate here on the floor from Wenatchee, turned to me and turned to another fellow who had come back for one year to fill out a term and said 'We're not going to do that. This lady is probably the fairest person you will ever do business with.' He certainly knew what he was talking about, and one of the things that we all appreciated about Judy was she'd come over her to see us once in a while and she'd say, 'Boys, I need some help,' and you know, it was kind of flattering being called a boy at my age, and even Representative Armstrong, 'I need some votes on that tunnel in Seattle.' You remember that? And so Armstrong said 'how many do you need?' and she said 'Oh, probably three, four' he said 'I'll get em for you.' He pointed to me and said 'you'll vote that way' and he pointed to my other seatmate Charles Ross and said 'You're gonna vote that way too, because this lady needs some help.' And so we did what we were told to do and when that vote was taken, the good chairlady came over to thank us and the ranking said 'You know we told you we'd get you three' she said 'no, I took a count, you got me seven.' And that's the way this lady operated. I can remember that first session serving with her. She came to me and she said 'You turned in a couple of projects that I have some extra money. Which one would you like?' and I said 'Well I'd really like the Natches project.' She said 'I might have guessed, it was the most expensive one.' And then we had the landslide. You remember the landslide? We got a call that the river was dammed, the highway was out and my Senator then was on the Transportation Committee in the Senate - Chair, I believe at the time. No, he was not Chair, he was the ranking to Senator Haugen and he was told 'You call Senator Haugen' and I was told 'You call Judy' and I called you, Judy. It was on a Sunday morning, early in the morning. Judy says 'Don't worry, I'll take care of it.' Next thing we knew, we had Judy, Senator Haugen, the Governor and I don't know who else in an airplane in Yakima and she had us walking that slide. That's the type of person that lady is, and you know, it's a huge loss to, not just to this body, because we all consider her to be a friend, but it's a loss to the state of Washington people. Not to demean anybody but I don't know who in the world can fill her shoes and it's not going to be an easy job. You know, the word "lady" was invented for that lady right there, and I'll tell you, I've never worked with anybody that was more fair, just, and charming than that lady. Never seen her lose her temper, maybe once at kind of a little bit of a hiccup but nothing too serious. Judy, we're going to miss you and I think you know we love you, and I mean that from the depth of my heart. Thank you for your service, lady."

There being no objection, HOUSE RESOLUTION NO. 4691 was adopted.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 2008
 SECOND SUBSTITUTE HOUSE BILL NO. 2269
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2408
 ENGROSSED HOUSE BILL NO. 2444
 SUBSTITUTE HOUSE BILL NO. 2448
 ENGROSSED HOUSE BILL NO. 2519
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2580
 ENGROSSED HOUSE BILL NO. 2750
 SUBSTITUTE HOUSE BILL NO. 2990
 SUBSTITUTE HOUSE BILL NO. 2998

The Speaker called upon Representative Springer to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2018-4687, by Representatives Chopp, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Eslick, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatte, Smith, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Valdez, Van Werven, Vick, Volz, Walsh, Wilcox, Wylie, and Young

WHEREAS, Representative Dan Kristiansen was born December 13, 1962, in Lynnwood, Washington; and

WHEREAS, Representative Dan Kristiansen graduated from Shorecrest High School and attended Shoreline Community College; and

WHEREAS, Representative Dan Kristiansen married his beautiful wife, Janis, in 1985; and

WHEREAS, Representative Dan Kristiansen and Janis have three children and reside in Snohomish; and

WHEREAS, Representative Dan Kristiansen is a devoted Christian and active in his church; and

WHEREAS, Representative Dan Kristiansen has been a successful small business owner and employer; and

WHEREAS, Representative Dan Kristiansen was elected to the Washington State House of Representatives for the 39th Legislative District in 2002; and

WHEREAS, Representative Dan Kristiansen has advocated for taxpayers, veterans, the most vulnerable, schools, small businesses, more freedom, and accountability in state government during his time in the Legislature; and

WHEREAS, Representative Dan Kristiansen has received numerous awards and recognition from various groups for his work in the Legislature; and

WHEREAS, Representative Dan Kristiansen has been a leader and advocate for his constituents and communities for years; and

WHEREAS, Representative Dan Kristiansen was elected House Republican Leader in April 2013, having previously served as House Republican Caucus Chair; and

WHEREAS, Representative Dan Kristiansen has provided strong and steady leadership for the House Republican Caucus; and

WHEREAS, On March 6, 2018, Representative Dan Kristiansen announced he would not seek reelection and step down as House Republican Leader; and

WHEREAS, On March 6, 2018, Speaker of the House of Representatives Frank Chopp said: "Dan has served the 39th district and the House of Representatives with distinction and honor throughout his 16 years in the Legislature. He has always been committed to the best interests of the people he represents"; and

WHEREAS, Representative Dan Kristiansen's leadership and actions have made a positive difference in the 39th Legislative District and the state; and

WHEREAS, Representative Dan Kristiansen looks forward to a new chapter in life that involves traveling, camping, exploring the outdoors, and spending more time with his family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Representative Dan Kristiansen for his devoted service to Washington state and for representing the people of the 39th Legislative District with integrity and honor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the Washington State House of Representatives to the Honorable Representative Dan Kristiansen.

Representative DeBolt moved adoption of HOUSE RESOLUTION NO. 4687

Representative DeBolt: "You know, this is a hard one for me. I promised him I would roast him and not be sentimental and I would be funny and talk about some of the great stories that he has as he's been in this body. Sixteen years, Dan, 16 years. We've been together a long time. We have served in, I think, a great friendship and capacity that has changed this institution, changed my life, helped me become a better person. We all know, including Speaker Chopp, that we don't swear around you as much as we swear around everybody else, that's great. You know, you lead by example and that doesn't happen very often these days. I remember when you came in and you used to be a member

of the big guy caucus – Representative Pettigrew and there were several other large human beings that occupied this building at that time, and I remember that I could come over and I would feel demure by you but you loved being here and you loved this institution and our family really appreciates what you've done for us. When we have issues, you stepped up and you've helped. You've served as caucus lead for us, you've been in Transportation, you've put your nose to the grindstone to fix problems that we've had but most of all, you've been a person that we can go to to be a confidante and your last six years as leader have been wonderful for us. It's been an awesome opportunity for all of us to grow and flourish. You know you have Captain Picard leadership skills and for those that don't watch Star Trek, its like this: He says, the problem, somebody will state the problem and he'll say 'Options?' right, and he'll look around the table and everyone will give their feedback to Dan and then he picks one. But what he does best is he picks that person to say go make it so, make that work. You never held your command and control so tight that you choked the institution. You should be very proud of that. Not very many leaders here have been able to master that and you know as I think about all the things that you've done for so many different people, the one thing I can't get past is your family and how proud they are of you. Your wife has been there for our caucus and your kids have grown up with us and you managed to balance it all. I will tell you a special moment for me was when I was trying to decide what to do after some issues with my health and I was just going to go home, be done because this place takes its toll on you, especially those corner offices – you can ask this one over here – he's been here a long time though, by the way. You told me one thing that was so important to me. You told me I was a good legislator and that I could effect change and that I should find my joy again in being here, and I did, and I will never ever forgive you for that. Lastly, you know, so many of us don't understand the pressures that that office faces, I do. You handled them with grace and dignity. You've dealt with the other body very well, but most of all, you've given us a role model that we all look up to and you've allowed sunshine and joy into a process that can sometimes be dark and cloudy. Thank you very much for everything you've done for us."

"Speaker Chopp: Thanks for doing a great job up there Larry, by the way. I am very honored to stand her to thank you, Dan, for your many years of service. Just to start with, you always talked about the folks back home in your own district. You gave lots of examples of, not only your experiences in the community but as a business leader and all sorts of issues that were being dealt with – the folks back home, basically, they had a tremendous representative in you. I can't think of anybody who's done a better job of representing their constituents than you. You have done outstanding. At the same time, you were looking out for the people all across the state and these were trying times trying to figure out how we were going to proceed here, but one of our most critical important duties was in fact to try to figure out how to better fund our schools and bring reform to our school system and you played an incredible role in that. It would not have happened without you in many ways. In part because when we were trying to figure out how to do it with,

what's that thing over there, the Senate? Well we said, hey Dan can you help? Don't tell them by the way, but we really appreciate that because you were always there being a problem solver. Offering to help people to come to resolution, even though the differences on this thing are pretty amazing. So I just want to thank you for bringing us together to move forward for our paramount duty. The other thing I think is important as part of your whole demeanor is that I think we might be the only chamber in the United States, although I'm not certain about some places, but, you know, you and I never disparaged each other in the press. We always talked highly of each other, we respected each other, we presented our different points of view but for God's sake, now days, that's a good model, right? We're not trashing each other, we're not disparaging each other, but saying look, let us work together with our different points of view to represent the people and that is a great legacy. Not only for education but all the other efforts you've been involved in and bringing sense to government, making it more accountable, making it more responsive to the people of this state. So I just want to thank you for being responsive to not only a great family, by the way they are, I'm just so amazed at what a great family you have, but also how you took care of the family of the people of the state of Washington. That's a great legacy. Thank you very much."

"Representative Wilcox: Thank you Mr. Speaker. Mr. Speaker, it's hard to express how hard this is for all of us over here and probably for some of those on the other side because Dan Kristiansen represents the best that you can do here. It's a different thing being in the minority. There's less publicity, there's less press, you have to influence people without power and Dan has shown us how to do that, mainly with character and demeanor and that's the rarest thing we have in politics today. Dan has been here for a long time and he came into this job with a ton of experience already which was great because he got the job as leader in an odd way, and by the way I've asked permission from my friend from the 20th district here to talk about this because it was also kind of painful. We had a crisis in leadership and Richard was in the hospital and it was the middle of a session,,people were very unsure. You know what it's like when you're faced with chaos here, things don't settle down easily, they spiral out of control and for about a three week period, we had this small group of the other leadership members that worked together pretty cooperatively. When Richard made the choice to not come back as leader, I remember very distinctly sitting in somebody's office in a small group and we're all looking at each other – what are we going to do now? – and within about five seconds, everybody just looked over at Dan and it was very plain that the leader in the room was Dan Kristiansen. That was six years ago, it seems like six months a lot of times. The rest of us figured out how to do this by watching Dan and it was an amazing transformation. We've seen some really incredible pressure-cooker situations here. The one that I remember the most, and I've told people about that. Incidentally, I want to say Dan's greatest quality, among many, is I've never known anyone who cared more about making other people better than Dan. That's his mission in life and he's also lucky that it's also his super-power because he is really really good at that and probably the toughest

night I've seen here was a few years ago when we were doing the transportation package and that was really hard in our caucus. Dan had his leadership team in his office, and by the way I've never known anyone more inclusive than Dan either, and it was a really difficult situation for him. It turns out that Republicans don't like to vote for taxes, maybe you've noticed, and he was in a very tough situation because, and sadly I put him in this, and mostly I was responsible for this because he had a small number of members that were going to vote for this. He, over the course of five or six minutes, I remember him rubbing his hands through his hair which is kind of comical anyway, and he figured out in about five minutes how to make that ok in his caucus. We went from potentially the most divisive moment that you can have in a caucus to one of the most unifying moments you can have and we did that and we came out as more unified caucus than we had been before. Now there's a few other things that Dan is responsible for and some of them are kind of famous like the cuss cup. I know that most people know about that. I used to put in \$20 and he'd tell me when it was time to put in some more. The thing that you don't know that he's responsible for is, you know, we do some crazy stunts out here on the floor, some of them work, some of them become a disaster, but you would probably have seen about 10 times more of them without Dan. I heard the good lady from the 40th talk about those crazies that she's going to be left with, well that's what Dan has had under his thumb for years. You know, another moment that was really hard for Dan, but I think it was one of his finest moments, came when there was a tragedy in his district and Dan, you know, his district, the people who live in his district are like his children and I don't mean that in a condescending way, I mean that he cares and he loves them and when the slide happened in Oso I think he spent most of several weeks down there. I don't know if any of you noticed this but I did as soon as the TV coverage got there. Dan was there every day. I don't think he showed up in one picture or one press conference or one TV shot. He knew that his job was to comfort the people that he represented, help any way that he could, facilitate the governmental action and get absolutely no recognition for that and that probably tells you more about Dan than anything else that we could talk about. Dan, nobody is going to replace you but we're all going to try our best to live up to your example. Thank you."

Representative Pettigrew: "You know I've been in this body for as long as Dan has, 16 years and I've learned a lot and one of the things I learned is this fantasy of being a political rock star doesn't really happen out in the public. Other than what we do as a body and what we do really as a caucus, nobody really knows that we've done it. Nobody's walking down the street and going like 'Oh, there's the guy that saved healthcare, there's the woman that saved education, you know, that legacy isn't there. But here, one of the things I've learned is that the legacy that we really have is the legacy amongst ourselves. The people that we get to know. The people that we sometimes fight with, that we're friends with, that's our legacy. That's how we live on and on and on. You see all the pictures on the fourth floor? No one can tell me one thing they passed. If you talk to their friends and their colleagues, they tell you many a story. For me, Dan is one of those people and I can sum up Dan in three

stories that start with “P’s.” My first story is one of professionalism – being a professional. You know when I first got elected to the Legislature, I was really excited, like most people. I was feeling pretty good., I was, you know, I’d run a tough race and I won and my head was pretty big and I was pretty anxious about doing a whole lot of things here like passing a bill and all that stuff but my biggest worry coming here was I had no clue how to talk to a Republican. I had no idea what they ate, what language they spoke, I was literally freaked out and the one thing, the one place that I connected was our size. The good gentleman from the 20th just mentioned that. Dan and I are tall guys. Dan came, saw me right off the bat, stuck his hand out, shook my hand and we had a conversation and I learned Republicans are just like me! Oh my goodness, wow, they have feelings and families and concerns and ideals and they eat the same food. We ate a steak that night and it just blew me away so that helped me definitely professionally. The other P is politically. My freshman year, I was assigned a bill that would allow former drug felons to get their food stamps. It was a political year and I was really anxious and excited about my first bill - oh man this is a good idea and everybody is going to vote for this - and of course everybody in my caucus was for it. I went to the speaker at the time, that speaker there, who was there at the time when I was a freshman, went to him and I said ‘I want this bill’ and he said ‘We’re not doing this. This is just too hot, no way, the Republicans are going to go crazy on this thing, this is like, this is soft on crime, and we’re not going to do it’ and I said ‘Mr. Speaker, please, this is the right thing to do’ ‘No! We’re not going to do it’ he said ‘well if you want to do it...’ I bugged him enough to where he gave me this long list of assignments - go run around the block four times, talk to 12 Republicans, get some D’s to not vote for it and these R’s to vote for it and come back to me. So I ran around like a young legislator doing all these things, came back to him and he said ‘I’m still not going to do that’ I said ‘Let me please, lets do this!’ and I did. So the one person, my one Republican friend, one of my Republican friends at the time was Dan. So I went to him and I said ‘Dan, are you guys going to ramp up with this?’ He said ‘Let me go and check this out’. So he went back and talked to his caucus, and believe me, this was kind of contentious because in committee it came out party line, so I went back and talked to Dan, Dan came back and said ‘there will be some no’s but we’re not going to vote against it, you know we’re not going to ramp up against it’ I was like ‘OK, that’s cool’ so I went back and told Frank, or, the Speaker at the time (I still gotta work with him) and he’s like ‘Oh, FINE, FINE, we’re going to do it, FINE. But I tell you Eric, if there’s a problem, you’re going to pay for it!’ ‘Yes Sir, yes Sir, yes Sir’ my knees were shaking but I knew this was the right thing and sure enough when the vote came up, it was 98 to nothing. Not one no vote, and that was because Dan Kristiansen walked in and said ‘hey, let’s make this happen,’ as a freshman. The third P is personally. My freshman year, that first year, I went home, I got a call that August that my father had been in a car accident and was paralyzed from the neck down, down in California. I flew down there, a bunch of times. Me and my dad, to be honest, we were estranged. We really hadn’t talked to each other for the entire, really consistently, for years. Although we had some contact, we weren’t really close and for some reason this accident, God

had this accident that brought us together. So for a year or so, I was flying back and forth to California, we were building this great relationship, we got to the place where I really couldn’t fly back and forth all the time so I flew my dad up here to be at the VA hospital. We continued to get close, and after a month of being up here, he died. And he had no friends, he had just a few family, just me, my brother – flew him up, had a couple friends down here, they just would support me because he knew he was my dad. The day of the funeral, we buried him at Mt. Tahoma, and I pulled in to Mt. Tahoma and the first person I saw, once I got out of the car, was Dan Kristiansen. His arms were wide open, I don’t remember what happened after that point other than I fell into his arms and I thanked him for being there for me and for my father and that taught me that to be a good politician, to be a good person, to be a good man, you just have to be yourself. I thank God that I had that opportunity to meet you and learn all those three things from you, to be yourself. I can’t even say thank you, there’s not even, I don’t even think there’s a word out there that can show my gratitude, and know that we will always be connected and you’ll always be in my heart. Godspeed.”

There being no objection, HOUSE RESOLUTION NO. 4687 was adopted.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4416 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4416, by Representatives Sullivan and Kretz

Returning bills to their house of origin.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Springer presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4416.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4416 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4416 was immediately transmitted to the Senate.

March 8, 2018

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The Senate has passed:

INITIATIVE NO. 940,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4416,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE SENATE BILL NO. 5746
 ENGROSSED SENATE BILL NO. 6087
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6095
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6362
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6614

The Speaker called upon Representative Orwall to preside.

MESSAGES FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The President has signed:

INITIATIVE NO. 940,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

MR. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

There being no objection, the House advanced to the fourth order of business.

**SUPPLEMENTAL
 INTRODUCTION & FIRST READING**

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8409 was read the first time, and under suspension of the rules was placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Nelson and Schoesler

Adjourning SINE DIE.

The bill was read the third time.

SENATE CONCURRENT RESOLUTION NO. 8409, was adopted.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8409 was immediately transmitted to the Senate.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE SENATE

March 8, 2018

MR. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

INITIATIVE NO. 940
 SECOND SUBSTITUTE HOUSE BILL NO. 1506
 SECOND SUBSTITUTE HOUSE BILL NO. 1896
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 2009
 HOUSE BILL NO. 2271
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 2334
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 2595
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610
 SUBSTITUTE HOUSE BILL NO. 2638
 SUBSTITUTE HOUSE BILL NO. 3002
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3003
 HOUSE CONCURRENT RESOLUTION NO. 4415
 HOUSE CONCURRENT RESOLUTION NO. 4416
 SENATE BILL NO. 5020
 SUBSTITUTE SENATE BILL NO. 5064
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5084
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5143
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 5179
 ENGROSSED FOURTH SUBSTITUTE SENATE
 BILL NO. 5251
 ENGROSSED SENATE BILL NO. 5518
 SUBSTITUTE SENATE BILL NO. 5522
 SUBSTITUTE SENATE BILL NO. 5553
 SENATE BILL NO. 5598
 SUBSTITUTE SENATE BILL NO. 5683
 SENATE BILL NO. 5722
 ENGROSSED SENATE BILL NO. 5917
 SENATE BILL NO. 5987
 SUBSTITUTE SENATE BILL NO. 5991
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6002
 SENATE BILL NO. 6007
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6032
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6034
 SUBSTITUTE SENATE BILL NO. 6051
 SUBSTITUTE SENATE BILL NO. 6055
 SENATE BILL NO. 6058
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6068
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6106
 SUBSTITUTE SENATE BILL NO. 6126
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6127
 SUBSTITUTE SENATE BILL NO. 6133
 SENATE BILL NO. 6159
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6160

ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6162
 SENATE BILL NO. 6163
 SUBSTITUTE SENATE BILL NO. 6175
 SENATE BILL NO. 6179
 SENATE BILL NO. 6210
 ENGROSSED SENATE BILL NO. 6211
 SENATE BILL NO. 6218
 SUBSTITUTE SENATE BILL NO. 6219
 SENATE BILL NO. 6231
 SENATE BILL NO. 6240
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6241
 SECOND SUBSTITUTE SENATE BILL NO. 6245
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6257
 ENGROSSED SECOND SUBSTITUTE SENATE
 BILL NO. 6269
 SUBSTITUTE SENATE BILL NO. 6273
 SECOND SUBSTITUTE SENATE BILL NO. 6274
 SENATE BILL NO. 6287
 SENATE BILL NO. 6298
 SUBSTITUTE SENATE BILL NO. 6313
 SUBSTITUTE SENATE BILL NO. 6317
 SUBSTITUTE SENATE BILL NO. 6318
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6329
 SUBSTITUTE SENATE BILL NO. 6334
 SUBSTITUTE SENATE BILL NO. 6340
 SENATE BILL NO. 6363
 SENATE BILL NO. 6367
 SENATE BILL NO. 6368
 SUBSTITUTE SENATE BILL NO. 6388
 SENATE BILL NO. 6393
 SENATE BILL NO. 6404
 SENATE BILL NO. 6407
 SENATE BILL NO. 6408
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6413
 SENATE BILL NO. 6414
 SUBSTITUTE SENATE BILL NO. 6419
 SUBSTITUTE SENATE BILL NO. 6437
 SUBSTITUTE SENATE BILL NO. 6438
 SUBSTITUTE SENATE BILL NO. 6452
 SECOND SUBSTITUTE SENATE BILL NO. 6453
 SENATE BILL NO. 6462
 SENATE BILL NO. 6471
 SUBSTITUTE SENATE BILL NO. 6474
 SUBSTITUTE SENATE BILL NO. 6475
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6491
 SUBSTITUTE SENATE BILL NO. 6493
 SUBSTITUTE SENATE BILL NO. 6514
 SUBSTITUTE SENATE BILL NO. 6519
 SUBSTITUTE SENATE BILL NO. 6544
 SUBSTITUTE SENATE BILL NO. 6560
 SENATE BILL NO. 6582
 SENATE CONCURRENT RESOLUTION NO. 8409

The Speaker called upon Representative Orwall to
 preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 8, 2018

MR. SPEAKER:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4416, the following House Bills were returned to the House of Representatives:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1054,
 SUBSTITUTE HOUSE BILL NO. 1186,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421,
 HOUSE BILL NO. 1470,
 ENGROSSED HOUSE BILL NO. 1476,
 THIRD SUBSTITUTE HOUSE BILL NO. 1512,
 SUBSTITUTE HOUSE BILL NO. 1560,
 THIRD SUBSTITUTE HOUSE BILL NO. 1562,
 ENGROSSED HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1584,
 SUBSTITUTE HOUSE BILL NO. 1655,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1824,
 SUBSTITUTE HOUSE BILL NO. 2035,
 ENGROSSED HOUSE BILL NO. 2175,
 ENGROSSED HOUSE BILL NO. 2201,
 HOUSE BILL NO. 2233,
 SUBSTITUTE HOUSE BILL NO. 2287,
 SUBSTITUTE HOUSE BILL NO. 2335,
 HOUSE BILL NO. 2346,
 ENGROSSED HOUSE BILL NO. 2350,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2381,
 HOUSE BILL NO. 2387,
 SECOND SUBSTITUTE HOUSE BILL NO. 2390,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2396,
 SUBSTITUTE HOUSE BILL NO. 2419,
 SUBSTITUTE HOUSE BILL NO. 2423,
 HOUSE BILL NO. 2430,
 ENGROSSED HOUSE BILL NO. 2439,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2529,
 SUBSTITUTE HOUSE BILL NO. 2558,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2563,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
 ENGROSSED HOUSE BILL NO. 2570,
 HOUSE BILL NO. 2653,
 SUBSTITUTE HOUSE BILL NO. 2712,
 SUBSTITUTE HOUSE BILL NO. 2723,
 ENGROSSED HOUSE BILL NO. 2735,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2757,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2771,
 SUBSTITUTE HOUSE BILL NO. 2774,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2817,
 HOUSE BILL NO. 2832,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907,
 SUBSTITUTE HOUSE BILL NO. 2928,
 HOUSE JOINT MEMORIAL NO. 4010,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,
 HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted,

Brad Hendrickson, Secretary

March 8, 2018

MR. SPEAKER:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4416, the following House Bills were returned to the House of Representatives:

ENGROSSED HOUSE BILL NO. 1031,
 SUBSTITUTE HOUSE BILL NO. 1060,
 SUBSTITUTE HOUSE BILL NO. 1063,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1144,
 SUBSTITUTE HOUSE BILL NO. 1151,
 SUBSTITUTE HOUSE BILL NO. 1154,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155,
 SUBSTITUTE HOUSE BILL NO. 1188,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1196,
 HOUSE BILL NO. 1221,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1233,
 SECOND SUBSTITUTE HOUSE BILL NO. 1280,
 SECOND SUBSTITUTE HOUSE BILL NO. 1325,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1332,
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340,
 THIRD SUBSTITUTE HOUSE BILL NO. 1357,
 HOUSE BILL NO. 1437,
 SUBSTITUTE HOUSE BILL NO. 1510,
 SECOND SUBSTITUTE HOUSE BILL NO. 1532,
 SECOND SUBSTITUTE HOUSE BILL NO. 1541,
 SUBSTITUTE HOUSE BILL NO. 1559,
 HOUSE BILL NO. 1606,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1618,
 HOUSE BILL NO. 1640,
 HOUSE BILL NO. 1715,
 SUBSTITUTE HOUSE BILL NO. 1763,

SUBSTITUTE HOUSE BILL NO. 1782,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1792,
 ENGROSSED FOURTH SUBSTITUTE HOUSE
 BILL NO. 1827,
 ENGROSSED HOUSE BILL NO. 1828,
 HOUSE BILL NO. 1833,
 HOUSE BILL NO. 1835,
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 1851,
 ENGROSSED HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 1884,
 SECOND SUBSTITUTE HOUSE BILL NO. 1987,
 SUBSTITUTE HOUSE BILL NO. 2001,
 SECOND SUBSTITUTE HOUSE BILL NO. 2004,
 ENGROSSED SECOND SUBSTITUTE HOUSE
 BILL NO. 2006,
 HOUSE BILL NO. 2007,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2098,
 SECOND ENGROSSED HOUSE BILL NO. 2107,
 SECOND ENGROSSED SUBSTITUTE HOUSE
 BILL NO. 2114,
 ENGROSSED HOUSE BILL NO. 2259,
 SUBSTITUTE HOUSE BILL NO. 2264,
 HOUSE BILL NO. 2266,
 SUBSTITUTE HOUSE BILL NO. 2288,
 SUBSTITUTE HOUSE BILL NO. 2289,
 SUBSTITUTE HOUSE BILL NO. 2290,
 SUBSTITUTE HOUSE BILL NO. 2291,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2295,
 SUBSTITUTE HOUSE BILL NO. 2296,
 ENGROSSED HOUSE BILL NO. 2309,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2311,
 SUBSTITUTE HOUSE BILL NO. 2320,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2327,
 ENGROSSED HOUSE BILL NO. 2332,
 HOUSE BILL NO. 2343,
 HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2358,
 SUBSTITUTE HOUSE BILL NO. 2360,
 SUBSTITUTE HOUSE BILL NO. 2361,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
 2362,
 HOUSE BILL NO. 2363,
 HOUSE BILL NO. 2374,
 SUBSTITUTE HOUSE BILL NO. 2384,
 SUBSTITUTE HOUSE BILL NO. 2415,
 ENGROSSED SUBSTITUTE HOUSE BILL NO.
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 BILL NO. 2914,
 HOUSE BILL NO. 2961,
 HOUSE BILL NO. 2962,
 SUBSTITUTE HOUSE BILL NO. 2975,
 HOUSE JOINT MEMORIAL NO. 4011,
 HOUSE CONCURRENT RESOLUTION NO. 4413,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 8, 2018

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT
 RESOLUTION NO. 4416, the following Senate bills are
 returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5074
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 5108
 SENATE BILL NO. 5141

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5180	SENATE BILL NO. 6085
ENGROSSED SUBSTITUTE SENATE BILL NO. 5307	SECOND SUBSTITUTE SENATE BILL NO. 6086
SUBSTITUTE SENATE BILL NO. 5310	SENATE BILL NO. 6088
ENGROSSED SUBSTITUTE SENATE BILL NO. 5328	SENATE BILL NO. 6093
SECOND SUBSTITUTE SENATE BILL NO. 5342	SUBSTITUTE SENATE BILL NO. 6102
ENGROSSED SUBSTITUTE SENATE BILL NO. 5397	SUBSTITUTE SENATE BILL NO. 6107
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5407	SUBSTITUTE SENATE BILL NO. 6132
SUBSTITUTE SENATE BILL NO. 5408	ENGROSSED SUBSTITUTE SENATE BILL NO. 6135
SENATE BILL NO. 5442	SUBSTITUTE SENATE BILL NO. 6141
ENGROSSED SUBSTITUTE SENATE BILL NO. 5513	SUBSTITUTE SENATE BILL NO. 6142
SENATE BILL NO. 5525	SUBSTITUTE SENATE BILL NO. 6152
SENATE BILL NO. 5539	ENGROSSED SUBSTITUTE SENATE BILL NO. 6161
THIRD SUBSTITUTE SENATE BILL NO. 5576	SENATE BILL NO. 6168
ENGROSSED SUBSTITUTE SENATE BILL NO. 5588	SENATE BILL NO. 6177
SUBSTITUTE SENATE BILL NO. 5596	SENATE BILL NO. 6182
SECOND SUBSTITUTE SENATE BILL NO. 5610	SUBSTITUTE SENATE BILL NO. 6183
SUBSTITUTE SENATE BILL NO. 5627	ENGROSSED SUBSTITUTE SENATE BILL NO. 6187
SUBSTITUTE SENATE BILL NO. 5633	SENATE BILL NO. 6190
SENATE BILL NO. 5643	SUBSTITUTE SENATE BILL NO. 6195
ENGROSSED SUBSTITUTE SENATE BILL NO. 5700	SENATE BILL NO. 6201
ENGROSSED SENATE BILL NO. 5731	SENATE BILL NO. 6205
SUBSTITUTE SENATE BILL NO. 5766	ENGROSSED SENATE BILL NO. 6213
SENATE BILL NO. 5841	ENGROSSED SUBSTITUTE SENATE BILL NO. 6223
ENGROSSED SUBSTITUTE SENATE BILL NO. 5886	ENGROSSED SUBSTITUTE SENATE BILL NO. 6226
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5935	SECOND SUBSTITUTE SENATE BILL NO. 6236
SUBSTITUTE SENATE BILL NO. 5944	SENATE BILL NO. 6248
ENGROSSED SUBSTITUTE SENATE BILL NO. 5955	SUBSTITUTE SENATE BILL NO. 6251
SECOND SUBSTITUTE SENATE BILL NO. 5970	SENATE BILL NO. 6252
SUBSTITUTE SENATE BILL NO. 5989	SENATE BILL NO. 6264
SUBSTITUTE SENATE BILL NO. 5998	SUBSTITUTE SENATE BILL NO. 6277
ENGROSSED SENATE BILL NO. 6003	SUBSTITUTE SENATE BILL NO. 6283
SUBSTITUTE SENATE BILL NO. 6009	SENATE BILL NO. 6292
SUBSTITUTE SENATE BILL NO. 6011	SUBSTITUTE SENATE BILL NO. 6294
SUBSTITUTE SENATE BILL NO. 6013	SENATE BILL NO. 6321
SECOND SUBSTITUTE SENATE BILL NO. 6015	SUBSTITUTE SENATE BILL NO. 6324
SENATE BILL NO. 6017	SUBSTITUTE SENATE BILL NO. 6330
SENATE BILL NO. 6030	SUBSTITUTE SENATE BILL NO. 6343
SUBSTITUTE SENATE BILL NO. 6038	ENGROSSED SUBSTITUTE SENATE BILL NO. 6346
SENATE BILL NO. 6039	SUBSTITUTE SENATE BILL NO. 6347
SENATE BILL NO. 6052	SENATE BILL NO. 6351
SENATE BILL NO. 6057	ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 6353
ENGROSSED SUBSTITUTE SENATE BILL NO. 6065	SENATE BILL NO. 6354
SUBSTITUTE SENATE BILL NO. 6066	SUBSTITUTE SENATE BILL NO. 6361
ENGROSSED SUBSTITUTE SENATE BILL NO. 6072	ENGROSSED SENATE BILL NO. 6379
SENATE BILL NO. 6079	ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6386
ENGROSSED SUBSTITUTE SENATE BILL NO. 6081	SECOND SUBSTITUTE SENATE BILL NO. 6410
ENGROSSED SUBSTITUTE SENATE BILL NO. 6084	SUBSTITUTE SENATE BILL NO. 6473
	ENGROSSED SUBSTITUTE SENATE BILL NO. 6486
	SUBSTITUTE SENATE BILL NO. 6531
	ENGROSSED SUBSTITUTE SENATE BILL NO. 6548
	SENATE BILL NO. 6563
	SUBSTITUTE SENATE BILL NO. 6566

ENGROSSED SUBSTITUTE SENATE BILL NO.
6587
SENATE JOINT RESOLUTION NO. 8211

and the same are herewith transmitted,

BERNARD DEAN, Chief Clerk

MOTIONS

On motion of Representative Sullivan, the reading of the Journal of the 60th Day of the 2018 Regular Session of the 65th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Sullivan, the 2018 Regular Session of the 65th Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk

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6039	
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6053	
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6278	Introduction & 1st Reading	731
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HOUSE LEGISLATIVE LEADERS

Sixty Fifth Legislature
2018 Regular Session
DEMOCRATIC LEADERSHIP

Frank Chopp	Speaker
John Lovick	Speaker Pro Tempore
Tina Orwall	Deputy Speaker Pro Tempore
Pat Sullivan	Majority Leader
Eric Pettigrew	Majority Caucus Chair
Marcus Riccelli	Majority Whip
Gael Tarleton	Majority Floor Leader
Larry Springer	Deputy Majority Leader
Lillian Ortiz-Self	Majority Caucus Vice Chair
Monica Jurado Stonier	Deputy Majority Whip
Steve Bergquist	Deputy Majority Floor Leader
Mike Chapman	Assistant Majority Whip
Joan McBride	Assistant Majority Whip

REPUBLICAN LEADERSHIP

Dan Kristiansen	Minority Leader
Joel Kretz	Deputy Minority Leader
Matt Shea	Minority Caucus Chair
Dave Hayes	Minority Whip
J.T. Wilcox	Minority Floor Leader
Joe Schmick	Minority Caucus Vice Chair
Joyce McDonald	Assistant Minority Floor Leader
Drew Stokesbary	Assistant Minority Floor Leader
Dan Griffey	Assistant Minority Whip
Vicki Kraft	Assistant Minority Whip

2017 HOUSE MEMBERSHIP ROSTER

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Appleton, Sherry District 23 (D) Kitsap (P)	2005-2017	PO Box 2112 Poulsbo, WA 98370	1942 - RI	Legislator
 Barkis, Andrew District 2 (R) Pierce (P), Thurston (P)	Appt. 2/16/2017	PO Box 40600 Olympia, WA 98504	1968 - WA	Business Owner
 Bergquist, Steve District 11 (D) King (P)	2013-2017	PO Box 40600 Olympia, WA 98504	1979-WA	Teacher
 Blake, Brian District 19 (D) Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	Appt. 12/17/2002, 2003-2017	PO Box 40600 Olympia, WA 98504	1960 - WA	Environmental Specialist, Logger
 Buys, Vincent District 42 (R) Whatcom (P)	2011-2017	PO Box 40600 Olympia, WA 98504	1979 - WA	General Contractor
 Caldier, Michelle District 26 (R) Kitsap (P), Pierce (P)	2015-2017	PO Box 40600 Olympia, WA 98504	1976 - WA	Dentist
 Chandler, Bruce District 15 (R) Yakima (P)	1999-2017	PO Box 40600 Olympia, WA 98504	1952 - WA	Orchardist
 Chapman, Mike District 24 (D) Clallam, Grays Harbor (P), Jefferson	2017	PO Box 40600 Olympia, WA 98504	1963-WA	Legislator
 Chopp, Frank District 43 (D) King (P)	1995-2017	5031 University Way NE Suite 107 Seattle, WA 98105	1953 - WA	Community Service
 Clibborn, Judy District 41 (D) King (P)	2003-2017	PO Box 40600 Olympia, WA 98504	1943 - OK	Legislator
 Cody, Eileen District 34 (D) King (P)	Appt. 6/2/1994, 1995-2017	1200 12 th Ave S Ste 8400 Seattle, WA 98105	1954 - IA	Registered Nurse
 Condotta, Cary District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2003-2017	3024 GS Center Rd Suite C Wenatchee, WA 98801	1957 - WA	Business Consultant
 DeBolt, Richard District 20 (R) Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	1997-2017	PO Box 40600 Olympia WA 98504	1965 - WA	External Relations
 Dent, Tom District 13 (R) Grant (P), Kittitas, Lincoln, Yakima (P)	2015-2017	PO Box 40600 Olympia, WA 98504	1950 - ID	Pilot / Rancher

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Doglio, Beth District 22 (D) Thurston (P)	2017	PO Box 40600 Olympia, WA 98504	1965-IL	Campaign Director
 Dolan, Laurie District 22 (D) Thurston (P)	2017	PO Box 40600 Olympia, WA 98504	1952-WA	Retired Educator
 Dye, Mary District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 5/8/2015 2016-2017	PO Box 40600 Olympia, WA 98504	1961 - ID	Farmer
 Eslick, Carolyn District 39 (R) King (P), Skagit (P), Snohomish (P)	Appt. 9/20/2017	Po Box 40600 Olympia, WA 98504	1950 - OR	Business Consultant
 Fey, Jake District 27 (D) Pierce (P)	2013-2017	1406 Browns Pt Blvd NE Tacoma, WA 98422	1949 - WA	Director, WSU Energy Program
 Fitzgibbon, Joe District 34 (D) King (P)	2011-2017	PO Box 40600 Olympia, WA 98504	1986 - WA	Legislator
 Frame, Noel District 36 (D) King (P)	Appt. 1/7/2016 2017	PO Box 40600 Olympia, WA 98504	WA	Communications Consultant
 Goodman, Roger District 45 (D) King (P)	2007-2017	PO Box 40600 Olympia, WA 98504	1961 – RI	Attorney
 Graves, Paul District 5 (R) King (P)	2017	PO Box 40600 Olympia, WA 98504	1982 - WA	Attorney
 Gregerson, Mia District 33 (D) King (P)	Appt. 12/16/2013, 2014-2017	PO Box 40600 Olympia, WA 98504	1972 - Taiwan	Legislator
 Griffey, Dan District 35 (D) Kitsap (P), Mason, Thurston (P)	2015-2017	PO Box 40600 Olympia, WA 98504	1970 - WA	Fire Fighter
 Haler, Larry District 8 (R) Benton (P)	2005-2017	719 Jadwin Ave Richland, WA 99352	1951 – IA	Retired Engineer
 Hansen, Drew District 23 (D) Kitsap (P)	Appt. 9/19/2011, 2012-2017	PO Box 40600 Olympia, WA 98504		
 Hargrove, Mark District 47 (R) King (P)	2011-2017	PO Box 40600 Olympia, WA 98504	1956 –TX	Instructor Pilot
 Harmsworth, Mark District 44 (R) Snohomish (P)	2015-2017	PO Box 40600 Olympia, WA 98513		Director

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Harris, Paul District 17 (R) Clark (P)	2011-2017	237 NE Chkalov Dr Suite 106 Vancouver, WA 98684	1953 - OR	Sales/Marketing
 Hayes, Dave District 10 (R) Island, Skagit (P), Snohomish (P)	2013-2017	PO Box 40600 Olympia, WA 98504	1966 - WA	Law Enforcement
 Holy, Jeff District 6 (R) Spokane (P)	2013-2017	PO Box 40285 Spokane, WA 98220		Attorney
 Hudgins, Zack District 11 (D) King (P)	Appt. 12/09/2002; 2003-2017	4511 S 136 th St Tukwila, WA 98168	1968 - TX	High Technology Manager
 Morgan Irwin District 31 (D) King (P), Pierce (P)	Appt. 1/7/2017	PO Box 40600 Olympia, WA 98504	1983 - WA	Police Officer
 Jenkin, William "Bill" District 16 (R) Benton (P), Columbia, Franklin (P), Walla Walla	2017	PO Box 40600 Olympia, WA 98504	1956- CA	Winemaker
 Jinkins, Laurie District 27 (D) Pierce (P)	2011-2017	PO Box 40600 Olympia, WA 98504	1964 - IA	Public Health Official
 Johnson, Norm District 14 (R) Clark (P), Klickitat, Skamania, Yakima (P)	2009-2017	421 N 20 th Ave Suite A Yakima, WA 98902	1938 - WA	Retired Teacher, Administrator
 Kagi, Ruth District 32 (D) King (P), Snohomish (P)	1999-2017	13504 8 th Ave NW Seattle, WA 98177	1945 - WA	Legislator
 Kilduff, Christine District 28 (D) Pierce (P)	2015-2017	PO Box 40600 Olympia, WA 98504	NY	Attorney
 Kirby, Steve District 29 (D) Pierce (P)	2001-2017	PO Box 40600 Olympia WA 98504	WA	Legislator
 Klippert, Brad District 8 (R) Benton (P)	2009-2017	PO Box 6478 Kennewick, WA 99336	WA	Legislator, Deputy, COL
 Shelley Kloba District 1 (D) King (P), Snohomish (P)	2017-2017	PO Box 40600 Olympia, WA 98504		Massage Therapist
 Kraft, Vicki District 17 (R) Clark (P)	2017	PO Box 40600 Olympia, WA 98504	1969 -	
 Kretz, Joel District 7 (R) Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	2005-2017	1014 Toroda Creek Rd Wauconda, WA 98859	1957 - WA	Rancher/ Logger

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	Kristiansen, Dan District 39 (R) King (P), Skagit (P), Snohomish (P)	2003-2017 PO Box 40600 Olympia, WA 98504	1962 - WA	Legislator
	Lovick John District 44 (D) Snohomish (P)	1999-2008 2017 PO Box 40600 Olympia, WA 98504	1951 - LA	Retired Trooper
	Lytton, Kristine District 40 (D) San Juan, Skagit (P), Whatcom (P)	2011-2017 PO Box 40600 Olympia, WA 98504	1960 - IL	Legislator
	MacEwen, Drew District 35 (R) Kitsap (P), Mason, Thurston (P)	2013-2017 PO Box 651 Union, WA 98592	1973 - MN	Investment Advisor
	Macri, Nicole District 43 (D) King (P)	2017 PO Box 40600 Olympia, WA 98504	1973 - NY	Housing & Services Director
	Manweller, Matt District 13 (R) Grant (P), Kittitas, Lincoln, Yakima (P)	2013-2017 PO Box 40600 Olympia, WA 98504	1969 - CA	Professor
	Jacquelin Maycumber District 7 (R) Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	2017 PO Box 40600 Olympia, WA 98504		
	McBride, Joan District 48 (D) King (P)	2015-2017 PO Box 40600 Olympia, WA 98504		
	McCabe, Gina District 14 (R) Clark (P), Klickitat, Skamania, Yakima (P)	2015-2017 PO Box 40600 Olympia, WA 98504	WA	Legislator/Entrepreneur
	McCaslin, Bob District 4 (R) Spokane (P)	2015-2017 PO Box 1462 Verndale, WA 99037	1957 - WA	Public School Teacher
	McDonald, Joyce District 25 (R) Pierce (P)	1997-2001, 2003- 2008, 2017 PO Box 40600 Olympia, WA 98504	1952 - Scotland	Legislator
	Morris, Jeff District 40 (D) San Juan, Skagit (P), Whatcom (P)	1997-2017 1004 Commercial Ave #303 Anacortes, WA 98221	1964 - WA	Owner - Energy Horizon Corp.
	Muri, Dick District 28 (R) Pierce (P)	Appt. 7/2/2013, 2014-2017 PO Box 40600 Olympia, WA 98504	1953 - AK	Retired USAF
	Nealey, Terry Benton (P), Columbia, Franklin (P), Walla Walla	Appt. 12/1/2009, 2010 -2017 26 E Main St Suite 205 Walla Walla, WA 99362	1947 - WA	Retired Attorney
	Orcutt, Ed District 20 (R) Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	Appt. 1/4/2002, 2003-2017 PO Box 40600 Olympia, WA 98504	1963 - ME	Consulting Forester

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	Ormsby, Timm District 3 (D) Spokane (P)	Appt. 9/30/2003, 2004-2017	PO Box 40600 Olympia, WA 98504	1959 - WA Cement Mason
	Ortiz-Self, Lillian District 21 (21) Snohomish (P)	Appt. 1/21/2014, 2015-2017	PO Box 40600 Olympia, WA 98504	1960 - NY School/Mental Health Counselor
	Orwall, Tina District 33 (D) King (P)	2009-2017	PO Box 40600 Olympia, WA 98504	1965 - FL Strategic Planner
	Mike Pellicciotti District 30 (R) King (P), Pierce (P)	2017	PO Box 40600 Olympia, WA 98504	Prosecuting Attorney
	Peterson, Strom District 21 (D) Snohomish (P)	2015-2017	PO Box 40600 Olympia, WA 98504	NM Small Business Owner
	Pettigrew, Eric District 37 (D) King (P)	2003-2017	PO Box 40600 Olympia, WA 98504	1960 - CA Director of Business Dev. Regence/BluShield
	Pike, Liz District 18 (R) Clark (P)	Appt. 8/23/2012, 2013-2017	PO Box 40600 Olympia, WA 98504	1960 Advertising Company Owner
	Pollet, Gerry District 46 (D) King (P)	Appt. 12/5/2011, 2012-2017	PO Box 40600 Olympia, WA 98504	1958 - NY Attorney, UW Faculty, Non- profit Director
	Reeves, Kristine District 30 (R) King (P), Pierce (P)	2017	PO Box 40600 Olympia, WA 98504	WA Legislator
	Riccelli, Marcus District 3 (D) Spokane (P)	2013-2017	PO Box 40600 Olympia, WA 98504	1978- WA Legislator
	Robinson, June District 38 (D) Snohomish (P)	Appt. 12/16/2013, 2015-2017	PO Box 40600 Olympia, WA 98504	1959 - PA Public Health Manager
	Rodne, Jay District 5 (R) King (P)	Appt. 1/20/2004, 2005-2017	PO Box 40600 Olympia, WA 98504	1966 - MN Attorney
	Ryu, Cindy District 32 (D) King (P), Snohomish (P)	2011-2017	PO Box 33548 Seattle, WA 98133	1957 - Korea Commercial/ Retail Space Management
	Santos, Sharon Tomiko District 37 (D) King (P)	1999-2017	PO Box 40600 Olympia, WA 98504	1961 - CA Legislator
	Sawyer, David District 29 (D) Pierce (P)	2013-2017	PO Box 40600 Olympia, WA 98504	1983 - WA Law Clerk

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	Schmick, Joe District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 11/26/2007, 2008-2017	PO Box 40600 Olympia, WA 98504	WA Former Farmer/ Small Business Owner
	Sells, Mike District 38 (D) Snohomish (P)	2005-2017	2812 Lombard Ave. Suite 210 Everett, WA 98201	1945 - WA Retired Educator
	Senn, Tana District 41 (D) King (P)	Appt. 9/9/2013, 2014-2017	1611 116 th Ave NE Suite 206 Bellevue, WA 98004	1971 - IL Legislator
	Shea, Matthew District 4 (R) Spokane (P)	2009-2017	18507 E Appleway Ste 201 Spokane Valley, WA 99016	1974 - WA Attorney
	Slatter, Vandana District 48 (D) King (P)	Appt. 1/5/17	PO Box 40600 Olympia, WA 98504	
	Smith, Norma District 10 (R) Island, Skagit (P), Snohomish (P)	Appt. 1/8/2008; 2009-2017	PO Box 40600 Olympia, WA 98504	FL Communications
	Springer, Larry District 45 (D) King (P)	2005-2017	700 20th Ave West Kirkland, WA 98033	1947 - WA Retail Store Owner
	Stambaugh, Melanie District 25 (R) Pierce (P)	2015-2017	PO Box 40600 Olympia, WA 98504	1990 - WA Small Business Owner
	Stanford, Derek District 1 (D) King (P), Snohomish (P)	2011-2017	18560 1 st Ave NE Ste E800 Shoreline, WA 98155	Data Science
	Steele, Mike District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2017	PO Box 40600 Olympia, WA 98504	1982-WA Executive Director
	Stokesbary, Drew District 31 (R) King (P), Pierce (P)	2015-2017	PO Box 40600 Olympia, WA 98504	1985 - WA Attorney
	Stonier, Monica District 49 (D) Clark (P)	2013-2014 2017	PO Box 40600 Olympia, WA 98504	1976 Teacher
	Sullivan, Pat District 47 (D) King (P)	2005-2017	PO Box 40600 Olympia, WA 98504	1962 - MN Legislator
	Tarleton, Gael District 36 (D) King (P)	2013-2017	PO Box 40600 Olympia, WA 98504	1959 - MA Legislator

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	Taylor, David District 15 (R) Yakima (P)	Appt. 3/30/2009, 2010-2017	PO Box 40600 Olympia, WA 98504	1972 - WA Consultant
	Tharinger, Steve District 24 (D) Clallam, Grays Harbor (P), Jefferson	2011-2017	PO Box 40600 Olympia, WA 98504	1949 - WI Representative
	Javier Valdez District 46 (D) King (P)	2017	PO Box 40600 Olympia, WA 98504	WA Strategic Advisor
	Van Werven, Luanne District 42 (R) Whatcom (P)	2015-2017	PO Box 40600 Olympia, WA 98504	1957 - WA Homemaker/Legislator
	Vick, Brandon District 18 (R) Clark (P)	2013-2017	PO Box 40600 Olympia, WA 98504	1984 - CA Landscape Contractor
	Volz, Mike District 6 (R) Spokane (P)	2017	PO Box 40600 Olympia, WA 98504	
	Walsh, Jim District 19 (D) Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	2017	PO Box 40600 Olympia, WA 98504	1964 Publisher
	Wilcox, JT District 2 (R) Pierce (P), Thurston (P)	2011-2017	PO Box 40600 Olympia, WA 98504	1962 - WA Farming
	Wylie, Sharon District 49 (D) Clark (P)	Appt. 4/13/2011, 2012-2017	PO Box 40600 Olympia, WA 98504	1949 - LA Consultant
	Young, Jesse District 26 (R) Kitsap (P), Pierce (P)	Appt. 1/17/2014, 2015-2017	PO Box 40600 Olympia, WA 98504	1976 - ID Software Engineer

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HI 940	C 11 L 18	Law enforcement	6/7/2018	
SHB 1022	C 86 L 18	Crime victim participation	6/7/2018	
ESHB 1047	C 196 L 18	Medication disposal system	6/7/2018	
HB 1056	C 197 L 18	Military/consumer protection	6/7/2018	
HB 1058	C 123 L 18	Court-ordered restitution	6/7/2018	
E2SHB 1080	C 3 L 18	State gen. obligation bonds	1/19/2018	
HB 1085	C 302 L 18	Single-family res. dwellings	6/7/2018	Partial Veto
HB 1095	C 198 L 18	Antifreeze products	6/7/2018	
EHB 1128	C 36 L 18	Civil arbitration	9/1/2018	
HB 1133	C 37 L 18	Fire contractor license fund	6/7/2018	
3SHB 1169	C 199 L 18	Student loan assistance	6/7/2018	
SHB 1209	C 237 L 18	Municipal financial services	6/7/2018	
EHB 1237	C 267 L 18	Com & tech college employees	6/7/2018	Partial Veto
ESHB 1239	C 87 L 18	Social security/medical recs	6/7/2018	
2SHB 1293	C 12 L 18	College bound sch./approval	6/7/2018	
2SHB 1298	C 38 L 18	Job applicants/arrests, etc.	6/7/2018**	
HB 1336	C 163 L 18	Disability comp SS offset	6/7/2018	
2SHB 1377	C 200 L 18	Student mental health	6/7/2018	
2ESHB 1388	C 201 L 18	Behavioral health authority	7/1/2018*	
2SHB 1433	C 202 L 18	Tuition/activities fees	6/7/2018	
ESHB 1434	C 39 L 18	Shared leave/pregnancy	7/1/2018	
E2SHB 1439	C 203 L 18	Higher ed student protection	6/7/2018	
HB 1452	C 114 L 18	Opportunity scholarship prog	6/7/2018	
E3SHB 1482	C 126 L 18	WorkFirst poverty reduction	6/7/2018	
E3SHB 1488	C 204 L 18	Higher ed opportunities	6/7/2018	
HB 1499	C 13 L 18	Student loan disbursement	6/7/2018	
2SHB 1506	C 116 L 18	Workplaces/gender pay equity	6/7/2018	
2ESHB 1508	C 8 L 18	Student meals & nutrition	6/7/2018***	
2SHB 1513	C 109 L 18	Youth voter reg. info.	7/1/2019	
ESHB 1523	C 14 L 18	Preventive service coverage	6/7/2018	
SHB 1524	C 205 L 18	Therapeutic courts	6/7/2018	
SHB 1539	C 64 L 18	Sexual abuse of students	6/7/2018**	
SHB 1558	C 241 L 18	PSERS/offender nursing care	6/7/2018	
E2SHB 1561	C 268 L 18	Open educational resources	6/7/2018	Partial Veto
ESSHB 1570	C 85 L 18	Homeless housing & assist.	6/7/2018	
E2SHB 1600	C 206 L 18	Career and college readiness	6/7/2018	
E2SHB 1622	C 207 L 18	State building code council	7/1/2018*	
HB 1630	C 15 L 18	Minors/homeless info. system	6/7/2018	
HB 1672	C 242 L 18	Prevailing wage law recovery	6/7/2018	
E2SHB 1673	C 243 L 18	Responsible bidder criteria	7/1/2019**	
SHB 1723	C 9 L 18	Hanford/occupational disease	6/7/2018***	
EHB 1742	C 16 L 18	Vehicle transporter license	6/7/2018	
E2SHB 1783	C 269 L 18	Legal financial obligations	6/7/2018**	
HB 1790	C 17 L 18	Dependency petitions	6/7/2018	
E2SHB 1831	C 40 L 18	Public assistance/resources	2/1/2019	
EHB 1849	C 244 L 18	Apprenticeship utilization	1/1/2020	
E2SHB 1889	C 270 L 18	Corrections ombuds, creating	6/7/2018	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

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2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
2SHB 1896	C 127 L 18	Civics education	6/7/2018	
SB 5635	C 307 L 18	Cesar Chavez day	6/7/2018	
ESHB 1952	C 240 L 18	Electrical laws enforcement	6/7/2018	
SHB 1953	C 128 L 18	WISHA penalties	1/1/2019	
EHB 2008	C 208 L 18	State services for children	6/7/2018	Partial Veto
E2SHB 2009	C 129 L 18	Gold star families/higher ed	6/7/2018	
2SHB 2015	C 245 L 18	Lodging excise tax	10/1/2018	
SHB 2016	C 41 L 18	Incarcerated women/midwifery	6/7/2018	
2ESHB 2057	C 306 L 18	Residential real property	6/7/2018	
HB 2087	C 18 L 18	Roadway worker safety	1/0/1900	
EHB 2097	C 303 L 18	Religious affiliation discl.	6/7/2018	Partial Veto
SHB 2101	C 88 L 18	Sex. assault nurse examiners	6/7/2018	
E2SHB 2143	C 209 L 18	Higher ed. financial aid	6/7/2018	
E2SHB 2177	C 254 L 18	Rural county jobs program	6/7/2018	
HB 2208	C 19 L 18	Federal tax info/bckgrnd chk	6/7/2018	
SHB 2229	C 210 L 18	Dental practice/integr. care	6/7/2018	
SHB 2256	C 20 L 18	Foster parent training	6/7/2018	
HB 2257	C 211 L 18	Maintenance of certification	6/7/2018	
HB 2261	C 42 L 18	Housing authorities	6/7/2018	
2SHB 2269	C 130 L 18	Adaptive automotive equip tx	6/7/2018	
HB 2271	C 131 L 18	Sexually violent predators	3/21/2018	
SHB 2276	C 212 L 18	Wildlife transfer notice	6/7/2018	
EHB 2282	C 5 L 18	Net neutrality	6/7/2018**	
ESHB 2285	C 255 L 18	Marbled murrelet reports	6/7/2018	
SHB 2298	C 213 L 18	Wastewater operator cert.	6/7/2018	
HB 2307	C 214 L 18	Fish & wildlife data	6/7/2018*	
SHB 2308	C 21 L 18	Civil legal aid	6/7/2018	
HB 2313	C 215 L 18	Chiropractic QAC authority	6/7/2018	
SHB 2317	C 89 L 18	Contractor bonding/transit	3/15/2018	
SHB 2322	C 239 L 18	Insurers/risk mitigation	6/7/2018	
E2SHB 2334	C 132 L 18	Cannabinoid additives	6/7/2018*	
SHB 2342	C 90 L 18	Hunting & fishing/veterans	6/7/2018	
ESHB 2356	C 216 L 18	Stem cell therapies	6/7/2018	
SHB 2367	C 91 L 18	Child care collab task force	6/7/2018	
HB 2368	C 22 L 18	Technical corrections	6/7/2018	
3SHB 2382	C 217 L 18	Surplus public property	6/7/2018	
SHB 2398	C 23 L 18	Jury selection	6/7/2018	
ESHB 2406	C 218 L 18	Election security practices	6/7/2018	
ESHB 2408	C 219 L 18	Individual health market	6/7/2018	
SHB 2424	C 92 L 18	Self-produced fuel/use tax	3/15/2018	
HB 2435	C 220 L 18	Respite provider training	6/7/2018	
HB 2443	C 93 L 18	Family med. res. network/WSU	6/7/2018	
EHB 2444	C 221 L 18	Low-income housing/REET	7/1/2018	
HB 2446	C 222 L 18	Physical therapy supervision	6/7/2018	
SHB 2448	C 223 L 18	Dev. disability housing/tax	6/7/2018	
HB 2468	C 224 L 18	Canada/accounting firms	6/7/2018	
HB 2474	C 43 L 18	Marijuana product labeling	6/7/2018	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
HB 2479	C 24 L 18	Property assessment appeals	6/7/2018	
SHB 2514	C 65 L 18	Discriminatory covenants	6/7/2018*	
SHB 2515	C 225 L 18	Medicaid payments/adult care	6/7/2018	
SHB 2516	C 44 L 18	Health benefit exchange	6/7/2018	
HB 2517	C 25 L 18	Alcohol manuf/ancillary viol	6/7/2018	
EHB 2519	C 226 L 18	Pistol license eligibility	6/7/2018	
SHB 2528	C 26 L 18	Election continuity of ops	6/7/2018	
SHB 2530	C 27 L 18	Foster youth health care	7/1/2018	
SHB 2538	C 133 L 18	Low-income dev. impact fees	4/1/2018	
HB 2539	C 134 L 18	Public hospital districts	6/7/2018	
SHB 2561	C 227 L 18	Wildland fire adv. committee	6/7/2018	
SHB 2576	C 28 L 18	Fire districts/annex & merge	6/7/2018	
ESSHB 2578	C 66 L 18	Housing options	6/7/2018*	
ESHB 2580	C 164 L 18	Renewable natural gas	7/1/2018	
HB 2582	C 45 L 18	Dept. of veterans affairs	6/7/2018	
E2SHB 2595	C 110 L 18	Automatic voter registration	6/7/2018*	
SHB 2597	C 46 L 18	Senior & disabled prop taxes	6/7/2018	
ESHB 2610	C 271 L 18	School meal payment	6/7/2018	
HB 2611	C 165 L 18	Peer support grp counselors	6/7/2018	
SHB 2612	C 135 L 18	Tow truck operators	6/1/2019	
SHB 2627	C 136 L 18	Emer medical service levies	6/7/2018	
SHB 2634	C 94 L 18	Antifouling paints	6/7/2018*	
SHB 2638	C 166 L 18	Graduated reentry program	6/7/2018	
SHB 2639	C 167 L 18	Mobile food units	6/7/2018	
HB 2649	C 168 L 18	Disability/wildlife recreat.	6/7/2018	
SHB 2651	C 137 L 18	Personal needs allowance	6/7/2018	
ESHB 2658	C 138 L 18	Perfluorinated chemicals	6/7/2018	
HB 2661	C 47 L 18	Domestic assault/employment	6/7/2018	
SHB 2664	C 169 L 18	Telecomm. authority/ports	6/7/2018	
SHB 2667	C 48 L 18	Essential needs/ABD programs	6/7/2018*	
HB 2669	C 246 L 18	Civil service/part-time empl	6/7/2018	
SSHB 2671	C 95 L 18	Ag industry behavioral hlth	6/7/2018	
HB 2682	C 170 L 18	Hop grower lot information	6/7/2018	
ESHB 2684	C 139 L 18	Students/out-of-home care	9/1/2018	
SHB 2685	C 228 L 18	High sch. preapprenticeships	6/7/2018	
SHB 2686	C 229 L 18	High school and beyond plans	6/7/2018	
SHB 2692	C 140 L 18	WSP minimum salary	6/7/2018	
SHB 2696	C 49 L 18	CDL medical certificates	4/30/2019	
HB 2699	C 96 L 18	Food storage/alcohol manuf.	6/7/2018	
ESHB 2700	C 171 L 18	Child interview recordings	3/22/2018*	
ESHB 2701	C 61 L 18	Definition of veteran	6/7/2018	
HB 2702	C 141 L 18	Fam. & med. leave/technical	6/7/2018	
SHB 2703	C 97 L 18	Ed. employee comp. claims	6/7/2018	
HB 2709	C 272 L 18	LEOFF 2 exec director salary	6/7/2018	
HB 2733	C 172 L 18	Prescribed burn cert. prog.	6/7/2018	
EHB 2750	C 173 L 18	Assisted living fac. quality	6/7/2018	
HB 2751	C 247 L 18	Deduction of union dues	6/7/2018	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

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2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SHB 2752	C 50 L 18	Search warrants/muni. courts	6/7/2018	
EHB 2759	C 98 L 18	Women's commission	6/7/2018	
EHB 2777	C 174 L 18	Board of tax appeals admin.	6/7/2018	Partial Veto
E2SHB 2779	C 175 L 18	Children mental health serv.	6/7/2018*	
HB 2785	C 51 L 18	Foster parent rights & resp.	6/7/2018	
SHB 2786	C 230 L 18	LEOFF/DOC, DSHS firefighters	6/7/2018	
EHB 2808	C 273 L 18	Vehicle dealer licensing	7/1/2018	
HB 2816	C 52 L 18	Program transfers to DCYF	7/1/2019	
SHB 2822	C 176 L 18	Service animal misrepresent.	1/1/2019	
SHB 2824	C 177 L 18	OSPI & board of education	Multiple	
HB 2851	C 99 L 18	Military leave calculation	6/7/2018	
HB 2858	C 178 L 18	Excess local infra. revenues	6/7/2018	
EHB 2861	C 231 L 18	Trauma-informed child care	6/7/2018	
SHB 2887	C 301 L 18	County commissioner election	6/7/2018*	
HB 2892	C 142 L 18	Mental health field response	6/7/2018	
ESHB 2938	C 304 L 18	Campaign finance	6/7/2018	Partial Veto
EHB 2948	C 100 L 18	State routes in cities	6/7/2018	
SHB 2951	C 101 L 18	Missing Native Amer. women	6/7/2018	
EHB 2957	C 179 L 18	Nonnative finfish escape	6/7/2018	Partial Veto
SHB 2970	C 180 L 18	Autonomous vehicle work grp	6/7/2018	
SHB 2990	C 195 L 18	Narrows bridge debt service	6/7/2018	
SHB 2998	C 102 L 18	Accountable communities	3/15/2018	
SHB 3002	C 274 L 18	Budget stabilization account	3/27/2018	
ESHB 3003	C 10 L 18	Law enforcement	6/8/2018**	
SB 5020	C 143 L 18	State diversity commissions	6/7/2018	
SB 5028	C 144 L 18	Native American curriculum	6/7/2018	
SSB 5064	C 125 L 18	Student freedom of express.	6/7/2018	
ESSB 5084	C 122 L 18	Breast health information	6/7/2018*	
ESSB 5143	C 103 L 18	Nonprofit homeownership dev.	6/7/2018	
E2SSB 5179	C 159 L 18	Hearing instrument coverage	6/7/2018	
SB 5213	C 84 L 18	Legal tech. fees/DV cases	6/7/2018	
E4SSB 5251	C 275 L 18	Tourism marketing	6/7/2018	
ESB 5288	C 53 L 18	Trans. benefit tax increase	8/1/2018	
ESB 5375	C 4 L 18	Andy Hill cancer research	6/7/2018	
ESB 5450	C 29 L 18	Mass timber for building	6/7/2018	
SSB 5493	C 248 L 18	Prevailing rate of wage	6/7/2018	
ESB 5518	C 181 L 18	Chiropractic reimbursement	6/7/2018*	
SSB 5522	C 182 L 18	Newborn safe surrender info.	6/7/2018	
SSB 5553	C 145 L 18	Suicide/firearm right waiver	6/7/2018*	
SB 5598	C 183 L 18	Relatives/child visitation	6/7/2018	
SSB 5683	C 161 L 18	Pacific Islander health care	3/22/2018	
SB 5722	C 300 L 18	Conversion therapy	6/7/2018	
SSB 5746	C 67 L 18	Association of WA generals	6/7/2018*	
SB 5912	C 115 L 18	Tomosynthesis/mammography	6/7/2018	
ESB 5917	C 124 L 18	Internat. exam credit policy	6/7/2018	
ESSB 5928	C 68 L 18	Marijuana/financial services	6/7/2018	
SB 5987	C 276 L 18	Pretrial release programs	6/7/2018	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
ESSB 5990	C 184 L 18	Volnteer health practitioner	6/7/2018	
SSB 5991	C 111 L 18	Campaign finance disclosures	1/1/2019	
ESB 5992	C 7 L 18	Bump-fire stocks	6/7/2018***	
SSB 5996	C 117 L 18	Workplace sex harass./NDAs	6/7/2018	
ESSB 6002	C 113 L 18	Voting rights act	6/7/2018	
SB 6007	C 146 L 18	Electrolytic processing tax	6/7/2018	
SSB 6012	C 69 L 18	Driver license veteran desig	6/7/2018	
ESB 6018	C 54 L 18	Credit security freeze fees	6/7/2018	
SSB 6021	C 112 L 18	Voter registration period	6/7/2018*	
SB 6024	C 185 L 18	DFI securities division fees	6/7/2018	
SB 6027	C 70 L 18	Civil rights/health info.	6/7/2018	
ESSSB 6029	C 62 L 18	Student loan bill of rights	6/7/2018	
ESSB 6032	C 299 L 18	Supp. operating budget	3/27/2018	Partial Veto
ESSB 6034	C 186 L 18	PUD retail telecom. service	6/7/2018	
ESSB 6037	C 6 L 18	Uniform parentage act	1/1/2019	
SB 6040	C 55 L 18	Business corp. act meetings	6/7/2018	
SSB 6051	C 238 L 18	Medicaid fraud control unit	6/7/2018	
SB 6053	C 63 L 18	Medicaid false claim penalty	6/7/2018	
SSB 6055	C 147 L 18	Apple maggot/outdoor burning	6/7/2018	
SB 6058	C 187 L 18	Write-in voting	6/7/2018	Partial Veto
SB 6059	C 30 L 18	Insurer annual disclosures	1/1/2019	
ESSB 6068	C 118 L 18	Sexual harassment NDAs	6/7/2018	
SB 6073	C 71 L 18	Hardwood processors levy	7/1/2018	
ESB 6087	C 188 L 18	College savings programs	4/15/2018	
SSB 6090	C 2 L 18	Capital budget 2017-2019	1/19/2018	Partial Veto
ESSB 6091	C 1 L 18	Water availability	1/19/2018	
ESSB 6095	C 298 L 18	Supplemental capital budget	3/27/2018	Partial Veto
ESSB 6106	C 297 L 18	Transportation budget supp.	3/27/2018	Partial Veto
ESSB 6109	C 189 L 18	Wildland Urban Interface	6/7/2018	
SB 6113	C 160 L 18	Adult family homes/priority	6/7/2018	
SB 6115	C 31 L 18	Tribal youth/reside. custody	6/7/2018	
SSB 6124	C 305 L 18	Commitment hearings by video	6/7/2018	
SB 6125	C 72 L 18	Ecology/regional agreements	6/7/2018	
SSB 6126	C 249 L 18	Electrician apprenticeship	6/7/2018*	
ESSB 6127	C 190 L 18	Halibut fishery	6/7/2018	
SSB 6133	C 191 L 18	CTE course equivalency opts	6/7/2018	
SB 6134	C 56 L 18	Alternative learning courses	6/7/2018	
SB 6136	C 73 L 18	AP computer science as math	6/7/2018	
ESSB 6137	C 296 L 18	Vehicle manuf. & dealers	6/7/2018	
ESSB 6143	C 74 L 18	Unit priced contracts/cities	6/7/2018	
SB 6145	C 32 L 18	Civil service qualifications	6/7/2018	
SSB 6155	C 192 L 18	Bone marrow donation info.	7/1/2018	
ESSB 6157	C 193 L 18	Health plan prior auth.	6/7/2018	
SB 6159	C 194 L 18	Ugrd storage tank prg reauth	6/7/2018	
E2SSB 6160	C 162 L 18	Exclusive adult jurisdiction	6/7/2018*	
ESSSB 6162	C 75 L 18	Dyslexia	6/7/2018	
SB 6163	C 256 L 18	Telemedicine collaborative	6/7/2018	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

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2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SSB 6175	C 277 L 18	Common interest ownership	7/1/2018	
SB 6179	C 104 L 18	UTC reporting requirements	6/7/2018	
SB 6180	C 33 L 18	Planting and harvest dates	6/7/2018	
SB 6188	C 265 L 18	Peace officer disciplining	6/7/2018	
SB 6197	C 57 L 18	Employee death/indebtedness	6/7/2018	
ESSB 6199	C 278 L 18	Consumer directed empl. prg.	6/7/2018	
SB 6207	C 148 L 18	Port districts/air quality	6/7/2018	
SB 6210	C 257 L 18	Tribal schools/retirement	6/7/2018	
ESB 6211	C 258 L 18	Federal land revolving accts	3/23/2018	
SSB 6214	C 264 L 18	PTSD/law enf. & firefighters	6/7/2018	
SB 6218	C 105 L 18	FAST act compliance	6/7/2018	
SSB 6219	C 119 L 18	Reproductive health coverage	6/7/2018	
SSB 6221	C 76 L 18	Better life exp prg account	6/7/2018	
SSB 6222	C 34 L 18	Ext. foster care eligibility	7/1/2018	
ESB 6229	C 250 L 18	Bargaining rep. access	6/7/2018	
ESB 6230	C 251 L 18	Port district prof personnel	6/7/2018	
SB 6231	C 252 L 18	Unfair labor practices SOL	6/7/2018	
SB 6240	C 259 L 18	Miniature hobby boilers	6/7/2018	
ESSB 6241	C 260 L 18	School employees' benefits	6/7/2018*	
2SSB 6245	C 253 L 18	Spoken language interpreters	6/7/2018*	
ESSB 6257	C 261 L 18	Early intervention services	6/7/2018	
E2SSB 6269	C 262 L 18	Oil transportation safety	6/7/2018*	
SSB 6273	C 263 L 18	Charity care and notice reqs	10/1/2018	
2SSB 6274	C 232 L 18	Apprenticeships/foster, etc.	6/7/2018	
SB 6278	C 233 L 18	Seed certification fee use	6/7/2018	
SB 6287	C 58 L 18	DCYF technical changes	7/1/2018	
SB 6298	C 234 L 18	DV harassment/firearms	6/7/2018	
SSB 6309	C 77 L 18	Family assessment response	7/1/2018	
SB 6311	C 35 L 18	Lost or destroyed warrants	6/7/2018	
SSB 6313	C 120 L 18	Empl. contracts/discriminat.	6/7/2018	
SSB 6317	C 235 L 18	Commercial fishing fees	6/7/2018*	
SSB 6318	C 236 L 18	Intrastate food safety	6/7/2018	
SB 6319	C 106 L 18	Federal produce safety rule	6/7/2018	
ESSB 6329	C 149 L 18	Port district contracting	6/7/2018	
SSB 6334	C 150 L 18	Child support	6/7/2018*	
SSB 6340	C 151 L 18	PERS/TRS 1 benefit increase	7/1/2018	
E2SSB 6362	C 266 L 18	Basic education funding	6/7/2018*	Partial Veto
SB 6363	C 279 L 18	Rail line/Milwaukee Road	6/7/2018	
SB 6367	C 152 L 18	Industrial wastewater facils	6/7/2018	
SB 6368	C 280 L 18	Fairs, youth shows, & expos	6/7/2018	
SB 6369	C 281 L 18	Veterinary inspection certs.	6/7/2018	
SB 6371	C 78 L 18	Housing finance commission	6/7/2018	
SSB 6388	C 153 L 18	Paraeducators	6/7/2018	
SB 6393	C 282 L 18	L&I annual investment return	6/7/2018	
SSB 6399	C 283 L 18	Telemedicine payment parity	6/7/2018	
SB 6404	C 59 L 18	Child care background checks	7/1/2018	
SB 6407	C 284 L 18	Private mngmnt/child welfare	6/7/2018*	

BILLS, MEMORIALS AND RESOLUTIONS PASSED

2018 REGULAR SESSION

BILL	CHAPTER	DESCRIPTION	EFFECTIVE DATE	NOTE
SB 6408	C 285 L 18	Body worn cameras	6/7/2018	
ESSB 6413	C 286 L 18	Firefighting/toxic chemicals	6/7/2018	
SB 6414	C 154 L 18	Public trans benefit areas	8/1/2018	
SSB 6419	C 155 L 18	Early childhood ed & assist	7/1/2018	
ESSB 6434	C 60 L 18	Electric-assisted bicycles	6/7/2018	
SSB 6437	C 287 L 18	Abandoned RV disposal	5/1/2019	
SSB 6438	C 79 L 18	Vehicle service transactions	4/1/2019	
SSB 6452	C 288 L 18	Child mental health consult	6/7/2018	
SSSB 6453	C 80 L 18	Kinship caregiver legal supp	6/7/2018	
SB 6462	C 289 L 18	Oil tank insur. disclosure	1/1/2020	
SB 6471	C 121 L 18	Model sex. harass. policies	6/7/2018	
SSB 6474	C 290 L 18	Tribal compact schools pilot	6/7/2018	
SSB 6475	C 81 L 18	RTA taxes/whole parcel	3/15/2018	
ESSB 6491	C 291 L 18	Outpatient behavioral health	4/1/2018*	
SSB 6493	C 292 L 18	Intercollegiate athletics	6/7/2018	
SSB 6514	C 293 L 18	Higher ed. behavioral health	6/7/2018	
SSB 6519	C 107 L 18	Marine pilotage tariffs	7/1/2019*	
ESSSB 6529	C 108 L 18	Pesticide application safety	6/7/2018	
SSB 6544	C 294 L 18	Future of work task force	6/7/2018	
SSB 6549	C 156 L 18	Disabled children/dentistry	6/7/2018	
ESSB 6550	C 82 L 18	Juvenile offense diversion	6/7/2018*	
SSB 6560	C 157 L 18	Youth discharge/homelessness	6/7/2018*	
SB 6580	C 158 L 18	HIV testing	6/7/2018	
SB 6582	C 83 L 18	Higher ed./criminal history	6/7/2018	
ESSB 6614	C 295 L 18	Property taxes	6/7/2018	



STATE OF WASHINGTON
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March 28, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, House Bill No. 1085 entitled:

“AN ACT Relating to regulation of the minimum dimensions of habitable spaces in single-family residential buildings.”

House Bill 1085 authorizes the governing body of a city or county to adopt ordinances eliminating floor space requirements for single-family dwellings or reduce the requirements for floor space below the minimum gross floor area standards of the state building code. Currently, the state building code requires that habitable rooms have a minimum floor area of at least 70 square feet and must be at least seven feet wide. While I support the broader intent of this legislation, which allows for ecologically sustainable and affordable small home construction, I am concerned that Section 1 establishes legislative intent and precedent to create exemptions to the building code standards, without considering how these exemptions will be implemented consistently by local governments.

The Washington State Building Codes Council adopts statewide residential construction standards in consultation with technical experts, after rigorous review of international best practices. Smaller sleeping and living spaces should only be allowed after a rigorous review to ensure safety and health of occupants. I am asking the Council to develop, through a technical advisory group or other such means, appropriate guidance for consideration by local jurisdictions in implementation of this statute so that life, health and safety considerations are properly addressed when square footage of habitable space is reduced.

I encourage the local jurisdictions to request opinions from the State Building Codes Council with respect to reducing gross floor area requirements as they relate to other performance standards and objectives. This guidance will be beneficial to local officials in determining how best to adopt any proposed reduction to minimum gross floor area requirements while ensuring occupant health, safety and quality of life.

For these reasons I have vetoed Section 1 of House Bill No. 1085.

With the exception of Section 1, House Bill No. 1085 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", is written over a faint, light-colored rectangular stamp or watermark.

Jay Inslee
Governor

JAY INSLEE
Governor



STATE OF WASHINGTON
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March 27, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed House Bill No. 1237 entitled:

“AN ACT Relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges.”

Engrossed House Bill 1237 authorizes boards of trustees of community and technical colleges to use local funds, such as tuition, to provide salary increases that exceed the amount established by the Legislature. This is an important step in ensuring that faculty and staff at community and technical colleges are fairly compensated. Section 1 of this bill is an intent section, but addresses decisions that are budgetary in nature and should be dealt with in future budget processes. For this reason, I have vetoed section 1 of this bill.

For these reasons I have vetoed Section 1 of Engrossed House Bill No. 1237.

With the exception of Section 1, Engrossed House Bill No. 1237 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee".

Jay Inslee
Governor

JAY INSLEE
Governor



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March 27, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Engrossed Second Substitute House Bill No. 1561 entitled:

“AN ACT Relating to open educational resources.”

Engrossed Second Substitute House Bill 1561 will help expand the use of Open Educational Resources at public higher education institutions. It also intended to make the Open Educational Resources project at the Office of the Superintendent for Public Instruction permanent. I agree with the intended purpose of the bill to increase access to free educational resources to more students. The final budget provided funding to support some of the goals of this bill, including funding for the Washington Student Achievement Council and Washington State Institute for Public Policy; however, funding to continue the Open Educational Resources project at the Office of the Superintendent for Public Instruction in fiscal year 2019 was unintentionally omitted from the final budget. The Office of the Superintendent of Public Instruction is committed to continuing this project and will request the funding for the 2019 supplemental budget. Section 3 is a funding null and void clause that would impact the entire bill.

For these reasons I have vetoed Section 3 of Engrossed Second Substitute House Bill No. 1561.

With the exception of Section 3, Engrossed Second Substitute House Bill No. 1561 is approved.

Respectfully submitted,

Jay Inslee
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

March 22, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed House Bill No. 2008 entitled:

“AN ACT Relating to the budgeting process for core state services for children.”

Section 1 is a legislative intent section that also makes certain findings. Statements in this section assume that this bill can ensure predictable future funding levels for several child welfare programs and services. As much as I might want that to be true, no bill can guarantee that adequate funding will always be available for a specific purpose or can prevent a future Legislature from changing policies by amending statutes.

For these reasons I have vetoed Section 1 of Engrossed House Bill No. 2008.

With the exception of Section 1, Engrossed House Bill No. 2008 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", written over a light blue circular stamp.

Jay Inslee
Governor

JAY INSLEE
Governor



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March 28, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed House Bill No. 2097 entitled:

“AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals.”

Engrossed House Bill 2097 prohibits employers, state or local governments from providing, collecting, and/or disclosing an individual’s religious belief, practice or affiliation. In a time when divisive rhetoric is used and our liberties are threatened from a national level, I stand with you and will not allow for the government or employers to begin collecting religious information on our residents. We have seen governments collect individuals’ religious information before and we know what happens next, but it will certainly not happen on our watch.

Our country was founded by people who came to this country in search of religious freedom, a fundamental value of our democracy. The establishment and free exercise clauses of the First Amendment prevents the government from promoting religion in any way, provides you with the right to worship (or not) as you wish, and prohibits the government from penalizing you for your religious beliefs. The separation of church and state is one of the very reasons why individuals have sought refuge by immigrating to this country.

The intent section of the bill eloquently outlines these values and I believe its codification is necessary so that the horrors of the past will not be repeated. I am, therefore, vetoing Section 6 of the bill, which will enable the Code Reviser to codify the intent language in Section 1. A veto of Section 6 does not impact the bill’s policy; rather it strengthens the bill by celebrating the rich cultural heritage and diversity of our residents and reminding us that the freedom of religion is one of the founding ideals of the nation.

In signing this bill, I want to make it clear that it is our duty as public servants to ensure that we are not only meeting the letter of the law, but the spirit as well. It is my intent that this law be implemented fully and consistently by all public agencies across the state. Accordingly, I am directing the Office of Financial Management, in consultation with key legislators and others, to prepare guidance for use by public agencies and institutions, consistent with the following interpretations of the bill:

Section 3(3) prohibits state and local governments and public employees from sharing personally identifiable information with any entity that is investigating or enforcing a government program that

compiles a list based on religion, national origin, or ethnicity for law enforcement or immigration purposes. In practice, any personally identifiable information of individuals based on religion, national origin, or ethnicity shall not be shared with any government agency that is compiling a list or database for law enforcement or immigration purposes.

Section 4(2) prohibits state and local law enforcement agencies from using public resources to investigate, enforce, or assist in the investigation or enforcement of any requirement that individuals register with the federal government or any federal agency based on religion. Our state and local law enforcement agencies shall not assist the federal government in any attempt to require individuals to register based on religion. As specified in Section 4(1)(a) of the bill, this prohibition does not apply when assisting an investigation of an individual based on reasonable suspicion that the individual has engaged in criminal activity, and when there is a nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation.

Section 5 requires the termination of any portion of an agreement that shares any state or local government information or databases in conflict with this new law. In this context, agreements are not limited to only accords, memorandum of understandings, and contracts, but include any understanding, even those without a legal obligation. Agreements that violate this law shall be identified and the terms renegotiated to bring the agreement into compliance with the law.

I thank you for your unanimous support for this bill.

For these reasons I have vetoed Section 6 of Engrossed House Bill No. 2097.

With the exception of Section 6, Engrossed House Bill No. 2097 is approved.

Respectfully submitted,



Jay Inslee
Governor

JAY INSLEE
Governor



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March 22, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 6, 8, 11, 17, and 18, Engrossed House Bill No. 2777 entitled:

“AN ACT Relating to improving and updating administrative provisions related to the board of tax appeals.”

Section 6 mandates the number of tax referees the Board must maintain. I have concerns that mandating the Board to hire a specific number of staff could change the Board’s ability to be flexible with future budgetary decisions needed to reduce the backlog.

Section 8 requires the Board to hold regular meetings on both sides of the Cascade. Although I agree with providing this access, we must continue to work towards using technology to find other ways of convening and providing access to all citizens.

Section 11 requires the Department of Revenue to adhere to precedential rulings by the Board of Tax Appeals, but does not differentiate between formal and informal proceedings. This leaves open the possibility for precedential rulings handed down by the Board of Tax Appeals that are exempt from appeals.

Section 17 mandates settlement conferences and providing a mediation process. I have concerns with the practical application of requiring attendance at a settlement conference. The Board of Tax Appeals is able to offer voluntary mediation services, per stakeholder demands, without requiring legislation.

Section 18 requires the Board to award attorney’s fees and costs. Typically, the authority to grant attorney’s fees and costs is limited to courts and not given to one executive agency with respect to another. There also appears to be an unintended drafting error that would require local boards of equalization to pay attorney’s fees and expenses rather than the county assessor which is party to the action.

Finally, the Department of Revenue and Office of the Attorney General will have a fiscal impact of \$1.2 million in fiscal year 2019 and \$2.2 million in the 2019-21 biennium. Both agencies did not receive the funding needed to fulfill the duties of this bill in the 2018 Supplemental Budget.

For these reasons I have vetoed Sections 6, 8, 11, 17, and 18 of Engrossed House Bill No. 2777.

With the exception of Sections 6, 8, 11, 17, and 18, Engrossed House Bill No. 2777 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", is written over a faint, light blue circular watermark or seal.

Jay Inslee
Governor

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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March 28, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 9 and 10, Engrossed Substitute House Bill No. 2938 entitled:

“AN ACT Relating to campaign finance law enforcement and reporting.”

Section 9 addresses independent expenditure reporting requirements. Due to an inadvertent drafting error, Section 9 does not provide clear guidance regarding independent expenditure reporting requirements for ballot measures. I understand that the changes in this section were intended to eliminate the need to adjust disclosure thresholds for inflation in the future, and I appreciate that this unintended consequence was brought to my attention by the Attorney General and the proponents of the legislation. By vetoing Section 9, current law, which does provide adequate guidance regarding independent expenditure reporting requirements for ballot measures, will remain in place. I look forward to working with the Legislature on this issue in the next legislative session. For these reasons, I am vetoing Section 9.

Section 10 addresses special reporting requirements for large contributions. I understand that the intent of this section was to simplify reporting requirements that shine a light on last minute large contributions. However, due to an inadvertent drafting error, proposed changes in this section could result in delayed reporting of some large expenditures made close to election day. Again, I appreciate that this drafting error was brought to my attention, and I understand that stakeholders will continue to work on this issue and propose a solution in the next legislative session. For these reasons, I am vetoing Section 10.

I encourage the Public Disclosure Commission to work closely with the Legislature and the Attorney General's Office (AGO) over the interim to clarify the role of the AGO as it relates to large and significant cases, to adopt rules that allow for expedited referrals to the AGO, and to draft agency-request legislation to be introduced next session that will make necessary improvements to the new statute.

For these reasons I have vetoed Sections 9 and 10 of Engrossed Substitute House Bill No. 2938.

With the exception of Sections 9 and 10, Engrossed Substitute House Bill No. 2938 is approved.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jay Inslee", is written over a light gray rectangular background.

Jay Inslee
Governor

JAY INSLEE
Governor



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March 22, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed House Bill No. 2957 entitled:

“AN ACT Relating to reducing escape of nonnative finfish from marine finfish aquaculture facilities.”

Section 1 is unnecessary to implement the bill and I do not agree with all the assertions made in this section.

For these reasons I have vetoed Section 1 of Engrossed House Bill No. 2957.

With the exception of Section 1, Engrossed House Bill No. 2957 is approved.

Respectfully submitted,

Jay Inslee
Governor

JAY INSLEE
Governor



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OFFICE OF THE GOVERNOR

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March 27, 2018

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1656 entitled:

“AN ACT Relating to a community aviation revitalization loan program.”

Substitute House Bill 1656 creates a program that is substantially similar to that in the enacted capital budget, which appropriates \$5 million to that program. Substitute House Bill 1656 creates a Community Aviation Revitalization Board and an associated revolving loan program for small airports to help address their capital and preservation needs. The Board includes four legislators as voting members. I support the original appropriation of \$5 million in the enacted capital budget for these loans to revitalize small airports across Washington.

Although I appreciate the Legislature’s work on this program I am vetoing this bill. The Legislature, in its vital role of passing law and appropriating funds, should not place its members in the position to also implement the law, which is in within the powers of the executive branch. I would like to work with the Legislature on a permanent committee structure that resolves this conflict. For this reason, I have vetoed Substitute House Bill 1656, but I will support the original appropriation of \$5 million to the substantially similar program in the enacted capital budget.

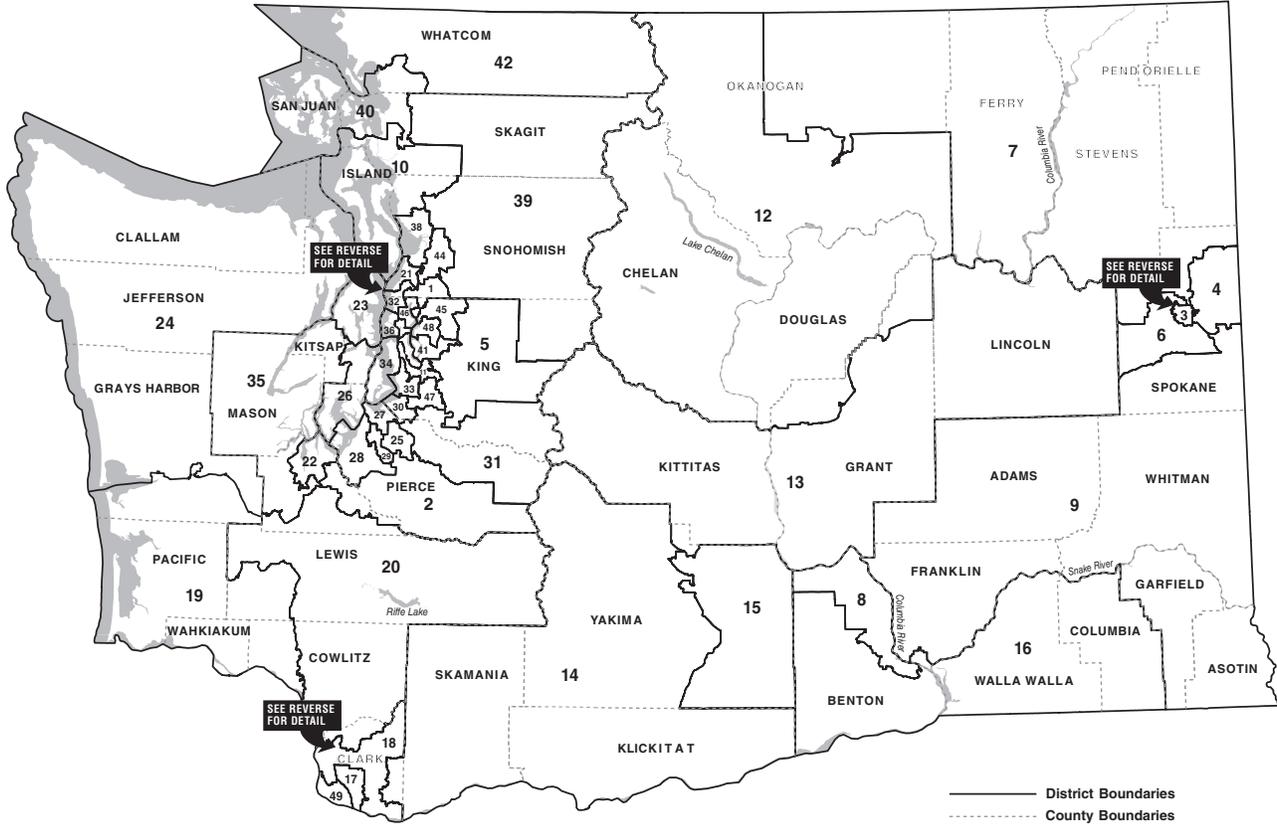
For these reasons I have vetoed Substitute House Bill No. 1656 in its entirety.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jay Inslee', written over a faint circular embossed seal.

Jay Inslee
Governor

2018 Statewide Legislative District Map With Legislative Members



District 1
Rep. Derek Stanford, D
Rep. Shelley Kloba, D

District 2
Rep. Andrew Barkis, R
Rep. J.T. Wilcox, R

District 3
Rep. Marcus Riccelli, D
Rep. Timm Ornsby, D

District 4
Rep. Matt Shea, R
Rep. Bob McCaslin, R

District 5
Rep. Jay Rodne, R
Rep. Paul Graves, R

District 6
Rep. Mike Volz, R
Rep. Jeff Holy, R

District 7
Rep. Jacquelin Maycumber, R
Rep. Joel Kretz, R

District 8
Rep. Brad Klippert, R
Rep. Larry Haler, R

District 9
Rep. Mary Dye, R
Rep. Joe Schmick, R

District 10
Rep. Norma Smith, R
Rep. Dave Hayes, R

District 11
Rep. Zack Hudgins, D
Rep. Steve Bergquist, D

District 12
Rep. Cary Condotta, R
Rep. Mike Steele, R

District 13
Rep. Tom Dent, R
Rep. Matt Manweller, R

District 14
Rep. Norm Johnson, R
Rep. Gina R. McCabe, R

District 15
Rep. Bruce Chandler, R
Rep. David Taylor, R

District 16
Rep. William Jenkin, R
Rep. Terry Nealey, R

District 17
Rep. Vicki Kraft, R
Rep. Paul Harris, R

District 18
Rep. Brandon Vick, R
Rep. Liz Pike, R

District 19
Rep. Jim Walsh, R
Rep. Brian Blake, D

District 20
Rep. Richard DeBolt, R
Rep. Ed Oreutt, R

District 21
Rep. Strom Peterson, D
Rep. Lillian Ortiz-Self, D

District 22
Rep. Laurie Dolan, D
Rep. Beth Doglio, D

District 23
Rep. Sherry Appleton, D
Rep. Drew Hansen, D

District 24
Rep. Mike Chapman, D
Rep. Steve Tharinger, D

District 25
Rep. Melanie Stambaugh, R
Rep. Joyce McDonald, R

District 26
Rep. Jesse Young, R
Rep. Michelle Caldier, R

District 27
Rep. Laurie Jenkins, D
Rep. Jake Fey, D

District 28
Rep. Dick Muri, R
Rep. Christine Kilduff, D

District 29
Rep. David Sawyer, D
Rep. Steve Kirby, D

District 30
Rep. Mike Pellicciotti, D
Rep. Kristine Reeves, D

District 31
Rep. Drew Stokesbary, R
Rep. Morgan Irwin, R

District 32
Rep. Cindy Ryu, D
Rep. Ruth Kagi, D

District 33
Rep. Tina Orwall, D
Rep. Mia Gregerson, D

District 34
Rep. Eileen Cody, D
Rep. Joe Fitzgibbon, D

District 35
Rep. Dan Griffey, R
Rep. Drew MacEwen, R

District 36
Rep. Noel Frame, D
Rep. Gael Tarleton, D

District 37
Rep. Sharon Tomiko Santos, D
Rep. Eric Pettigrew, D

District 38
Rep. June Robinson, D
Rep. Mike Sells, D

District 39
Rep. Dan Kristiansen, R
Rep. Carolyn Eslick, R

District 40
Rep. Kristine Lytton, D
Rep. Jeff Morris, D

District 41
Rep. Tana Senn, D
Rep. Judy Clibborn, D

District 42
Rep. Luanne Van Werven, R
Rep. Vincent Buys, R

District 43
Rep. Nicole Macri, D
Rep. Frank Chopp, D

District 44
Rep. John Lovick, D
Rep. Mark Harmsworth, R

District 45
Rep. Roger Goodman, D
Rep. Larry Springer, D

District 46
Rep. Gerry Pollet, D
Rep. Javier Valdez, D

District 47
Rep. Mark Hargrove, R
Rep. Pat Sullivan, D

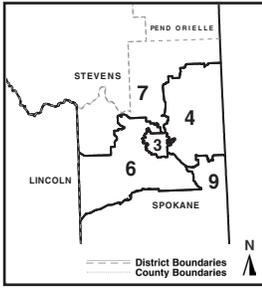
District 48
Rep. Vandana Slatter, D
Rep. Joan McBride, D

District 49
Rep. Sharon Wylie, D
Rep. Monica Jurado Stonier, D

Break-out of Washington Area Legislative Districts

Members Representing Spokane and Vancouver Areas

Spokane Area



District 3
Rep. Marcus Riccelli, D
Rep. Timm Ormsby, D

District 4
Rep. Matt Shea, R
Rep. Bob McCaslin, R

District 6
Rep. Mike Volz, R
Rep. Jeff Holy, R

District 7
Rep. Jacquelin Maycumber, R
Rep. Joel Kretz, R

District 9
Rep. Mary Dye, R
Rep. Joe Schmick, R

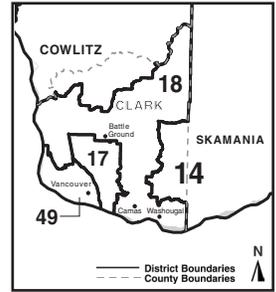
District 14
Rep. Norm Johnson, R
Rep. Gina R. McCabe, R

District 17
Rep. Vicki Kraft, R
Rep. Paul Harris, R

District 18
Rep. Brandon Vick, R
Rep. Liz Pike, R

District 49
Rep. Sharon Wylie, D
Rep. Monica Jurado Stonier, D

Vancouver Area



Members Representing the Puget Sound Area

District 1
Rep. Derek Stanford, D
Rep. Shelley Kloba, D

District 2
Rep. Andrew Barkis, R
Rep. J.T. Wilcox, R

District 5
Rep. Jay Rodne, R
Rep. Paul Graves, R

District 10
Rep. Norma Smith, R
Rep. Dave Hayes, R

District 11
Rep. Zack Hudgins, D
Rep. Steve Bergquist, D

District 21
Rep. Strom Peterson, D
Rep. Lillian Ortiz-Self, D

District 22
Rep. Laurie Dolan, D
Rep. Beth Doglio, D

District 23
Rep. Sherry Appleton, D
Rep. Drew Hansen, D

District 24
Rep. Mike Chapman, D
Rep. Steve Tharinger, D

District 25
Rep. Melanie Stambaugh, R
Rep. Joyce McDonald, R

District 26
Rep. Jesse Young, R
Rep. Michelle Calder, R

District 27
Rep. Laurie Jinkins, D
Rep. Jake Fey, D

District 28
Rep. Dick Muri, R
Rep. Christine Kilduff, D

District 29
Rep. David Sawyer, D
Rep. Steve Kirby, D

District 30
Rep. Mike Pellicciotti, D
Rep. Kristine Reeves, D

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Rep. Morgan Irwin, R

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Rep. Joe Fitzgibbon, D

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Rep. Drew MacEwen, R

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Rep. Gael Tarleton, D

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Rep. Judy Clibborn, D

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Rep. Frank Chopp, D

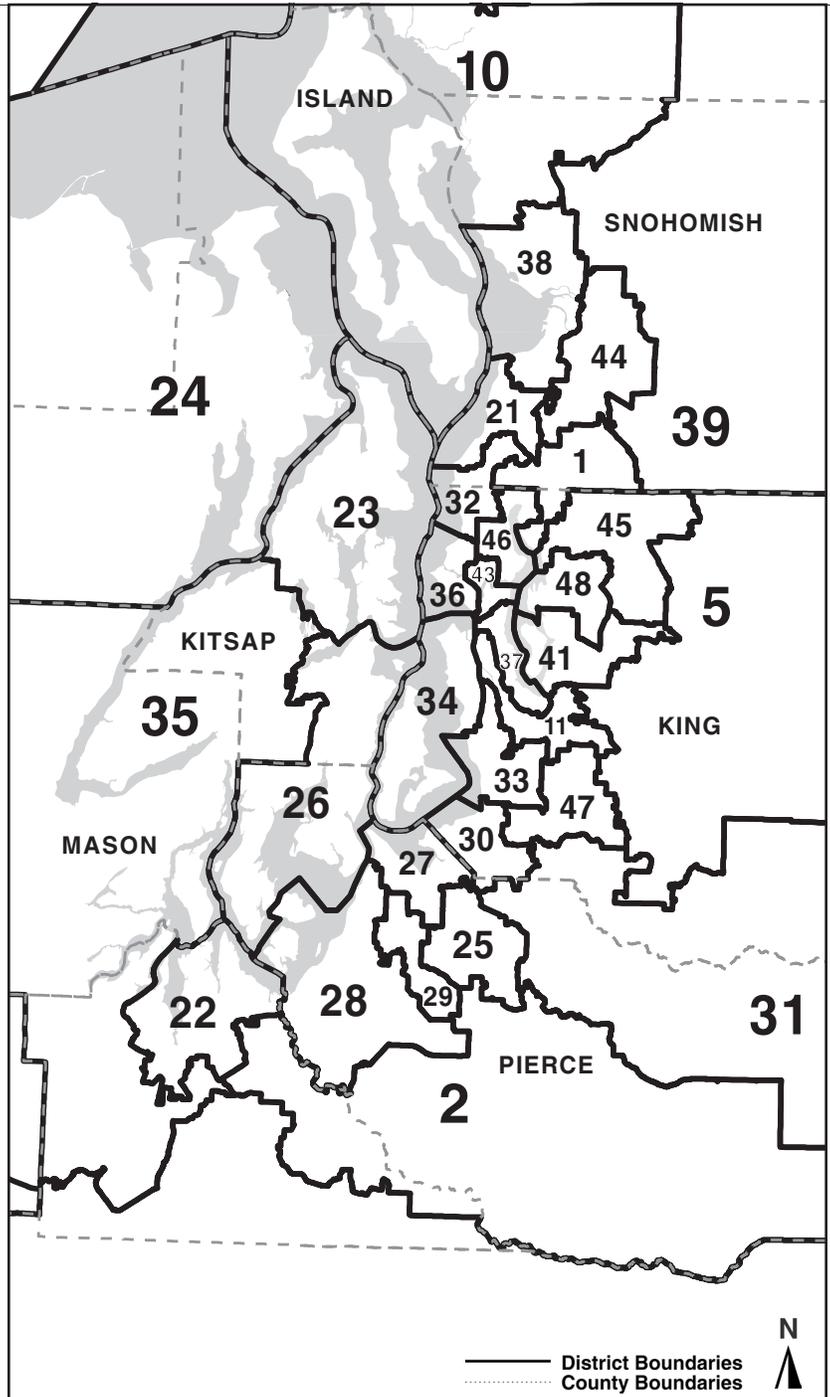
District 44
Rep. John Lovick, D
Rep. Mark Harmsworth, R

District 45
Rep. Roger Goodman, D
Rep. Larry Springer, D

District 46
Rep. Gerry Pollet, D
Rep. Javier Valdez, D

District 47
Rep. Mark Hargrove, R
Rep. Pat Sullivan, D

District 48
Rep. Vandana Slatter, D
Rep. Joan McBride, D



211 INFORMATION SYSTEM (See also WASHINGTON INFORMATION NETWORK 211)

Washington information and referral access account, creating, DSHS role: HB 2039
 WIN 211, DSHS contracting for operational support, WTAP funds for: HB 2039

911

Enhanced 911 system/personnel, when person with disability at scene: HB 1258

ABORTION

Abortion services, health plan coverage: ***SSB 6219, CH 119 (2018)**
 Elective, and certain organizations, public funds use prohibitions: HB 1002
 Fetal body parts, aborted, prohibitions: HB 1243
 Pain capable unborn child protection act, abortion restrictions and procedures: HB 1775
 Parent or guardian notification and informed consent: HB 1003
 Performing, nonphysicians prohibited from: HB 1971
 Potassium chloride or digoxin, inducing abortion with, facility reporting: HB 1776
 Reproductive health care services reimbursement program: HB 2909
 Termination of pregnancy, voluntary, health plan coverage: HB 2409

ACCOUNTANTS AND ACCOUNTING

Firms, in British Columbia, services for associated state entities: ***HB 2468, CH 224 (2018)**
 Marijuana, businesses, accounting services for, authorizing: ***ESSB 5928, CH 68 (2018)**

ACTIONS AND PROCEEDINGS (See also CIVIL PROCEDURE; CRIMINAL PROCEDURE; PERSONAL PROPERTY; REAL ESTATE AND REAL PROPERTY)

Arbitration of civil actions, procedures, fees, arbitrators: ***EHB 1128, CH 36 (2018)**
 Dispute resolution centers, court filing fee surcharges for funding: HB 1070
 Habeas corpus, writ for return of child, fees waiver by sheriff, when: HB 1163
 Mediators and mediation, adverse DEL licensing decisions: HB 2013
 Nuisance lawsuits, marijuana production protections from: HB 1692
 Nuisance lawsuits, protecting composting from, when: HB 1590, ESSB 5431
 Partition of property, special actions, removing certificate requirement: SSB 6324

ADMINISTRATIVE HEARINGS, OFFICE

Interpreters, spoken language services: ***2SSB 6245, CH 253 (2018)**

ADMINISTRATIVE OFFICE OF THE COURTS (See also PUBLIC GUARDIANSHIP, OFFICE)

Center for court research, family in need of services petition system, research plan: HB 2870
 Court language interpreters, registered by office: HB 1186
 Domestic violence perpetrator treatment, work group on, office to convene: HB 1163
 Electronic monitoring, with victim notification, including vendors, office duties: SB 6292
 Legal financial obligations, reform measures, office to study effectiveness: HB 1783
 Marital partners rights/responsibilities handbook, in dissolution/separation cases: HB 2246
 Sentencing elements worksheet, office role: HB 1680, HB 2184
 Traffic infractions, dismissed, identifying information online, office removal: HB 2035
 Traffic-based financial obligations, unified payment plan system, office role: HB 2421

ADMINISTRATIVE PROCEDURE (See also BUILDING CODE COUNCIL; EMERGENCY, STATE OF; LEGISLATURE; WASHINGTON ADMINISTRATIVE CODE)

Administrative rules review committee, joint, eliminating: HB 2431
 Building codes, legislative action to allow implementation, requiring: SSB 5500
 Building codes, update decisions, agency-request legislation requirement: SSB 5500
 Businesses, small, impact of agency rules on, regulatory fairness measures: HB 1120
 Early learning, adverse DEL licensing decisions, mediation: HB 2013
 Early learning, department of, restricting rule making in current biennium: HB 2069
 Ecology, department of, alternatives to rule making, encouraging use of: HB 1328
 Ecology, department of, peer review of economic analyses of rules: HB 1014
 Ecology, department of, policies, adoption and enforcement, requirements: HB 1455
 Electrical rules, nonadministrative, modifying adoption process: HB 1430

JOURNAL OF THE HOUSE

Improper governmental action, ex parte communication as, whistleblower actions: ***SSB 5374, CH 44 (2017)**
 Judicial review of administrative actions, requirements and procedures: HB 1659
 Register, Washington State, as legal material, preservation and authentication: ***SB 5039, CH 106 (2017)**
 Rule making by agencies, annual expiration, when: SB 5798
 Rule making by agencies, legislative approval or disapproval of rules: HB 1241
 Rule making by agencies, limited delegation of legislative authority to agencies: HB 1241
 Rule making by agencies, restrictions and legislative role: HB 1005
 Rule making by agencies, rules adoption, reducing time from proposal to: HB 1241
 Rule making by agencies, specific grant of legislative authority: HB 1241
 Rule making by agencies, statewide rule-making information web site, establishing: HB 1587
 Rule making by agencies, suspending and requiring rules review, exceptions: HB 1241
 Rule making, requiring APA adoption, WAC codification, and legislative ratification: HB 1658
 Rule making, via APA adoption, WAC codification, and legislative ratification, when: HB 1455
 Rules and rule making, review of, adding rules adoption to process, when: HB 1240
 Rules and rule making, review of, petitions for: HB 1657, ESB 5214
 Rules, significant legislative, insurance commissioner reviews of OIC rules: HB 1576
 Small businesses, enforcement action rights and protections in APA: ***HB 1352, CH 243 (2017)**, SB 5230

ADOPTION

Adoption support and related services, forecasting and budgeting, when: ***EHB 2008, CH 208 (2018) PV**
 Assistance payments, limits in relation to foster care maintenance payments: ***2ESSB 5890, CH 20 (2017) PV**
 Children 14 to 18 years, college bound scholarship as incentive for adoption of: ***2ESSB 5890, CH 20 (2017) PV**

ADVANCED COLLEGE TUITION PAYMENT (GET) PROGRAM

College savings program, Washington, transfer of tuition units to, when: HB 2205, ***ESB 6087, CH 188 (2018)**
 Payout value for tuition units, in guaranteed education tuition dependability act: HB 1955
 Payout value for tuition units, setting: HB 2205
 Tuition units, miscellaneous provisions: HB 2205
 Tuition units, redeeming for concurrent enrollment and college preparation programs: HB 2656
 Tuition units, redemption and transfer to Washington college savings plan: HB 2205, ***ESB 6087, CH 188 (2018)**

ADVERTISING

Marijuana businesses, signage and advertising: ***ESSB 5131, CH 317 (2017)**
 Marijuana retailers or products, billboards advertising, prohibiting: HB 2727
 Marijuana, retailers, common ownership of, falsely advertising: HB 2335
 Political advertising, disclosure of top 5 contributors, when: ESSB 5108
 Transportation, department of, commercial advertising sales by: HB 1502, ***SSB 5366, CH 157 (2017)**

AERONAUTICS

Aerial imagery needs assessment study for state and local agencies, conducting: HB 2108
 Aerospace tax incentive accountability act, preferences and local aerospace jobs: HB 2145, HB 2146
 Airlines, overbooking by, airport police removal of passengers due to, prohibiting: HB 2211
 Airplanes, operation or control of, allowed alcohol concentration, lowering: HB 1874
 Airport aid program, maximum amount for grants: ***HB 1018, CH 48 (2017)**
 Airport police, airplane passenger removal role of, restricting, when: HB 2211
 Airport, international, air traffic and air quality at, studying: HB 1171
 Airport, major international, leasehold excise tax credit, when: HB 1864, SSB 5768
 Airports, community aviation revitalization loan oversight task force, creating: EHB 1656
 Airports, community aviation revitalization loan program, establishing: EHB 1656
 Airports, port district aircraft noise abatement programs, geographic area for: HB 2497
 Airports, public use general aviation airport loan program: ESSB 5328
 Aviation community, Washington state aviation special license plates, creating: ***HB 1400, CH 11 (2017)**
 Boyington, Gregory "Pappy", U.S. marine corps World War II combat pilot, honoring: ***HR 4679 (2018)**
 Commercial and professional aviation loan program for higher education students: HB 3009
 Community aviation revitalization board, creating: ESSB 5328
 Electric or hybrid-electric aircraft, commercial use: HB 2295
 Electrically powered aircraft industry, work group concerning: HB 2295

GENERAL INDEX

Fuel, sales and use tax revenues, deposits into aeronautics account: HB 2754
 Fuel, sustainable aviation biofuels work group, reestablishing: SB 6563
 Grant county international airport, TRACON facilities at, requesting they be made permanent: HJM 4013
 Orcas, southern resident, required distance for aircraft from: ESSB 5886
 Product development for others, aerospace, businesses engaging in, B&O tax rate: HB 2186
 Seaplanes, aquatic invasive species prevention permits for, when: HB 1429, ***ESSB 5303, CH 17 (2017)**
 Sensing devices, extraordinary, government agency use with aircraft: HB 1102
 Spacecraft, R&D by manufacturers, tax credit and deferral, when: HB 1894
 Students, higher education, commercial and professional aviation loan program for: HB 3009
 Tax preferences, aerospace, requiring job retention for, requirements: HB 2145, HB 2146
 Unmanned aerial systems, approaching orca whales: EHB 1031
 Unmanned aircraft, contraband delivery via, to sexually violent predators: HB 2363
 Unmanned aircraft, prohibitions and civil actions: HB 1049
 Wildfires, aircraft use, premobilization assistance program for local entities to fund: HB 1736
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AFRICAN-AMERICAN AFFAIRS, COMMISSION (See also AFRICAN-AMERICANS)

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